



## **STUDENT DISABILITY DISCLOSURE POLICY & PROCEDURE**

### **Purpose**

The purpose of this policy is to:

- Set out a framework to ensure students with disabilities can disclose a disability so that suitable reasonable adjustments can be considered.
- Ensure that the University complies with its legal requirements under the Equalities Act 2010 and Data Protection Act 1998.
- Provide procedures to enable staff to manage disclosure.

### **Scope**

This policy will apply to direct applicants to the University of East London and to those students who were enrolled directly with the University of East London and who were either studying with attendance, or through a distance learning programme. Institutions enrolling students on University of East London programmes through a collaborative partnership will be expected to have their own local policy and procedure.

### **Equality Analysis**

The policy is designed to ensure that our disabled students receive the support and adjustments that they require in a fair and timely manner and are not unreasonably disadvantaged. The policy seeks to encourage and promote equality of opportunity and fair access and is a positive step towards inclusivity.

### **Policy**

The University of East London is committed to the principles of inclusion and equal opportunities for all. This document outlines our policy for encouraging disclosure of a disability and is based on the following principles:

- Applicants who disclose a disability are provided with advice on the services available to them
- Students are given every opportunity to disclose a disability throughout the duration of their course so that they can access reasonable adjustments while on their course and as registered alumni
- Where a student chooses to disclose a disability after the point of admission, there is a clear process for staff to follow to ensure that the student is made aware of the support available to them
- On disclosure the University will work with the student to assess their level of need and put reasonable adjustments in place at the earliest opportunity in line with the requirements of the Student Disability Policy
- Where a student chooses to decline reasonable adjustments they are made aware of the consequences of this decision and their right to change this at any time in the future
- That the University is compliant with its duties and responsibilities under the Equality Act 2010 and the Data Protection Act 1998.

### **1. Legal Context**

The Equality Act 2010 sets out to consolidate and replace previous legislation with respect to the nine protected characteristics, one of which is disability. Within the context of disability, the Act

addresses the types of direct and indirect discrimination that may occur within an institution, including harassment, victimisation and failing to put in place reasonable adjustments.

When an applicant or student discloses to a member of staff that s/he has a disability, the University is then deemed, under the Equality Act, to know about the disability and incurs responsibility to take action to support this person. As the University is legally liable for meeting that person's needs it is essential that a written record is made and relevant University departments informed to facilitate this process. A flowchart setting out the process for this is included as part of the procedure below.

## **2. Definitions of Disability**

A disability is defined as a physical or mental impairment that is likely to have a substantial and long term effect on an individual's ability to carry out day to day activities. Long term is defined as a condition that has lasted for a year and a day, a condition that is likely to last for a year and a day or a condition that will last for the duration of the individual's lifetime.

## **3. Disclosure and Confidentiality**

It is not compulsory under the Equality Act for applicants and students to disclose a disability. It is therefore essential that the University endeavours to foster an inclusive environment and culture that encourages disclosure by implementing the following actions:

- I. All information relating to disclosure of a disability will be treated as sensitive information, as laid down by the University's Data Protection Policy.
- II. Information relating to a student's disability will usually only be shared with the person's consent, to ensure that appropriate support to meet the individual's needs can be provided. There may be very rare occasions where a disclosure would be compulsory. Please see steps 2 and 3 below for detailed information.

## **Facilitating Disclosure**

The University recognises that some individuals may be reluctant to disclose their disability and it may only be at a point when they are experiencing difficulties with their course that they choose to disclose.

The University will facilitate disclosure in the following ways:

- a. By ensuring that publications and websites include information on the support services available to disabled applicants and students;
- b. By embedding disability disclosure into the Admissions Process. This includes automatic referrals to the Disability and Dyslexia Team of details of all applicants who are made an offer by the institution. The Disability and Dyslexia Team will then contact each applicant;
- c. Through Schools advertising the Support Services available to the disabled students throughout the duration of the course;
- d. By making training and support available to staff, including Personal Tutors, so that they are aware of their responsibilities regarding disability disclosure
- e. Having a formal process in place for staff to use when reporting disclosures.

