

# Disabled Students' Allowances

Higher Education Student Finance in Wales 2016/17  
Academic Year

Version 1.3 August 2016 (Final)

This guidance is for key stakeholders in academic year 2016/17 for '**Disabled Students' Allowances (DSAs)**'. The guidance covers DSAs legislation and the administration of applications for DSAs.

**The August version 1.3 includes the details of changes to Welsh DSA policy as outlined in Student Finance Wales Information Notice 02/2016, released in July 2016. These are in regards to the provision of NMH helpers and the DSA-QAG registered status of assessment centres and Assistive Technology providers. These are now included as paragraphs 23-25 and 72.**

In addition to the above, a section from the 15/16 January update (previously paragraph 74) has been included as paragraph 63.

There has been updates to paragraph 26, 29 and 149 to reflect recent policy clarification.

**Paragraphs containing amended / new text are highlighted in blue for ease**

The April version 1.2 removes two paragraphs (previous paragraphs 142 and 143) which contained out of date text on PCs versus laptops. As in most cases now laptops are the norm rather than the exception due to value for money considerations.

The March version 1.1 contains a new paragraph (paragraph 9) outlining the provisions when a student is on an ERASMUS year.

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## INTRODUCTION

1. The Regulations referred to throughout this chapter, unless otherwise stated, are The Education (Student Support) (Wales) Regulations 2015. This chapter provides guidance on the Disabled Students' Allowances (DSAs) for full-time students (regulation 25), part-time students (regulation 93), DSAs for full-time distance learning students (regulation 76) and postgraduate students (Part 13).

DSAs for full-time students are part of the grants for living and other costs payable under Part 5 of The Education (Student Support) (Wales) Regulations 2015 (as amended). Guidance on the other grants payable under Part 5 of the 2015 Regulations is provided separately in the following guidance chapters:

- 'Assessing Financial Entitlement' (Maintenance Grant, Special Support Grant and Higher Education Grant); and
- 'Grants for Dependants' (Adult Dependants' Grant, Childcare Grant and Parents' Learning Allowance).

## POLICY

### FULL-TIME DSAS

2. Under regulation 25, an eligible student qualifies for DSAs to assist with the additional expenditure the student is obliged to incur to attend a designated course because of a disability. The four DSAs are intended to help a disabled student benefit fully from their course.

3. From AY 2015/16 a person will be required to provide evidence that they meet the Equality Act 2010 definition of 'disability' to be eligible for DSAs. The Equality Act states that 'A person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities (S6(1)).' The Education (Student Support) (Wales) Regulations 2015 will continue to use this definition of disability for the purpose of receiving student support, including DSAs. Aligning to the Equality Act definition provides clarity and consistency, particularly where providers are considering adjustments in parallel to DSAs. This change will not have a negative impact on disabled students.

4. The Act does not define what is to be regarded as a 'normal day-to-day activity'. Normal day-to-day activities can include general work-related activities, and study and education-related activities, such as interacting with colleagues, following instructions, using a computer, driving, carrying out interviews, preparing written documents, and keeping to a timetable or a shift pattern. For the purposes of establishing whether the student meets the new definition SFW are to consider study and education-related activities as day-to-day activities.

5. Students who would ordinarily be asked to submit evidence of their disability either for the first time or because their disability has changed in some way or there has been a gap in their studies would be asked to provide evidence that they met the definition of 'disability'. Where a student is unable to provide sufficient evidence that they meet the definition of disability under the Act they will be required to submit a completed medical evidence pro-forma. The student's study needs assessment will still determine if and how their ability to study is materially affected by their disability.

6. Students who may be asked to submit new medical evidence will include:

- Students who are applying for DSAs for the first time from AY 2016/17
- Students who have completed or withdrawn from a previous course and who begin a new course or top-up or begin to undertake a PG course but the gap between the two courses is more than one academic year.

- Students whose disability has changed in some way.

DSAs are not intended to pay for:

- disability related expenditure that the student would incur even if they were not attending a course of higher education;
- costs that any student might have regardless of disability; and
- services which can reasonably be expected to be provided by the student's provider (further guidance in this respect is given under the heading 'The scope of DSAs' at paragraphs 84-85.
- Eligibility

7. The personal eligibility criteria for receiving full-time student support, including DSAs, are set out in the 'Assessing Eligibility' guidance chapter.

DSAs are not subject to:

- an age limit;
- previous study rules; or
- household income assessment.

8. A student can only receive support for a designated course. Where the eligible course does not appear on the SLC's courses management system, SFW will not be able to fully process the application. Information on what action should be taken in this situation is covered in the 2016/17 'Assessing Eligibility' guidance chapter. Students are potentially eligible for DSAs whilst attending an overseas provider as part of their UK course, whether obligatory or optional. Further guidance can be found in the 2016/17 'Assessing Eligibility' guidance chapter. Students who are personally eligible for student support under paragraph 9 of Schedule 1 (i.e. nationals of member states of the European Union) but who do not fall under any other paragraph of that Schedule are not eligible for DSAs.

## ERASMUS STUDENTS

**9. Additional grant support is available to disabled students on an Erasmus+ Programme to cover the costs of their support needs. Applications are made by the participating provider to the relevant Erasmus+ National Agency once a student is identified as a participant and their support needs are known. Funding covers 100% of the identified costs and are dependent on actual needs rather than a set grant amount or formula. DSAs funding is therefore not available for Erasmus students.**

## PRISONERS

10. Full-time students who are prisoners and who began a designated course before 1<sup>st</sup> September 2012 are potentially eligible for DSAs but will not generally qualify for other grants for living and other costs under Part 5 of the Regulations (regulation 24(14 and 15)). See 'Grants for Dependants' guidance chapter. For full-time students who are eligible prisoners and commence their course on or after 1 September 2012, support is only available for tuition fees. No maintenance support (including DSAs) will be available to any prisoner (including

an eligible prisoner) who starts a course on or after 1 September 2012. The responsibility to provide assistance for disabled prisoners will lie with the prison service.

### MEANS-TESTED NHS BURSARIES

**11.** Under regulation 24(3)(a), students are not eligible for grants for living costs, including DSAs, for any academic year during which they are eligible to apply for NHS means-tested bursaries or similar awards bestowed under section 63 of the Health Services and Public Health Act 1968, article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972 or sections 73(f) and 74(1) of the Education (Scotland) Act 1980 (if the latter is granted in respect of a course leading to a qualification in a healthcare profession other than as a medical doctor or a dentist). Students who are eligible for an NHS bursary should be directed to NHS Wales at following link <http://www.wales.nhs.uk/sitesplus/955/page/72050> for information about the financial support available through the NHS Bursary Scheme. Or they can phone the NHS Wales Student Awards Unit on 029 2037 6854

### STUDENTS WHO BEGAN AN ITT COURSE ON OR AFTER 1<sup>ST</sup> SEPTEMBER 2010

**12.** Where a student begins an ITT course on or after 1<sup>st</sup> September 2010, the student support package available will depend on whether the course is either full-time or part-time. Designated full-time first degree and postgraduate ITT courses of at least one academic year in length will attract the same support package as full-time non-ITT first degree courses (see 'Assessing Financial Entitlement' guidance chapter. Designated part-time first degree and postgraduate ITT courses of at least one academic year in length will attract the same part-time package of fee grant, course grant (see 'Fee Support and Course Grant for Part- Time students' guidance chapter) and DSAs as part-time non-ITT first degree courses.

### SANDWICH COURSES AND WORK PLACEMENTS

**13.** Students on part-year paid or unpaid placements where the periods of full-time study in the academic year are 10 weeks or more in aggregate are potentially eligible for DSAs support. For example, DSAs could pay for additional disability related travel costs to and from the Higher Education Provider (HEP) using the general allowance and the additional support required for course work undertaken during the work placement. When a student is going on a work placement as part of their course, the DSAs needs assessment should take this into account and, for example, consider the portability of equipment if students need to take it with them on the placement.

**14** Under regulation 24(7) students are not eligible for grants for living and other costs, including DSAs, in any academic year of a sandwich course in where the periods of full-time study are in aggregate less than 10 weeks (unless the period of work experience is an unpaid placement of a type specified in regulation 24(8)) Students who do not qualify for grants for living and other costs, including DSAs, under regulation 24(7) are eligible for a reduced rate maintenance loan which is not subject to income assessment (regulation 50).

**15.** Under regulation 24(8) students undertaking certain types of unpaid work experience in the public or voluntary sectors are potentially eligible for grants for living and other costs, including DSAs (even where the periods of full-time study in the academic year are less than 10 weeks in aggregate). See 'Travel Grants' guidance chapter which is located within the 'Assessing Financial Entitlement' guidance chapter.

### STUDENTS WHO BECOME ELIGIBLE DURING THE COURSE

**16.** Under regulation 24(12) & 24(13), a student **may** qualify for DSAs, from and including, the academic year during which:

- the student's course becomes designated;

- the student, their spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain (in this context 'spouse' or 'civil partner' does not include a co-habiting partner of the student - also refer to the 'Assessing Eligibility' guidance);
- the state of which the student is a national accedes to the European Union where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;
- the student acquires the right of permanent residence;
- the student becomes the child of a Turkish worker;
- the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- the student becomes the child of a Swiss national.