## **Staff procedures for reporting disability disclosures**

The Flowchart at Appendix 1 should be referred to when applying this procedure

If staff members are ever unsure as to the process and would like further information before taking action, they should contact:

1. Disability and Dyslexia Team
2. Health and Wellbeing Team
3. Governance and Legal Team

**Student discloses a disability or long-term medical condition directly to a member of staff in person, by telephone or in written/electronic format**

## Step 1

### Step 1a – Ascertain if student registered with Disability and Dyslexia Team

1. Staff member should identify if the student has already formally disclosed to the University by asking the student if they have registered with the Disability and Dyslexia Team in Student Support.
2. If the student has registered, then there is no further action required with regard to disclosure, however, academic colleagues should ensure that they make themselves aware of the student's recommended adjustments by obtaining a copy of the Teaching and Learning Support Requirements form from their School manager or the Disability and Dyslexia Team. It is also the School's responsibility to ensure that a Personal Emergency Evacuation Plan is in place for students with mobility difficulties, so this should also be clarified and an assessment arranged at the earliest possible opportunity if required.

### Step 1b – Student is not registered with the Disability and Dyslexia team.

The staff member will have two responsibilities at this point:

1. If the student has not registered with the Disability and Dyslexia Team, the staff member is then responsible for informing the student that as they have disclosed to them they now have a legal duty to:
  - ensure that the student is given information relating to their rights to adjustments in relation to their disability and referred to that service if this is the student's wish
  - ensure that the student is aware that if they decide not to formally register with the Disability and Dyslexia Team now, they can change their decision at any time and access adjustments
  - if the student is aware that a decision not to disclose, will restrict the support available to them and could disadvantage them
  - the disclosure has placed a legal responsibility on the University and the staff member is now required to ensure that the disclosure is noted appropriately.
2. The staff member will need to ascertain whether the information given to them by the student identifies a legal risk or a Health and Safety risk to the individual student or others. All staff members must follow Step 2 below before moving forward to Step 3 where this is appropriate.

## Step 2

All disclosures to staff are confidential and it is always preferable to obtain the student's written consent to inform the University of a disclosure whenever possible. There are, however, occasions when the University must be informed. These are as follows:

### 1. Legal requirements

- Non-disclosure would prejudice the prevention or detection of a crime

### 2. Safety/Disadvantage requirements

- The behaviour of the student suggests that personal safety is at risk
- The behaviour of the student puts other people at risk
- The behaviour of the student is adversely affecting the rights of others

If the staff member is unsure whether compulsory disclosure applies, further guidance can be given by:

1. Governance and Legal Team
2. Disability and Dyslexia Team
3. Health and Wellbeing Team

Advice and guidance can be given confidentially, without the student being identified, by any of the services named above.

### **Where it is identified that a compulsory disclosure is required**

1. Legal issues must be reported to the Head of the Governance and Legal Team immediately. Governance and Legal will then inform the Police, VCG and the relevant Dean etc. as necessary if any additional action needs to be taken.
2. If the Personal Safety of the student is feared to be at risk, the staff member must inform the Health and Wellbeing Team immediately, by calling contacting the Hub.
3. If the student's behaviour is believed to be adversely affecting the rights of others, this should be referred to the Head of the Governance and Legal team who will decide the appropriate way forward.

### **If compulsory disclosure is not required**

Move directly to the relevant section of Step 3 of the procedure

## Step 3

Once a staff member has made a student aware that they have a responsibility to act on a disclosure, there are three possible outcomes:

1. The student wishes to disclose and the staff member can facilitate this
2. The student does not wish to disclose and the staff member will have to record this and provide the student with information on the consequences of their decision
3. The student does not engage with the process and the staff member must then act to inform the University that action was taken to support the student.

### **Action 1 – Dependent on a positive response: refer to the Disability and Dyslexia Team**

If the student has not yet registered with the Team but would like to be registered and obtain adjustments you will need to refer them to the Disability and Dyslexia Team. It is important that a written record is kept of this discussion.