However, such a student is not eligible retrospectively, with the exception of the allowance for major items of specialist equipment. That is, a student is not eligible for DSAs for academic years of the course falling *before* the academic year in which he becomes eligible in the circumstances mentioned above (regulation 24 (13)).

#### **FULL-TIME DISTANCE LEARNING COURSES**

**17.** Where disabled students undertake a full-time course by distance learning because their disability prevents them from attending a provider, they are treated as being in attendance on the course. Such students are potentially eligible for DSAs under regulation 25 (6) and (7). They are also potentially eligible for the other elements of the full-time student support package (except travel grant).

**18.** Where disabled students undertake a full-time course by distance learning but are not compelled to study in this way because of their disability, they cannot be treated as being in attendance on the course. Such students are potentially eligible for DSAs under regulation 76 which are payable at the same full-time rates as those provided under regulation 25. Where the student commences their full time distance learning course prior to 1<sup>st</sup> September 2012, they are also potentially eligible for a fee grant and course grant similar to those offered to eligible part-time students. Where the student commences their full time distance learning course on or after 1<sup>st</sup> September 2012 they will potentially be eligible for a tuition fee loan and fee grant to cover the tuition fee charged, and no maintenance support. Such students will continue to be potentially eligible for DSAs under regulation 76 which as mentioned above are payable at the same full-time rates as those provided under regulation 25. Also refer to the guidance on full-time distance learning courses contained in the 'Assessing Eligibility' guidance for 2016/17.

**DSAS FOR STUDENTS ATTENDING FULL-TIME COURSES**

Allowance	Maximum payable
	Full-time
Non-medical helper allowance (each academic year)	£21,181
Specialist equipment allowance (for the duration of the course)	£5,332
General allowance (each academic year)	£1,785
Travel allowance	Reasonable additional costs

**19.** There is no provision to pay more than the maximum allowances set out in the Regulations. Therefore, a student cannot use unspent DSAs from a previous academic year or anticipate grant entitlement for a future academic year to pay costs in the current academic year. Only the general allowance can be used to supplement expenditure on specialist equipment and non-medical helpers should the student's needs exceed the maximum allowances under the Regulations. The specialist equipment allowance, non-medical helper allowance and the travel allowance should be used for the sole purpose as named and should not be used to supplement other DSAs.

**NON-MEDICAL HELPER ALLOWANCE**

**20.** The non-medical helper allowance (regulation 25(3)(a)) may be used to pay for additional support required because of a disability. Non-medical helpers can include sighted guides, British Sign Language interpreters, note-takers and any non-medical helpers necessary if the student is to benefit fully from the course. See Annex 4 for further details of the support DSAs is available for. The needs assessment should consider reasonable adjustments made by the provider before recommending support to avoid duplication of support. Where the student has to make regular or frequent payments for a non-medical helper, SFW may consider arranging for some of the student's grant payments to be made in corresponding instalments. If grant payments are made in instalments, SFW will inform the student, or the provider, how such transactions should be recorded and verified for audit purposes.

**21.** The provision for the non-medical helper allowance does not remove the duty of local social services to provide assistance towards personal care costs that would have been incurred irrespective of a student's attendance on a course. However, in some circumstances a personal carer may also provide course-related help for a student. In such cases SFW might agree to apportion the cost to pay for the course-related help provided by the carer.

**22.** In the view of the Welsh Ministers, only a relatively small number of disabled students are likely to need the full amount of allowance available in any given year. For example, some deaf students whose first language is

British Sign Language (rather than Sign Supported English) may incur higher costs because they make greater use of sign language interpreters and note-takers.

**23. From 1 August 2016, all DSAs funded assessment centres and Assistive Technology (AT) providers will have to be registered with the Disabled Students' Allowances-Quality Assurance Group (DSA-QAG). Any current provision for Welsh students will not be affected by this registration process. Students may still receive funding to attend centres in Scotland and Northern Ireland which do not adhere to the QAG framework.**

**24. DSAs funding will not be provided for anyone to carry out Non Medical Help (NMH) support who is not suitably qualified and/or experienced and does not have appropriate employment status i.e. they must be registered with HMRC to pay tax and national insurance on their earnings. This also applies to DSA funded support provided by family members or friends. Assessment Centres would be expected to ensure that all NMH support workers they recommend have an appropriate employment status and are suitably qualified and/or experienced. Where the request to change to an independent NMH or for the support to be provided by family/friends comes direct to SFW, they will request appropriate evidence of HMRC registration, such as a Tax Return, before the request can be agreed.**

**25. Due to the potential conflict of interest, DSA funding will not normally be available to any company, partnership or other organisation that is owned or controlled by the student being supported, or in which the student has a financial interest.**

## **SPECIALIST EQUIPMENT ALLOWANCE**

**26.** The specialist equipment allowance (regulation 25(3)(b)) may be used to pay for items of equipment which the student will need, because of a disability, to benefit fully from the course. It may also be reasonable to meet the cost of associated insurance, extended warranty costs, repair and modification costs from the equipment allowance. Where students do not take out insurance and their equipment is **stolen or damaged, the cost of replacing or repairing the equipment will not be met from the DSAs**. Therefore, SFW will recommend that students take out insurance cover for their DSAs equipment. The insurance premiums can be paid from the DSAs. SFW might, at the same time, also suggest that the student consider whether they might benefit from some initial training in the use of any equipment to be purchased. Research has shown that many students start their courses without becoming familiar with specialist equipment and can face difficulties that could be avoided. The cost of training in the use of specialist equipment may be set against DSAs, subject to the maximum specified in the Regulations.

## **COURSE TRANSFERS AND SPECIALIST EQUIPMENT ALLOWANCE**

**27.** The specialist equipment allowance covers the whole course duration. If a student transfers their eligibility to another course, any amount awarded for specialist equipment in relation to the first course would still need to be considered as the period of eligibility has not been broken. For example, a student receives £3,000 from the specialist equipment allowance but then transfers their eligibility to another course. Their specialist equipment entitlement for the second course should not exceed **£2,332**, as £3,000 has already been awarded for specialist equipment and **£5,332** is the maximum specialist equipment allowance for 2016/17.

**28.** All equipment purchased with the help of this allowance is and remains the property of the student. It is open to the student, at the end of their course, to offer the equipment to their provider or to SFW for the use of other students. Providers and SFW are free to suggest that students make such gifts. The Regulations do not permit SFW to purchase equipment either to donate to colleges or to lend to students.

## **GENERAL ALLOWANCE**

29. The general allowance (regulation 25 (3)(d)) may be used both for miscellaneous expenditure not covered by the other allowances and to supplement the specialist equipment allowance and non-medical helper allowance if necessary. The cost of a study needs assessment is drawn from the general allowance. Additional costs associated with en-suite accommodation are drawn from the general allowance. The general allowance cannot be used to accommodate a student's special diet. Any additional dietary costs incurred as a result of a disability would be incurred regardless of a student's attendance at college or university.

**Attending a hospital appointment linked to a disability cannot usually be regarded as being additional expenditure incurred with the undertaking of a course. Travel to medical treatment can be considered where the additional expenditure incurred is:**

- **by reason of a student's disability; and**
- **in connection with the undertaking of a designated course**

**The additional costs that may be considered are if the treatment is only available in a certain location and the student incurs additional travel costs which except for being enrolled on a course the student would not have to incur. The additional cost of travelling would be calculated as the actual cost less the cost of travelling from the student's home address (not term time address) to the appointment.**

## TRAVEL ALLOWANCE

30. The travel allowance (regulation 25 (3)(c)) may be used to pay the additional costs of travel to and from the HEP which are incurred because of a disability. For example, if the needs assessment identifies that a student needs to travel by taxi rather than by public transport because of mobility or visual difficulties, then the DSAs will cover the **additional** expenditure that represents. In this instance, the amount of travel allowance should be any excess between the public transport costs (regardless of subsidised travel pass) and taxi costs for the journey. This additional cost should be set out in the needs assessment report.

31. Some students may be required as a result of a disability to use their own car to travel to and from the provider. In this instance, the amount of travel allowance should be any excess between public transport costs (regardless of subsidised travel pass) and the cost of the same journey by car. For the purpose of deciding the cost of the journey by car, it is recommended that the needs assessor calculate the cost of the journey based on the mid-point range of AA motoring costs which includes an element for wear and tear on the car. This is currently (FY 2014-15) **24p per mile**. Suitable parking facilities should be arranged by the HEP.

32. SFW will need to be satisfied that the additional travel expenditure arises in each case by reason of a disability to which the student is subject. The travel allowance should not be used to meet non-disability related travel expenditure incurred by a disabled student. For example, it is unlikely that a dyslexic student will incur additional travel expenditure as a result of their specific learning difficulty. A disabled student may still qualify for Travel Grant (regulations 32 - 35) in the same way as any other student (see 'Travel Grants' guidance for 2015/16 which can be located in the 'Assessing Financial Entitlement' guidance chapter).

## PART-TIME DSAS

33. Under regulation 93 an eligible part-time student qualifies for DSAs to assist with the additional expenditure that the student is obliged to incur to undertake (i.e. to attend or study by distance learning) their designated part-time course because of their disability. Students undertaking a part-time course with the Open University (OU), which they commenced prior to 1 September 2014, should continue to apply for DSAs from the OU. This includes students who started an 'end-on' course in AY 14/15 and students who transferred from a previous PT course which they started at the OU before 1 September 2014 to another PT course at the OU. The part-time

DSAs policy closely follows that for full-time students. However there are, necessarily, some differences and these are explained below.

## ELIGIBILITY

**34.** Like the full-time DSAs, previous study rules do not apply to part-time DSAs; they are available to eligible students regardless of age or household income. For details of the personal eligibility criteria for receiving part-time support, including part-time DSAs, please refer to the guidance chapter 'Fee Support and Course Grants for part-time students'.

## DESIGNATED PART-TIME COURSES

**35.** To be eligible for support, including DSAs, a student must be undertaking a designated part-time course. The criteria for course designation in respect of part-time support, including part-time DSAs, are set out in the 'Fee Support and Course Grant for Part-Time Students' guidance chapter.

**36.** Students who begin courses before 1 September 2014 must be studying at a minimum intensity of 50% FTE to be eligible for PT DSAs (regulation 88(1)(c)(i)). Students who begin part-time courses on or after 1 September 2014 must be studying at a minimum intensity of 25% FTE during the academic year to be eligible for PT DSAs (regulation 88(1)(c)(ii)).

## DSAS FOR STUDENTS UNDERTAKING PART-TIME COURSES

**37.** There are four allowances for students undertaking part-time courses. These mirror those available to full-time students, but have different maximum amounts. The maximum allowances that part-time students may receive in 2016/17 are given in the table below. The maximum amounts of the non-medical helper allowance and general allowance are calculated as a percentage of the full-time rates, based on the intensity of study, however the cost of the study needs assessment for part-time students is deducted from the general allowance **before** the general allowance is pro-rated according to the intensity of study. Some examples of the maximum amounts available are given below. There are no provisions within the Regulations to pay more than the maximum allowances for the academic year. Please refer to the guidance in respect of full-time DSAs at above paragraphs 19- 22.

Allowance	Maximum payable	
Specialist equipment allowance (for the duration of the course)	£5,332	
Non-medical helper's allowance (each academic year)	£21,181	75% of a FT course = £15,885 60% of a FT course = £12,708 50% of a FT course = £10,590 25% of a FT course = £5,295

General allowance  (each academic year)	£1,785	75% of a FT course = £1,338 60% of a FT course = £1,071 50% of a FT course = £892 25% of a FT course = £446
Travel allowance	Reasonable additional costs	

### STUDENTS WHOSE STATUS AS AN ELIGIBLE (FULL-TIME) STUDENT IS CONVERTED TO THAT OF AN ELIGIBLE PART-TIME STUDENT

**38.** When a student transfers from a full-time to a part-time course, SFW will convert their status as an eligible full-time student to that of an eligible part-time student. Where a student transfers from a full-time to a part-time course part way through the academic year:

- (i) no instalment of full-time DSAs is payable after the student became an eligible part-time student;
- (ii) the maximum amounts of part-time DSAs are reduced by one third where the student became an eligible part-time student during the second quarter of the academic year and by two thirds where they became an eligible part-time student in a later quarter of that year; and
- (iii) where full-time DSAs have been paid to the student in a single instalment, the maximum amount of the corresponding part-time DSAs payable to them are reduced by the amount of full-time DSAs already paid (or further reduced if paragraph (ii) above applies). If the resulting amount is nil or a negative amount, the part-time DSAs are not payable.

### STUDENTS WHOSE STATUS AS AN ELIGIBLE PART-TIME STUDENT IS CONVERTED TO THAT OF AN ELIGIBLE (FULL-TIME) STUDENT

**39.** When a student transfers from a part-time to a full-time course, SFW must convert their status as an eligible part-time student to that of an eligible full-time student. Where a student transfers from a part-time to a full-time course part way through the academic year:

- (i) no instalment of part-time DSAs is payable after the student became an eligible full-time student;
- (ii) the maximum amounts of any grants for living costs (and loan) for full-time students are reduced by one third where the student became an eligible full-time student during the second quarter of the academic year and by two thirds where they became an eligible full-time student in a later quarter of that year; and
- (iii) where part-time DSAs have been paid to the student in a single instalment, the maximum amount of the corresponding full-time DSAs payable to them are reduced by the amount of part-time DSAs already paid (or further reduced if paragraph (iii) above applies). If the resulting amount is nil or a negative amount, the full-time DSAs are not payable.

## DSAS FOR POSTGRADUATE STUDENTS

**40.** Under Part 13 of The Education (Student Support) (Wales) Regulations 2015 an eligible postgraduate student qualifies for DSAs to assist with the additional expenditure that a student is obliged to incur to undertake (i.e. to attend or study by distance learning) a designated full-time or part-time postgraduate course because of a disability. DSAs for students undertaking a postgraduate course with the Open University are administered by the Open University where the student started their course prior to 2014. Students who started their postgraduate course on or after 1 September 2014 will be assessed by SFW. The postgraduate DSAs scheme closely follows that for undergraduate students. However there are, necessarily, some differences and these are explained below.

**41.** Regulation 123 provides for DSAs of up to **£10,590** for the academic year 2016/17 to be paid to eligible postgraduate students undertaking designated full-time and part-time postgraduate courses. There is no statutory provision to pay a postgraduate student in excess of **£10,590** during academic year 2016/17. There are no specific limits within the maximum **£10,590** on particular items or type of help on which the grant can be spent. The allowance is awarded depending on the recommendations from the needs assessment carried out by an assessment centre or other such body. The cost of the needs assessment can be paid for from the postgraduate DSAs, but as with undergraduate DSAs, it cannot be used to pay for establishing a student's disability. The postgraduate DSAs may be spent on specialist equipment, non-medical helpers, other general support or additional travel costs, or a combination of the above, up to the maximum amount for the academic year.

## ELIGIBILITY

**42.** Like the undergraduate DSAs, previous study rules do not apply to postgraduate DSAs; they are available to eligible students regardless of age and are not income assessed. To be eligible for the postgraduate DSAs students must meet the personal criteria set out in Schedule 1 of the Regulations and undertake a designated postgraduate course (see above paragraphs 40 and 41 on DSAs for Postgraduate Students).

**43.** Postgraduate students studying by distance learning are eligible for DSAs, but only if the course is undertaken in the United Kingdom (regulation 115 (8)). Students undertaking courses on a distance learning basis are deemed to be studying at their home address. Therefore, to receive DSAs postgraduate distance learners must remain living in the United Kingdom whilst undertaking their course.

Under regulation 115(4) a postgraduate student is not eligible for DSAs if they:

- are eligible to apply for an -
  - NHS bursary or award under section 63 of the Health Services and Public Health Act 1968 or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972;
  - allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007;
  - allowance, bursary or award of similar description made by a Research Council (a list of the relevant Research Councils is provided at Annex 1);
  - allowance, bursary or award of similar description made by their provider which includes a payment for meeting additional expenditure incurred because of a disability;
  - the Care Council for Wales' bursary for students on full-time postgraduate social-work courses (see paragraph 44 below).

- are in breach of an obligation to repay a student loan;
- have not ratified an agreement for a student loan made with them when they were under the age of 18; or
- have shown themselves by their conduct to be unfitted to receive support.

**44.** Postgraduate students may be in receipt of a bursary or award from another funding body that provides DSAs or support equivalent to DSAs. Postgraduate students are not eligible for the postgraduate DSAs if they have been awarded a NHS bursary, a grant from a Research Council or the Care Council for Wales (CCW) bursary for students on full-time postgraduate social-work courses. Similarly, postgraduate students are not eligible for a postgraduate DSAs if they are in receipt of a bursary or award from their provider which includes support equivalent to DSAs (excluding financial assistance received from their provider's hardship fund). Under regulation 115(14) an eligible postgraduate student is not eligible for support for more than one designated course at a time.

### DESIGNATED POSTGRADUATE COURSES FOR DSAS

**45.** Regulation 117(1) provides the criteria for course designation in respect of postgraduate DSAs. The requirements are:

- a first degree or higher qualification should be an entry requirement to the course;
- a course duration of at least one academic year;
- if the course is part-time, it must be ordinarily possible to complete the course in not more than twice the time ordinarily required to complete an equivalent full-time course;
- the course is provided by a UK provider maintained or assisted by public funds;
- the course is not an initial teacher training course or a course taken as part of an employment-based teacher training scheme.

**46.** Courses need to be provided by publicly funded providers in order to be automatically designated, although courses at other providers may be designated on application to Welsh Ministers. Full and part-time Legal Practice courses and Bar Vocational courses are designated courses under the Regulations as the entry requirement to such courses is a first degree or higher. However, some of these courses are provided by private providers which have been designated specifically for postgraduate DSAs. Postgraduate courses provided by private providers must be designated for the students to receive DSAs support. Students on postgraduate ITT courses are potentially eligible for DSAs under the full-time or part-time scheme. They are therefore **not** eligible for the postgraduate DSAs.