The staff member can refer to the Disability and Dyslexia Team by either:

a. Giving the student information about the Disability and Dyslexia Team by completing Section A of the Disclosure form (Appendix 2) with the student and sending the completed form to the Disability & Dyslexia Team;

Or

b. If the staff member is not able to access the Disclosure Form and therefore does not have the student's permission in writing.

1. The staff member should advise the student that they will follow up with an email to their University account giving information on the support available and giving a deadline date for a response. A draft email can be found at Appendix 3a, the email asks the student to confirm that the information can be released to the Disability & Dyslexia Team and will require that the student responds using their University email account so that we can verify their identity.

2. If the student does not respond the email should be forwarded again 2 weeks later with a request for a reply within 2 weeks (give date in email) see draft email (Appendix 3b).

3. If the student does not respond within 2 weeks, you should send Standard email (Appendix 3c) to the student and copy to the Head of the Governance and Legal team.

### **Action 2 – If the Student does not wish to disclose to the university**

a. Ask the student to complete Section B of the Disclosure form (Appendix 2) and forward this to the Head of the Governance and Legal Team for confidential storage.

b. Send standard email (Appendix 3d) to the student's University Account. This gives advice and guidance on the consequences of their decision and information on how they can contact the Disability and Dyslexia Service at any time if they wish to change their minds and access support.

### **Action 3 – If a student refuses to engage with the process.**

a. The staff member must explain that they still have a duty to report the disclosure. This will be done by completing Section C of the Disclosure form and sending this to the Head of Governance and Legal Services where it will be kept in a confidential file which would only be accessed if the University were ever to receive a legal challenge. This is required because the University has a legal obligation to ensure that support is offered and it must have a record of this event

b. Send standard email (Appendix 3e) to the student's University Account. This gives advice and guidance on the consequences of their decision and information on how they can contact the Disability and Dyslexia Service at any time if they wish to change their minds and access support.

## **Glossary**

### **Reasonable adjustment**

A 'reasonable adjustment' is any action that helps to alleviate a substantial disadvantage. The duty to make a reasonable adjustment applies to any provision, criterion or practice, except competence standards, and to any physical feature. It is an anticipatory duty - i.e. adjustments should be made in anticipation of a disabled student registering on a course.

### **Competence standards**

A competence standard is defined as "an academic, medical or other standard applied by or on behalf of an [education provider] for the purposes of determining whether or not a person has a particular level of competence or ability"

Competence standards apply to all aspects of courses: in admissions (entry criteria), on course assessments (exams) and awarding qualifications. Education providers may be working with the competence standards that have been set by external Professional bodies such as the General Medical Council. All providers are responsible for implementing competence standards in a non-discriminatory way.