**47.** The Welsh Ministers may designate courses for the award of postgraduate DSAs that are not automatically designated under the Regulations. An provider will be required to apply to the Welsh Ministers in the same way as for undergraduate courses, giving evidence of course aims and validation of the qualification. Designation in the middle of the academic year will allow payment of the DSAs to cover the whole academic year in which designation takes place.

### PERIODS OF ELIGIBILITY

**48.** Regulation provides for DSAs to be paid for the period ordinarily required to complete the course (subject to the course satisfying the requirement of regulation 117). If a student withdraws from the course, abandons or is expelled from the course the period of eligibility is terminated and no further support will be paid. Where a

student intends at the outset to complete a part-time postgraduate course in not more than twice the period ordinarily required to complete an equivalent full-time course but subsequently takes longer, the period of eligibility will terminate at the end of the academic year during/at the end of which it becomes impossible for them to complete the course within the required timeframe.

**Example 1 (Continuing Student):** Student A studies part-time for a Masters degree (which takes 1 year to complete studying full-time) for two years and then studies part-time for a PhD (which takes three years to complete studying full-time) for a further six years. As the duration of each of the two part-time postgraduate courses does not exceed twice the period normally required to complete its full-time equivalent, student A is eligible to receive support for the whole of that time.

**Example 2 (Continuing Student):** Student B undertakes the same two courses. However, while student B studies part-time for the Masters degree for two years, and then they study part-time for the PhD for eight years. As the PhD normally takes three years to complete full-time, the duration of the part-time PhD exceeds twice the period normally required to complete its full-time equivalent and is therefore not designated for support. Student B is only eligible for support for the two years of the Masters degree.

**Example 3 (Continuing Student):** Student C states an intention to study part-time for a PhD for six years. The equivalent full-time PhD would take three years. The student is awarded the DSAs in years one to five of the course as the part-time study is at least 50% of a full-time course. However during the fifth year the student's pattern of part-time study changes so that they now require a further three years part-time study to complete the course, making eight years in total. This period exceeds twice the period normally required to complete an equivalent full-time course and so the student cannot receive DSAs support for the final three years of the course. Their eligibility will cease at the end of the fifth year.

**Example 4 (New Student):** Student D states an intention to study part-time for a PhD for 12 years. The equivalent full-time PhD would take three years. The student is awarded the DSAs in years one to eleven of the course as the part-time study is at least 25% of a full-time course. However during the 11<sup>th</sup> year the student's pattern of part-time study changes and they reduce intensity to below 25%. This will effectively make the period of study exceed four times the period normally required to complete a full-time course and means the student cannot receive any further DSAs support. Their eligibility will cease from when the intensity drops below 25%.

**49.** It is for HEPs to decide whether a postgraduate course is full-time or part-time and whether a part-time course takes more than twice the period ordinarily required to complete a full-time course leading to the same qualification where the PT course began before 1 September 2014, or four times the period ordinarily required to complete a full-time course leading to the same qualification where the PT course begins on or after 1 September 2014.

**50.** SFW may terminate the period of eligibility where the eligible postgraduate student has shown themselves by their conduct to be unfitted to receive support. SFW may also terminate the period of eligibility or decide that a student no longer qualifies for an amount of grant if a student has failed to comply with a request to provide information or provided information that they know is false. If the provisions in regulation 118(7) are used, SFW may treat support paid to the student as an overpayment for recovery under regulation 124.

## TRANSFER OF ELIGIBILITY

**51.** Regulation 118 provides for eligible postgraduate students to transfer their eligibility to another postgraduate course. A transfer is permitted provided that the period of eligibility for the first course has not expired or been terminated and a request to transfer eligibility is made by the student. It is also a requirement that the exporting provider recommends a transfer in writing and that the importing provider agrees to the

transfer. If a student transfers their eligibility to another course, any DSAs amount awarded for the first course would need to be considered for the second course as the period of eligibility has not been broken. For example, a student receives support of £3,000 but transfers to another course. For the remainder of the academic year, the student has **£7,590** remaining (£10,590 maximum grant available less £3,000 already received for the first course). Students transferring courses may continue to receive support without the necessity of a further needs assessment unless their disability has changed in some way or the course is substantially different.

### **STUDENTS MOVING DIRECTLY FROM UNDERGRADUATE TO POSTGRADUATE STUDY**

**52.** Where a student has just graduated and is proceeding directly to postgraduate study, the medical evidence provided and DSAs needs assessment undertaken in respect of the undergraduate course **should be** sufficient to identify the student's support needs in respect of the postgraduate course. This means, for example, that the student could continue to receive support from non-medical helpers without the necessity of submitting new medical evidence or undergoing a new needs assessment. However, if new medical evidence or a new needs assessment is deemed necessary, for example because the student's disability has changed in some way or the course is substantially different, this can be paid for from the postgraduate DSAs.

**53.** If the student seeks new equipment, SFW will need to take into account any equipment the student received as an undergraduate, having regard to how recently the equipment was bought and how appropriate it now is for the software necessary to support the student's disability. The Welsh Ministers' view is that SFW could replace equipment provided in the first year of an undergraduate course, but would need to look carefully at requests for new equipment if it had been provided in the final year of an undergraduate course.

**54.** Students who have not studied recently (those with a break of at least two years since graduating) should be assessed in the same way as undergraduate students. They should provide evidence of disability (which will need to meet the Equality Act definition) and then have their course related needs assessed.

### **POSTGRADUATE STUDENTS COMPLETING DISSERTATIONS AFTER THEIR COURSE ENDS**

**55.** A student retains their status as an eligible postgraduate for a period equal to that which is ordinarily required to complete the relevant designated postgraduate course. If the ordinary duration of the course includes a period to complete a dissertation or thesis, the Regulations provide for the student to be eligible to receive postgraduate DSAs for the period spent completing their dissertation or thesis. For example, if a course ordinarily takes two years to complete and the second year of the course is writing up the thesis, the postgraduate student will qualify for support during the writing up period.

**56.** However, there may be occasions when students request payment of DSAs to continue when they are writing up a dissertation or thesis after the end of the period ordinarily required to complete the designated course. Regulation 118(8) provides SFW with discretion to extend or renew a student's eligibility for such further periods as they consider appropriate after the expiry of the period ordinarily required to complete the course. This discretion might be used when a student is writing up a thesis or dissertation after the expiry of the period ordinarily required to complete the course.

**57.** In the case of part-time designated postgraduate courses which began before 1st September 2014, if the additional period of writing up a thesis or dissertation would mean that the overall duration of the part-time course will be more than double the time needed to complete a full-time equivalent course, the part-time course would then cease to be designated. Consequently, the student would not qualify for any further DSAs support after the ordinary duration of the part-time course. Where the part-time postgraduate course begins on or after 1st September 2014, if the additional period of writing up a thesis or dissertation would mean the overall duration of the part-time course will be more than four times the time needed to complete the full-time

equivalent course, the part-time course will cease to be designated and the student will not qualify for further DSAs support.

## ADMINISTRATION OF DSAS

### EVIDENCE OF A DISABILITY

**58.** For most applicants, there should be little difficulty establishing their eligibility for DSAs. Their disability will have been identified and documented at an earlier stage, in many cases while they were at school. However, it is not essential for an applicant's disability to have been identified at school in order to be eligible for DSAs.

Eligibility for DSAs is not dependent on an applicant being registered as disabled. From academic year 2015/16, the Regulations will apply the definition of disability contained in the Equality Act. Where a student is unable to provide sufficient evidence that they meet the definition of disability under the Act they will be required to submit a completed disability evidence proforma. DSAs are not intended to provide assistance to members of the general student population who suffer temporary illness or injury. Assisting such students would properly be the responsibility of the HEPs.

**59.** Care will be needed for applicants whose disabilities have not previously been identified. In such cases, SFW will request an assessment of the disability by a suitably qualified person or body for the purposes of establishing eligibility for DSAs (see paragraphs 61 to 63 below).

**60.** Students can become eligible for DSAs at any point during their course, not just at the start of their first year. Some students become disabled or have a disability identified after their course has started. Others may decide to disclose their disability only after their course has started. Equipment needs may arise later in the course. SFW must not, therefore, adopt a policy of only accepting applications for the DSAs at the beginning of a course.

**61.** Students who are physically disabled, or who have a mental health condition, will need to provide medical evidence of their condition, such as a letter from their doctor or an appropriate specialist. Medical Disability evidence should state the nature of the student's disability and ideally should also briefly explain how the student is affected by the disability. Students with a specific learning difficulty such as dyslexia will need to provide evidence of this in the form of a diagnostic assessment from a chartered or practitioner psychologist or suitably qualified specialist teacher (see Specific Learning Difficulties below). A diagnostic assessment must have been carried out after the student's 16th birthday to be valid for DSAs purposes. If the diagnosis was carried out before the age of 16, the student will require a review diagnostic assessment. However, any cost a student incurs obtaining the necessary expert evidence or opinion cannot be met from the DSAs. This is because such costs are not incurred by the student to attend or undertake their course; they are incurred to substantiate their claim for DSAs. However, students might be able to receive assistance with such costs from their provider's hardship fund once enrolled.

**62.** Cases may arise where SFW is not satisfied from the evidence initially provided that the student has a disability. In such cases, the student should be invited to provide further evidence, perhaps in the form of a diagnosis undertaken by a body or person acceptable to SFW. In making such an invitation, it is important that SFW makes clear to the student that they will normally be liable to meet the cost of providing the necessary evidence. Students can, however, apply for help with such costs from their provider's hardship fund once enrolled.

**63.** Cases may arise where SFW are unclear, from the medical evidence initially provided, how a student's disability affects their ability to study. In such cases, the student should be invited to provide further evidence from a body or person acceptable to SFW. The person acceptable to SFW may in some cases be an appropriate specialist with knowledge of the student's particular condition or an appropriate professional adviser. An example where this may be appropriate might be where a student who is deaf submits evidence from a

teacher of the deaf who would have the specialist knowledge and skills required to be able to make this assessment. As with the above paragraph, in making such an invitation, it is important that SFW make clear to the student that they will normally be liable to meet the cost of providing the necessary evidence.

64. Once SFW is satisfied with the medical evidence, the student is required to undergo a DSAs study needs assessment to identify the appropriate course-related support. The cost of the assessment is met from the general allowance of the DSAs. Once the initial evidence of a disability has been accepted, in most cases there should be no need for students to provide updated evidence of their disability at a later stage in the course. An exception would be if the student's condition changes or if there is reason to believe that the student's condition may change later in the course. Sometimes an expert may also include recommendations for DSAs support with their medical evidence. Given that the expert is unlikely to be aware of course requirements and technologies, there is still a requirement for the student to receive a separate full assessment of their course needs.

## NEEDS ASSESSMENT

65. Once SFW has established that a student is an eligible student under the Regulations (i.e. eligible to receive support for fees, living and other costs) the student is potentially eligible at that stage for DSAs. A study needs assessment should be arranged as soon as possible after it is established that the student is eligible for support and SFW is satisfied that they have a disability, mental health condition or specific learning difficulty. This arrangement should mean that appointments for assessments are spread over the early summer, and will help to reduce the backlog of appointments in September/October time. The needs assessment allows SFW to determine the amount of DSAs grant for which the student is eligible. Given that the assessment may be carried out some months before the start of the course, some students may subsequently attend a different provider or course. In such cases, a top-up assessment can be carried out once the student has confirmed their place on a course. Students should be advised not to attend a second study needs assessment without prior approval from SFW.

66. From AY 2014/15 onwards the cost of the DSAs needs assessment is met from the general allowance. The general allowance may also be used to pay for the student's travel costs to the needs assessment. Where students do not subsequently start a course, they should not be asked to repay the needs assessment fee. If they reapply for a higher education course the following year the needs assessment already carried out should be sufficient to process their new DSAs application. The Welsh Ministers are prepared to write off the DSAs needs assessment costs for those students who do not enter higher education. The cost of the study needs assessment for part-time students will be deducted from the general allowance **before** the general allowance is pro-rated according to the intensity of study. Please see above paragraphs 33 to 37 on Part Time DSAs for information regarding the part-time maxima. From the 1<sup>st</sup> of January 2016, a maximum amount of £660 (plus VAT where applicable) of DSAs funding will be available to individual students for their study needs assessments.

67. SFW will notify students that they will need to undergo a DSAs needs assessment, ensuring that the student understands what is involved and that **if they do not attend an assessment they will not receive the additional support they require**. Students will be directed to the DSA Quality Assurance Group (DSA-QAG) website to arrange their DSAs needs assessment. The website holds an up-to-date list of assessment centres and allows students to select their nearest centre. Students should agree a convenient date and time as missed appointments contribute to the backlog in obtaining new appointments. Providing that students have granted permission, a copy of the needs assessment and award letter should be sent to the Disability Adviser at their provider once they have received confirmation of a place. This will help ensure that the support the student requires is put in place.

68. The use of Skype or video call will only be permitted where the Needs Assessor has discussed all the options with the student, assessed availability in the area and concluded that the provision of Skype or video call will meet the needs of the student. Therefore, SFW would expect the use of Skype or video call to be an exception

Where the Needs Assessor has only recommended face-to-face contact that is not Skype or video call, then the support should only be delivered via face-to-face contact.

**69.** Recommendations for Skype or video call will be considered through the normal processes, but only where it has been clearly identified that it is in the best interests of the student and fully meets their needs. It is not expected that an NMH provider would opt for Skype or video call simply as a way to reduce costs, whilst drawing the same level of funding from SFW. Students who have not had Skype or video call agreed previously, but see value in having their support conducted this way, should be referred back to their Needs Assessment centre. Additional recommendations should be submitted for SFW's consideration in the usual manner.

**70.** DSAs will cover the cost of only one study needs assessment (including any associated reviews). In certain circumstances SFW deem that a new assessment is needed, for example due to a change in course or progression to a postgraduate course. Students should be advised that they cannot have a second study needs assessment without prior permission from SFW.

### **DSA QUALITY ASSURANCE GROUP (DSA-QAG)**

**71.** DSA-QAG is a charity set up as a regulatory body. It's board is made up of representatives from HEPs, DSAs needs assessors, equipment suppliers and the National Union of Students, with observers from BIS, Welsh Government and the Student Loans Company (SLC). A central administrative unit supports this work. DSA-QAG has responsibility for a quality assurance framework against which levels of service for both DSAs assessment centres and equipment suppliers are audited. It is recommended that needs assessments are only undertaken by DSA-QAG registered or accredited assessment centres, and any equipment provided under DSAs is provided by DSA-QAG registered or accredited equipment suppliers. More information on DSA-QAG and a list of registered and accredited assessment centres and suppliers is available at the following website: [www.dsa-qag.org.uk](http://www.dsa-qag.org.uk)

**72.** From 1 August 2016, all DSAs funded Assessment Centres in Wales and England will have to be registered with the Disabled Students' Allowances-Quality Assurance Group (DSA-QAG). Any current provision for Welsh students will not be affected by this registration process. Students may still receive funding to attend centres in Scotland and Northern Ireland which do not adhere to the QAG framework.

### **NEEDS ASSESSMENTS FOR STUDENTS STUDYING IN SCOTLAND AND NORTHERN IRELAND**

**73.** It is hoped that the majority of Welsh students who study in Scotland or Northern Ireland receive a DSAs needs assessment in their home area before they start their courses. This should be carried out by a DSA-QAG registered or accredited assessment centre. However, there will be occasions when students who are domiciled in Wales, but study in England, Scotland or Northern Ireland require a needs assessment during term time. In these circumstances, SFW will accept a study needs assessment report carried out by centres used by the Department for Business, Innovation and Skills (BIS), Students Awards Agency for Scotland (SAAS) and the Department for Employment and Learning (Northern Ireland).

**74.** SAAS operates a 'Toolkit of Quality Indicators for Needs Assessments', under which providers and centres become validated as assessors recognised by SAAS. A list of providers and centres validated by SAAS to undertake DSAs needs assessments will be available on the SAAS website: [www.saas.gov.uk/how\\_to\\_apply/dsa](http://www.saas.gov.uk/how_to_apply/dsa)

### **THE ROLE OF THE STUDENT**

**75.** Any student wishing to apply for DSAs should continue to do so. The application process is set out later at paragraph 160 onwards. Students are advised to apply for DSAs as soon as possible, to ensure that all parties involved in identifying and providing support are aware of the student's needs. The student is encouraged to

contact the disability services at their chosen university at the same time as completing their DSAs application form.

## DISABILITY ADVISERS

**76.** Most higher education providers have someone responsible for advising on disability matters in support of students. The job title varies (for example they could be Disability Officers or Disability Coordinators as well as Advisers) but they are expected to play an important role in the DSAs process. Those working in disability services will have the best understanding of their disabled student body and have a key role in ensuring support is delivered effectively. If requested to assist a student with arranging their DSAs needs assessment, it is essential that they liaise with SFW before making any arrangements, primarily to ensure the student is an eligible student under the Regulations. It is essential that the disability adviser does not advise the student to purchase equipment or services on the assumption that funding through DSAs will be made available. Disability Advisers have an understanding of the institutional environment and will have access to academic teaching staff and to detailed course information. Disability Advisers have an important role in the DSAs process by offering advice on the support available, supporting students with their DSAs applications, ensuring that the support recommended in the needs assessment report is in place and working with Accommodation Services, Social Services, SFW and academic departments.

**77.** Disability Advisers will also have an up-to-date knowledge of the level and type of support already offered by the provider as reasonable adjustments under the Equality Act, or more generally as part of the provider's support for disabled students or students in general. Some trained disability advisers may also carry out DSAs needs assessments. However, it is the view of the Welsh Ministers that it would not be appropriate for a disability adviser to carry out the DSAs needs assessment of students for whom they are responsible.