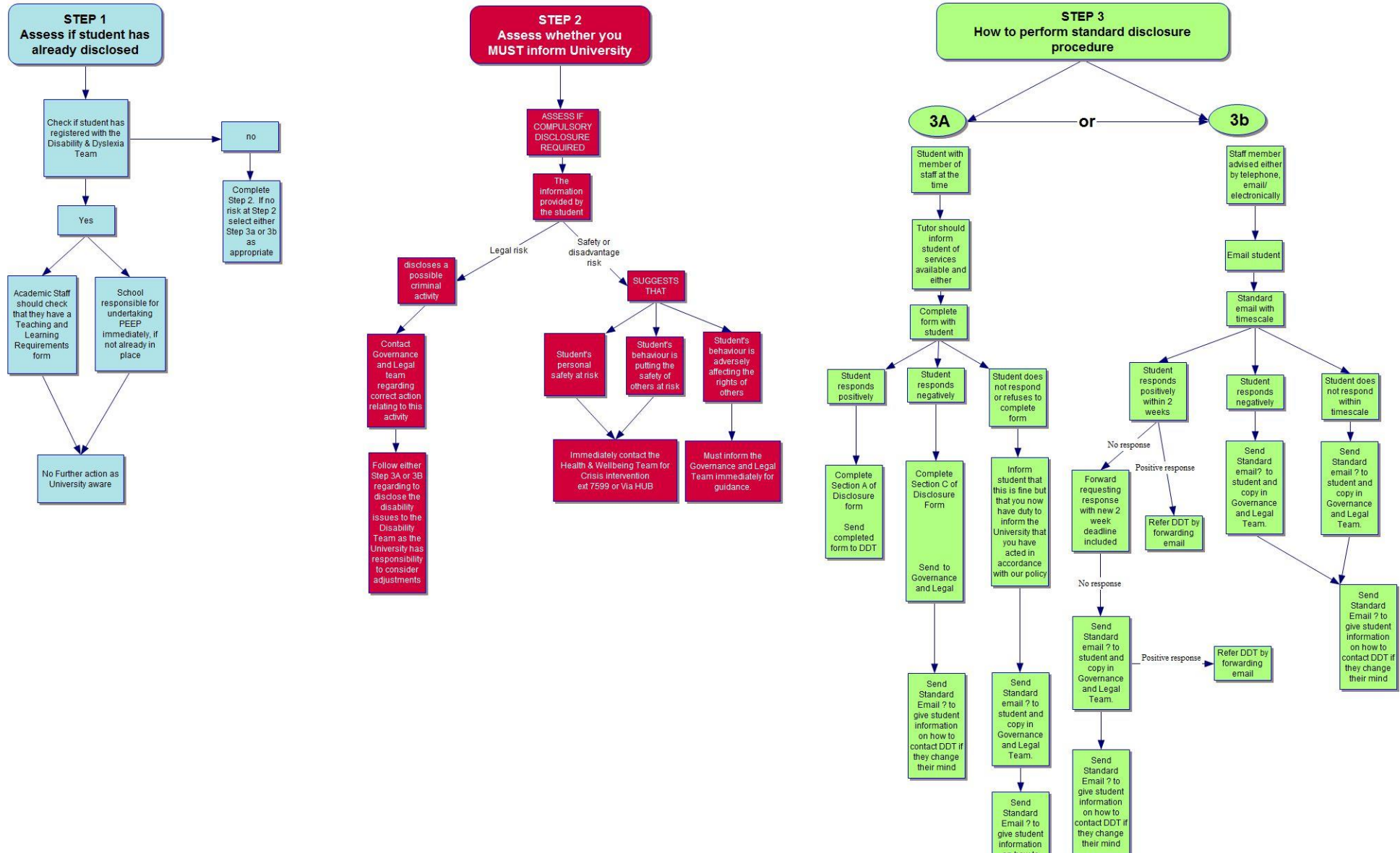
### **Definition of Disability**

The Equality Act defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

For the purposes of the Act:

- 'substantial' means neither minor nor trivial;
- 'long term' means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions);
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping and also include mobility, manual dexterity, physical co-ordination, memory or ability to concentrate, learn or understand;
- a 'normal day-to-day activity' must affect one of the 'capacities' listed in the Act which includes mobility, manual dexterity, speech, hearing, seeing and memory.

Student discloses a disability OR student has obvious visible physical disability or temporary medical impairment (e.g. use of crutches)



## Appendix 2

# University of East London

## Disability Disclosure

### Directions to the University regarding further support and adjustments



#### **Why does this form need to be completed?**

The University of East London encourages all students who have a disability to disclose this information as early as possible so that it can assist them to obtain help and support throughout their studies. It is not compulsory to disclose, **however**, once a member of staff within the institution is informed by a student that they have a disability, the staff member has a **legal responsibility under the Equality Act 2010** to ensure that the student is fully informed of the support available to them so that any disability-related adjustments can be put in place in accordance with their level of needs.

Once you have disclosed a disability to a staff member, please complete the form overleaf to let us know how you would like the University to take this forward. Please be aware that the staff member must ask you to complete this form because s/he is legally obliged to do so. It is perfectly acceptable for you to decide that you do not wish this information to go any further and you only need to complete Section B if this is your decision.