**78.** DSAs needs assessment reports will contain information about the student's disability, mental health condition or specific learning difficulty, which is classed as sensitive personal data under section 2 of the Data Protection Act 1998. The written consent of the student should always be obtained before releasing the DSAs needs assessment report or any other disability-related information to a third party. During the DSAs needs assessment, assessors are requested to explain the role of 'Disability Adviser' and, once agreed, a copy of the report should be sent by the assessment centre to the disability adviser and SFW. It would also help assessors if they are then provided with a copy of the SFW letter to the student which sets out the agreed DSAs support. This is subject to the student giving their consent. This information would make assessors aware of any recommendations which have fallen outside the scope of the Regulations and reduce the likelihood of similar inappropriate recommendations in the future. The form 'Application for the academic year 2016/17 (DSA1)' asks students to give their consent to the release of information about their DSAs application to third parties such as disability advisers and DSAs assessors.

## DSAS STUDY NEEDS ASSESSOR

**79.** The role of the DSAs study needs assessor is to consider the nature of the student's disability and the impact of that disability on the student's ability to access their chosen course. Through discussions with the student, and using the information in the specialist diagnostic assessment report and an EHC plan where one exists, the Assessor should identify what support is essential to enable the student to undertake their course effectively. Assessors are required to have regard to the Student Support Regulations and this guidance when considering the support funded through DSAs that they wish to recommend for the student. This guidance sets out what falls within the scope of DSAs. If DSAs are available, but the assessor determines that some of the support is already provided by the provider, then DSAs funding will not be necessary and should not be recommended for that support. The primary responsibility for supporting a disabled student is the provider and DSAs are made available to complement the existing support. DSAs study needs assessors should set out clearly in the report what recommendations they are making for DSAs funded support and why. Any recommendations for DSAs

support will continue to require full justification. Decisions on the support to award will be taken by SFW, taking into account the recommendations of the DSAs study needs assessor.

**80.** If the DSAs study needs assessor identifies support that falls outside DSAs funding, they will wish to advise the provider of their findings for consideration. The DSAs study needs assessor should not state how that support should be delivered or the level required – that is for the provider to determine taking into account the individual needs of the student. Study needs assessors are required to follow certain processes when undertaking a DSAs study needs assessment and compliance with those processes will be audited annually. A standard Needs Assessment Report is used to ensure consistency of approach. The Report will be sent simultaneously to SFW and to the provider's disability service if the student gives their permission to do so. A guide to how assessors should fulfil their role is set out at Annex 4.

**81.** The DSAs study needs assessor does not make decisions on eligibility or entitlement to DSAs. This function has been transferred from the Welsh Ministers to the Student Loans Company (including SFW). Eligibility criteria are set out in the Regulations. SFW will have regard to the opinion of the DSAs study needs assessor when considering entitlement to DSAs support.

**82.** SFW is a Student Loans Company service, providing financial support to students on behalf of the UK Government to students who are from Wales entering higher education in the UK. SFW is required to deliver DSAs within the framework set by the Education (Student Support) (Wales) Regulations and guidance. SFW may contact the Welsh Government with questions that arise from the applications they are processing and the guidance may be updated to clarify the policy if needed.

**83.** SFW is required to make decisions on DSAs awards, taking into account the recommendations of the DSAs study needs assessor. SFW will challenge study needs assessment reports where DSAs support is recommended that falls outside this guidance and a reasonable adjustment is known to be offered. Similarly the report will be challenged if the individual DSAs recommendations are not sufficiently justified according to the guidance and the impact identified during assessment. Challenges will be brought to the attention of the Assessment Centre manager for monitoring purposes. Needs assessors must take account of what help is available from the provider when assessing what type and level of support is additional to that already available in order to make appropriate recommendations.

## THE SCOPE OF DSAS

**84.** Higher Education Providers and those Further Education Colleges which deliver directly funded higher education courses receive a funding allocation from the Higher Education Funding Council for Wales (HEFCW) for spending on provideral costs. This allocation includes the mainstream disability allocation which supports providers in widening access and improving provision for disabled students. Although providers are accountable for showing that their funds have been spent appropriately, providers are autonomous in the way they distribute funds internally. Other funding areas also relate to improving provisions for disabled students. It is outside the HEFCW remit to make detailed rules on how the mainstream disability allocation should be used. This is for the provider to decide and the courts would decide on whether a provider should fund a particular area in the event of any legal challenge. Therefore, HEFCW does not produce detailed guidance on how providers should use their disability-related funding allocation but draws providers' attention to its guidance on base-level provision and the Equality Act. HEFCW also funds partner organisations to provide support to providers in meeting the needs of disabled students.

**85.** SFW must satisfy itself that the student is obliged by reason of his disability to incur additional expenditure to be able to attend or undertake his course. SFW must also be satisfied that all such expenditure is reasonably incurred and appropriate to the individual needs of the student. DSAs are not intended to assist with disability-related expenditure that the student would continue to incur if he were not following his course. The local social services department may well continue to provide assistance towards personal care costs that will be incurred irrespective of whether or not the student is attending his course.

## THE EQUALITY ACT 2010

**86.** The Equality Act 2010 (Equality Act) came into force from 1st October 2010. The Equality Act generally carries forward the protection that the Disability Discrimination Act 1995 provided for people with disabilities. It is for SFW, HEPs and further education colleges to take their own advice on how the Equality Act and related legislation applies to them.

The duty requires public authorities (which will include most colleges and universities), when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between people with disabilities and other people;
- eliminate discrimination that is unlawful under the Equality act 2010;
- eliminate harassment of disabled people that is related to their disabilities;
- promote positive attitudes towards people with disabilities;
- encourage participation by people with disabilities in public life; and
- take steps to take account of peoples' disabilities, even where that involves more favourable treatment.

These elements are defined as the general duty to promote disability equality. HEPs also have specific duties, which provide a clear framework to meet the general duty. Central to the specific duties is the requirement on HEPs to produce a Disability Equality Scheme. For further information on these duties see the Equality and Human Rights Commission Code of Practice on the Duty to Promote Disability Equality.

**87.** In addition, it is unlawful under part 2 of the Equality Act 2010 for educational providers (including higher education providers) to discriminate against disabled people. The Act encompasses any services provided for students - education, training, leisure facilities and accommodation – and also covers admissions, enrolments and exclusions. Part 2 of the Act includes two key requirements on bodies responsible for educational providers:

- i. Responsible bodies must not treat a disabled person 'less favourably' than a non-disabled person for reasons related to their disability; and
- ii. Responsible bodies must make 'reasonable adjustments' to ensure that a disabled student is not placed at a 'substantial disadvantage'.

**88.** Reasonable adjustments cover everything from admissions procedures, to teaching arrangements, exam procedures or course content. HEPs must anticipate what sort of adjustments may be necessary for disabled students in the future. The anticipatory nature of reasonable adjustments requires education providers to be proactive in finding out about individual disabled students' needs but this does not mean that education providers should wait for a disabled person to approach them before giving consideration to the duty to make reasonable adjustments. The Equality and Human Rights Commission (formerly The Disability Rights

Commission) Code of Practice requires consideration and implementation of a range of mechanisms to overcome barriers that are likely to or would obviously disadvantage disabled people.

89. The duties in respect of students over 16 years were introduced in three stages: majority of legislation, September 2002; provision of auxiliary aids and services, September 2003; adjustments to physical features of premises, September 2005. This means that providers of goods and services must take reasonable steps to remove or alter a physical feature which makes it difficult for a disabled person to use a service, or provide the service in an alternative way. Funding has been made available to HEPs to enable them to implement the new duties and widen access to premises to bring buildings up to the standards required by the Act. The Equality and Human Rights Commission website (<http://www.equalityhumanrights.com>) provides a useful source of information about the Equality Act 2010 including guidance for the post-16 sector (<http://www.equalityhumanrights.com/your-rights/equal-rights/disability/disability-in-education/disabled-students-and-learners-in-post-16-education>).

### **EQUALITY ACT 2010 AND WORK PLACEMENTS**

90. Work placements are currently included in the Equality Act 2010 which means that college and university staff must take into account a person's disability when arranging work placements and liaise with the work placement providers to implement the support. The Equality Act 2010 includes people who are on a work placement as part of a vocational training programme. A vocational training programme is likely to include most students who are undertaking a work placement as an integral part of a further or higher education course. The providers of work placements are now required to ensure that they do not have discriminatory practices and also to make reasonable adjustments for disabled people on a work placement. The length of the work placement may be a factor when determining whether an adjustment is reasonable.

### **SUPPORT APPROPRIATE TO THE DSAS**

91. The following headings provide a breakdown of the disability-related support considered appropriate to the DSAs, although it should be noted that the contents are not an exhaustive definition of support appropriate to the DSAs or appropriate in all cases.

#### Special Equipment – for example:

- Computer hardware/laptops Disability software – not course-specific software
- Ergonomic furniture required for study purposes within the student's residence

#### Non-medical helper allowance – for example:

- Training in use of disability software
- Note-takers
- Disability Related Specialist Support
- Library Support
- Human assistance with carrying course-related materials and mobility around the HEP
- Payments to non-medical helpers which comply with statutory employment rights (e.g. tax, holiday pay)
- Support for practical coursework

- Interpreters to access lectures and other academic areas where learning takes place
- Administration costs incurred in recruiting and organising helpers
- Readers/scribes and proof readers

#### General allowance

- The general allowance can cover other disability-related items not covered elsewhere or to provide extra funds in relation to major items of specialist equipment or non-medical helper support. The general allowance can also be used to cover additional costs associated with en-suite accommodation.
- The general allowance should also cover the costs of a study needs assessment. For part-time students the costs will be taken from the general allowance **before** the general allowance is pro-rated according to the intensity of study.

#### Travel Allowance (see also paragraphs 30-32)

- The extra cost (due to their disability) of the student's travel to and from an provider The extra cost (due to their disability) of the student's travel to and from a work placement
- The extra cost (due to their disability) of the student's travel to and from a field trip.

Given the complexities surrounding disability-related support, it is impossible to provide an exhaustive list of support appropriate to DSAs. In many cases, a separate decision would need to be taken, taking into account circumstances and the purpose of the disability-related support. The following principles should be used to decide if the support is appropriate for DSAs funding when it is unclear if the funding should be met from the DSAs or the provider's own funding allocation:

- the support in question is not provided by the provider for all other students; and
- the equipment is provided for use exclusively by the disabled student.

The Welsh Ministers recommend:

- DSAs should not be used for charges for support, counselling or tutorial services which the provider makes available to all students;
- DSAs are not intended for the costs of extra academic tuition or support in the main subject area(s) being studied. Providers should normally meet these costs as part of providing the course;
- Similarly, where an provider makes special adaptations to course handouts or other course equipment for use by a disabled student during the delivery and assessment of the curriculum, it should meet any associated costs as part of providing the course;
- The cost of any special arrangements that providers may need to make to enable a disabled student to take examinations (e.g. providing physical access to the examination hall or allowing the examinations to be taken and invigilated somewhere else) should not be set against DSAs. Additional costs which the disabled student themselves needs to incur in taking their examinations (for example, a helper or item of specialised equipment) would however fall within the scope of DSAs; and
- DSAs may be used only where a student is obliged by reason of their disability to incur costs in receiving specialised individual support. Some students will require additional support to develop appropriate

learning strategies because of their disability, for example dyslexia or a mental health condition. The aim of this support is to maximise their ability and remove the barriers caused by the impairment. The costs of extra tutorial support to improve their study skills (e.g. in essay construction and writing, examination techniques, revision skills) would be appropriate for DSAs. However, SFW should satisfy itself that the cost is reasonable and appropriate. If such study skills or IT support or IT installation and training are provided through the summer, it would seem reasonable to use DSAs to pay for it. However, any such training undertaken outside term time would not count as attendance on the course and therefore would not trigger extra weeks' Maintenance Loan.

## **SOCIAL SERVICES**

92. Social Services may continue to provide assistance towards personal care costs that would be incurred in the UK, regardless of whether or not a student is attending a course. Support needs can be reassessed by Social Services when there is a change in a person's personal circumstances, such as leaving home to attend a course or a change in health. In the event of a student moving away from their home area to attend a course, funding responsibilities for personal care would continue to rest with the Social Services Department in the student's home area. Social Services receive money from the Welsh Government to fund personal care support for disabled people and are responsible for deciding how their budget allocation is spent (see also paragraph 30).

## **SPECIFIC LEARNING DIFFICULTIES**

93. 'Specific Learning Difficulty' is often used as an umbrella term to cover the following:

- Dyslexia / Dyscalculia
- Dysgraphia
- Dyspraxia or Developmental Coordination Disorder (DCD)
- Attention deficit disorder or attention deficit hyperactivity disorder (ADD or ADHD)

As with any disability, no two individuals experience the same combination of difficulties and some students may exhibit signs of more than one SpLD. There are two forms of SpLD:

- a) Developmental SpLD – a neurologically based problem with particular aspects of learning despite appropriate educational opportunity and intellectual ability.
- b) Acquired dyslexia – characterised by a loss of skills as a result of a neurological trauma, illness or brain disease.

### **The following characteristics have been noted in connection with SpLDs;**

- a marked inefficiency in the working or short-term memory system which may result in for example problems with reading, comprehension and written composition.
- inadequate phonological processing abilities (innate difficulty linking sound and symbol) which affects the acquisition of fluent reading and spelling skills;
- difficulties with motor skills or coordination which might affect tasks which involve simultaneous use of several skills.

- problems with visual processing which can affect reading, causing the print to appear distorted or the reader to lose the place excessively and handwriting (for example losing track of place when copying (this can be termed visual stress));
- reading problems which may include slow reading speed, difficulty extracting sense from written material without substantial re-reading, inaccurate reading, omission of words;
- writing problems which may include poor handwriting and slow writing speed, omission of words, spelling problems, difficulties categorising information and sequencing ideas;
- difficulties with mathematical skills and concepts: can also be seen in difficulties with abstract concepts of time and direction, following sequential instructions, sequencing events affects the ability to acquire arithmetical and mathematical skills.
- lack of structure in oral presentations and word retrieval difficulties;
- short attention spans and a high level of distractibility; and
- poor organisation making time management very difficult.

## SCREENING FOR SPLDS

**94.** Screening for SpLDs usually precedes a diagnostic assessment and the purpose is to determine whether a full psychological or diagnostic assessment would be warranted. Screening for dyslexia does not constitute a diagnostic assessment of dyslexia and therefore SFW should not accept a screening for dyslexia as the sole evidence of dyslexia. There is no requirement for a student to undergo a screening for dyslexia when providing their evidence of dyslexia for HE purposes.

## FULL DIAGNOSTIC EVIDENCE OF SPLDS

**95.** A Specific Learning Difficulties (SpLDs) Working Group was set up in 2003 to review the arrangements for identifying and assessing SpLDs in higher education students. The Working Group was asked to produce a report recommending a framework to guarantee the quality of assessments which diagnose specific learning difficulties. The final report has been published and is available on the DSAs section of the SpLD Assessment Standards Committee website at: [www.sasc.org.uk](http://www.sasc.org.uk).

**96.** The SpLDs Working Group asked a committee to take a lead in implementing a number of the report's recommendations. This committee is the National Committee on Standards in SpLD Assessment, Training and Practice (SASC). A sub-committee of SASC, the SpLD Test Evaluation Committee (STEC), will review periodically the list of suitable tests contained in the SpLDs Working Group report and consider new tests for inclusion. Further information about SASC and STEC can be found on the SASC website at [www.sasc.org.uk](http://www.sasc.org.uk) or Email: [sascweb@sasc.org.uk](mailto:sascweb@sasc.org.uk).

**The Framework recommended in the report has been adopted by SFW. The table below sets out the criteria a diagnostic assessment must meet depending on when it was carried out.**

<p>Diagnostic assessments carried out before September 2006</p>	<ul style="list-style-type: none"> <li>• Accept diagnostic assessments carried out by psychologists and suitably qualified specialist teachers. Specialist teachers who assess dyslexia should hold AMBDA (Associate Membership of the British Dyslexia Association) or a qualification from an advanced training course which assesses adults for dyslexia and is recognised by the British Dyslexia Association's Accreditation Board (see Annex 2).</li> </ul>
<p>Diagnostic assessments carried out between September 2006 and August 2007</p>	<ul style="list-style-type: none"> <li>• Accept diagnostic assessments carried out by psychologists and suitably qualified specialist teachers as above.</li> <li>• Diagnostic reports to be in the format recommended in the SpLDs Working Group's report.</li> <li>• Diagnostic reports to use tests recommended in the SpLDs Working Group's guidelines or added by the SpLD Test Evaluation Committee (STEC).</li> </ul>
<p>Diagnostic assessments carried out between September 2007 and August 2008</p>	<ul style="list-style-type: none"> <li>• Accept diagnostic reports from psychologists and specialist teachers. Specialist teachers must hold a current practising certificate in assessing specific learning difficulties issued by their relevant professional association (for example, the Professional Association of Teachers of Students with Specific Learning Difficulties (PATOSS) or Dyslexia Action). Psychologists must hold a current practising certificate issued by their relevant professional association (for example, the British Psychological Society).</li> <li>• Diagnostic reports to be in the report format recommended in the SpLDs Working Group's guidelines</li> <li>• Diagnostic reports to use tests recommended in the SpLDs Working Group's guidelines or added by the SpLD Test Evaluation Committee (STEC).</li> </ul>
<p>Diagnostic assessments carried out from September 2008</p>	<ul style="list-style-type: none"> <li>• Procedures as from September 2007 above plus the following:</li> <li>• All training for assessing specific learning difficulties to incorporate the SpLDs Working Group's guidelines.</li> </ul>
<p>From September 2012</p>	<ul style="list-style-type: none"> <li>• Psychologists will be registered with the HCPC (the Health and Care Professions Council, formerly the Health Professions Council) as practitioner psychologists.</li> </ul>

**97.** Further information on identifying Specific Learning Difficulties through assessment can be found in the regularly updated guidance issued by SASC and its SpLD Test Evaluation Committee see [www.sasc.org.uk](http://www.sasc.org.uk). New guidance relating to the assessment of ADHD and updated guidance on dyspraxia is also available.