#### **Where does the form go?**

If you complete Section A – the form will be sent to the Disability & Dyslexia Team (DDT)

If you complete Section B – the form will be sent to our Governance and Legal Department where it will be stored confidentially. This is because individual staff members may leave the institution and the University needs to have a central record of your decision in case this is queried in future.

Please note that if you decide not to complete the form, the staff member will complete section C and submit the form to the University's Legal and Governance department as they are obliged to ensure that the University can demonstrate that information was made available to you.

#### Compulsory disclosure

There are situations when it is compulsory for a staff member to inform the University of a disclosed disability, even if the student has asked for this to be kept confidential. These are:

- Non-disclosure would prejudice the prevention/detection of a crime
- The behaviour of the student suggests that their personal safety is at risk
- The behaviour of the student puts other people at risk
- The behaviour of the student is adversely affecting the rights of others

If any of these issues arise, the staff member must speak to their head of department and the DDT to make an appropriate disclosure.

#### Useful information

For support within the University, contact the Disability and Dyslexia Team on [ddac@uel.ac.uk](mailto:ddac@uel.ac.uk) Information on Disabled Students' Allowances: <https://www.gov.uk/disabled-students-allowances-dsas>



# Disability Disclosure

Confidential - the student's



Student name:	
I.D. Number:	
E-mail or Telephone:	
Instructions: complete <b>either</b> Section A <b>or</b> Section B	Tick one box only
<b>Section A</b> <b>I wish to register with the Disability and Dyslexia Team</b>  I authorise the staff member to email the DDT so that they can contact me to make an appointment to discuss my disability-related needs and provide me with information, support and guidance on any adjustments or allowances that I may be entitled to receive. The DDT is a confidential service.	<input type="checkbox"/>
<b>Section B</b> <b>I do not wish any action to be taken as a result of my disclosing a disability.</b> I understand that: <ul style="list-style-type: none"><li>• in directing the University not to take action that this may prevent or limit the disability-related support that I may otherwise receive.</li><li>• this form will be sent to the University's Legal and Governance team where it will be retained confidentially in accordance with the 1998 Data Protection Act.</li><li>• I may contact the Disability and Dyslexia Team at any time if I change my mind and decide that I would like to have adjustments put in place for me (subject to provision of medical evidence/registration with service).</li></ul>	<input type="checkbox"/>
Signed  Date:	
<b>For University use only:</b> To be completed by staff members if student refuses to complete the form	
<b>Section C</b> I confirm that I provided the student with all relevant information relating to completion of this document. I have sent the student a scanned copy of this form for their retention. I enclose a copy of the email with this document. Signed:  Date:	

School:

**Appendix 3a**

**To: <Student UEL email>**

**Subject: Confirmation required for disclosure to the Disability & Dyslexia Team**

Dear <student name>

Further to our meeting on <insert date> you disclosed to me that you had a disability that to date was not known about by the University. As you have now declared this to me the University is deemed to know about this condition and is required to provide you with the following information.

Please could you send me confirmation by return email that you are happy for me to provide information of your disclosure to the Disability & Dyslexia Team (DDT), in order that they can invite you in for an appointment to register with them; please be assured that this is a confidential service and any information you provide will only be shared with your consent.

During your registration appointment with DDT, they will sit down and discuss how your condition affects your ability to study. They will then draw up a Teaching & Learning Support requirements form (TLSR), which with your permission, they will forward to your School in order that any in class adjustments can be implemented. Other adjustments they can put in place for you include:

- Exam adjustments (subject to published deadline dates)
- Extended Library loans
- Provision of materials in alternative formats

Please note that adjustments will only be put in place on the basis of medical evidence that you bring with you to your registration appointment.

DDT will also be able to provide information on other external support available dependant on your condition. The most common form of external support is through an application for the Disabled Students Allowance (DSA); for more information on this process please follow the link <https://www.gov.uk/disabled-students-allowances-dsas/overview> .

I look forward to hearing from you soon.

Kind regards

## **Appendix 3b**

**To: <Student UEL email>**

**Subject: Confirmation required for disclosure to the Disability & Dyslexia Team (follow up)**

Dear <student name>

I am contacting you to remind you to respond to the email I sent to you on <insert date> regarding disclosing your details to the Disability & Dyslexia Team. The University is keen to ensure that you have all available support possible to ensure that you can succeed in your studies.

Please could you confirm to me if you are happy for me to disclose your condition to the Disability & Dyslexia Team? If you do not wish me to disclose this information, could you also respond to this email, so I can log this information.

If you require any further information on this process please feel free to contact me or if you prefer you can contact the Disability & Dyslexia Team directly by either booking an appointment with them via the Hub on 020 8223 4444 or emailing [ddac@uel.ac.uk](mailto:ddac@uel.ac.uk)

Kind regards

### **Appendix 3c**

**To: <Student UEL email>**

**CC: Head of Governance & Legal**

**Subject: Confirmation required for disclosure to the Disability & Dyslexia Team (follow up 2)**

Dear <student name>

I have tried to contact you via email on <insert date> and <insert date> regarding permission for me to disclose your details to the Disability & Dyslexia Team. As I have had no response to this request, I can only assume that you do not wish to disclose your condition. As such I have cc'd our Governance and Legal department into this email, so we have a log of this correspondence; please be assured that this information will be kept confidential.

If at any stage in the future you change your mind and wish to disclose your condition to the Disability & Dyslexia Team, you can do this by making an appointment via the student Hub or emailing directly to the team [ddac@uel.ac.uk](mailto:ddac@uel.ac.uk)

As stated in my previous email, the University are keen to ensure that you receive all the support that is available to you to ensure that you can succeed in your studies.

Kind regards

## Appendix 3d

**To: <Student UEL email>**

**Subject: Confirmation of non-disclosure of disability**

Dear <student name>

Further to our meeting on <insert date> you advised me that you did not wish to disclose your condition to the Disability & Dyslexia Team and signed the Disability disclosure form which I have attached, to this effect, as is your right to do so.

I have forwarded the signed Disclosure form to our Governance and Legal department, where it will be lodged; rest assured that this will be kept completely confidential.

The Disability & Dyslexia team is a confidential service and as such will not disclose any information relating to your condition without your written consent if you choose to contact them. However by not registering with them, no institutional adjustments to support you in your studies can be implemented.

Please be advised that you can however still apply for the Disabled Students Allowance (DSA), details of which can be found by following the link <https://www.gov.uk/disabled-students-allowances-dsas/overview>

If you do change your mind at any stage in the future regarding disclosing your condition, then please contact the Disability & Dyslexia team via the student Hub, in person, by phone on 020 8223 4444 or alternatively you can email [ddac@uel.ac.uk](mailto:ddac@uel.ac.uk)

If you would like to discuss this further please feel free to contact me.

Kind regards

### **Appendix 3e**

**To: <Student UEL email>**

**Subject: Confirmation of non-disclosure of disability**

Dear <student name>

Further to our meeting on <insert date> you advised me that you did not wish to disclose your condition to the Disability & Dyslexia Team and did not wish to sign the Disability Disclosure form. Please find attached a copy of this form, which I have completed and forwarded to our Governance and Legal department for confidential storage in case of legal challenge.

If you do change your mind at any stage in the future regarding disclosing your condition, then please contact the Disability & Dyslexia team via the student Hub, in person, by phone on 020 8223 4444 or alternatively you can email [ddac@uel.ac.uk](mailto:ddac@uel.ac.uk)

The Disability & Dyslexia team is a confidential service and as such will not disclose any information relating to your condition without your written consent if you choose to contact them. However by not registering with them, no institutional adjustments to support you in your studies can be implemented.

Please be advised that you can however still apply for the Disabled Students Allowance (DSA), details of which can be found by following the link <https://www.gov.uk/disabled-students-allowances-dsas/overview>

If you would like to discuss this further please feel free to contact me.

Kind regards