**98.** Diagnostic assessments conducted from the age of 16 are appropriate for the purposes of DSAs eligibility. If the diagnosis was carried out before the age of 16, the student will require a further diagnostic assessment. The diagnostic assessment should focus on those areas where there are likely to be difficulties that impact on study,

in particular working memory, information processing and phonological awareness. It should include exploring effects on literacy skills, (speed, accuracy in reading and writing, individual words and prose, also incorporating reading comprehension). The report should identify strengths, current strategies and anticipated difficulties that impact on study at HE level. Once the diagnostic report has been accepted there is no requirement for the student to undergo a new diagnosis later in the course. A diagnostic report accepted for a first course should also be acceptable for subsequent courses, including postgraduate courses.

**99.** If assessments conducted before the age of 16 are incomplete or inconclusive further testing should be conducted at the discretion of the assessor. Further testing may also be indicated if many years have passed since the last assessment (e.g. assessment at 40 following diagnosis at 15, or assessment at 18 following diagnosis at 7. A post 16 diagnostic assessment should be based on tests recommended in the Specific Learning Difficulties Working Group's guidelines and updated by SASC and its SpLD Test Evaluation Committee (STEC). See 'SpLD Assessment Standards Committee (SASC) and the SpLD Test Evaluation Committee' p 45. This post-16 assessment is part of the diagnosis and the cost should be met by the student, although help may be available via the student's provider. Students should speak to their provider's disability officer for further advice. This assessment should be carried out by a qualified specialist assessor as noted in the table at paragraph 96 above.

**100.** The diagnostic report should state that because the student has a specific learning difficulty they should receive extra support to compensate for these difficulties. The study needs assessment will then determine the nature of the support that is required. The judgement on eligibility made by a qualified professional should be accepted unless it can be shown that the supporting evidence is inadequate to have reasonably formed a view; for example, the evidence is out of date or very cursory. In such circumstances further information should be sought.

## STUDENTS DIAGNOSED AFTER THE START OF THEIR HE COURSE

**101.** Students who might previously have attained high levels of academic achievement without any additional support may request DSAs support after entering higher education. In order to gain entry to higher education, most dyslexic students have developed compensatory strategies. Although these strategies may have been adequate in their previous learning environment, they may be inadequate for coping with the greater demands of higher education. The switch to independent learning and self reliance in the organisation of study can present extreme difficulties. Students with SpLDs typically have greater problems in adjusting to independent learning because the necessary organisational capacity is weak. A student with SpLDs who has used compensatory strategies will usually need to put in more time and effort than other students to complete the same academic work. As they progress through their courses, the quantity and volume of work increases and they can no longer cope without additional support.

## ARRANGEMENTS FOR ENGAGING NON-MEDICAL HELPERS

### THE EMPLOYMENT RIGHTS OF NON-MEDICAL HELPERS INCLUDING TAX AND NATIONAL INSURANCE CONTRIBUTION IMPLICATIONS

**102.** If non-medical helpers earn more than the National Insurance lower earnings limit of **£155 (2015-16 Financial Year)** per week issues arise relating to the employment of the non-medical helper and pay records will need to be submitted to HM Revenue & Customs (HMRC). In the tax year **2015-16**, Class 1 national insurance contributions (NIC) are payable by the employer and the employee when the employee earns **£156** per week or more. Employee's national insurance contributions are 12% of weekly earnings between **£156** and **£815**. Employer's contribution is 13.8% on earnings above **£156** per week. Non-medical helpers pay income tax on

earnings over and above **£10,600 (2015-16)** per annum but may have to pay tax on earnings below this level if, for example, they have other employment earnings which combined takes their earnings above the threshold. The employers of non-medical helpers are responsible for calculating the amount of tax and national insurance, deducting it from the employee's wages and making payments to HMRC. Employers may also be required to pay Employer's National Insurance contributions. This will be in addition to the gross pay paid to the non-medical helper and therefore needs to be taken into account when agreeing how much the helper will be paid. Non-medical helpers have certain other employment rights regardless of how much they earn. These rights are:

- itemised pay statements;
- time off for public duties;
- basic maternity leave for women;
- basic paternity leave for men;
- not be discriminated against on grounds of sex, race or disability;
- not to be victimised for trade union membership; and
- paid holiday entitlements.

**103.** The Department for Business, Innovation & Skills provides information on the individual rights of employees. This information may be accessed through the website at: <https://www.gov.uk/government/topics/employment>.

**104.** NMH suppliers should not charge additional costs for travel and parking on top of their agreed rates. These costs should be quantified and factored into business costs.

## THE EMPLOYER OF THE NON-MEDICAL HELPER

**105.** It is the engager's (**e.g. the student's or HEP's**) role to decide whether the person they are hiring should be treated as an employee or self-employed. Individual and the engager are free to decide the terms and conditions of any engagement. However, the engager cannot simply call a contract employment or self-employment unless the facts support that. For the purpose of tax and national insurance contributions (NICs), where the facts suggest that the contract is one of employment, PAYE income tax and Class 1 NICs should be deducted. In order to make this decision, each case needs to be considered on an individual basis. It is impossible to provide comprehensive guidance on where employer responsibilities lie for every arrangement. The following case studies provide an indication of who would be treated as the employer of the non-medical helpers. They are based on advice received from HMRC technical advisers. Further advice on identifying the employment status of non-medical helpers can be obtained direct from HMRC Enquiry Offices and at: [www.hmrc.gov.uk/employment-status](http://www.hmrc.gov.uk/employment-status).

### Case Study 1

*The university recruits, organises and trains the non-medical helpers. The university invoices SFW and then pays the non-medical helper.*

Assuming there is a contract of service between the HEP and the non-medical helper, regardless of the invoicing arrangements, the HEP, as the employer, is responsible for PAYE/NICs. If under the same arrangements, SFW or student pays the non-medical helper on the HEP's behalf as its agent direct this does not affect who is the

secondary contributor (the person responsible for paying the secondary contribution which is normally the employer).

### **Case Study 2**

*The student recruits, organises and pays the non-medical helper directly.*

Assuming there is a contract of service between the student and the non-medical helper, the student is the employer and responsible for PAYE/NICs.

### **Case Study 3**

*The student recruits and arranges their own non-medical helper. The university draws the DSAs monies from SFW and pays the non-medical helper on the student's behalf.*

Assuming there is a contract of service between the student and non-medical helper the student as the employer, is responsible for PAYE/NICs. The fact that the HEP pays the non-medical helper on the student's behalf as their agent does not affect who is the liable secondary contributor.

**106.** In all of the three case studies, if the non-medical helper runs their own business: for instance negotiates their fees independently of the HEP and has a number of other clients, it is likely the non-medical helper is self employed and responsible for their own Class 2/Class 4 NICS and tax on their trading income.

**107.** For assistance in determining the correct employment status of the non-medical helper you can use HMRC's interactive Employment Status Indicator (ESI) tool. The ESI is an online tool which HMRC use to determine a workers employment status. It is free and easy to use and can help you work out whether the non-medical helper is employed or self employed in all but the most complex of cases. The ESI is available at: <http://www.hmrc.gov.uk/calcs/esi.htm>

**108.** Generally DSA funding will not be available for individuals without an appropriate employment status i.e. they must be registered with HMRC to pay tax and national insurance on their earnings. DSAs funding will not be provided for family members or friends to provide NMH support without evidence that they have the appropriate qualifications and employment status. Students will be asked to provide appropriate evidence when requesting that a family member or colleague provides their support. Exceptions can be considered, for example for the short-term, where an appropriate support worker cannot be identified before the student's studies commence.

## **RELIEVING STUDENTS OF EMPLOYER RESPONSIBILITIES**

**109.** Few students are trained or equipped to act as the employer of a non-medical helper and we also believe that whenever possible disabled students should not be burdened with employer responsibilities if they do not desire this role. As SFW has no role in engaging non-medical helpers and agreeing the terms of engagement, it is unlikely that SFW would be the employer of a non-medical helper. It may help SFW when approving payments for non-medical helper support to request a statement from the helper that they are self employed or a statement from the employer confirming they are acting as the employer of the non-medical helper. But remember, individuals and their engagers are free to decide the terms and conditions of any engagement but they cannot simply call a contract employment or self-employment unless the facts support that. The following arrangements could be considered to avoid students being the employer of their non-medical helpers.

## **USING NON-MEDICAL HELPERS EMPLOYED BY HEPS**

**110.** Many universities already employ non-medical helpers on behalf of disabled students or administer a register of non-medical helpers who are self employed. This involves advertising, recruiting, training, organising and paying the non-medical helpers. Some universities operate a register of support workers and have formal contracts or agreements with the non-medical helpers. In such arrangements, as well as paying the non-medical helper's wages, the DSAs could also pay for the non-medical helpers' tax, national insurance and other employer-related costs.

### USING SELF EMPLOYED NON-MEDICAL HELPERS

**111.** Non-medical helpers who are self-employed are responsible for their own tax and national insurance and are not covered by the employment legislation set out in the paragraphs above. Therefore, using a self-employed non-medical helper for the particular engagement would mean that students, or any other body, are not the employer of the non-medical helper. For the purpose of tax and NICs it is the engager's responsibility to decide whether someone is an employee or self-employed. HMRC can provide advice. In deciding whether to approve a non-medical helper as self employed, HMRC would look at what the job involves. If a person negotiates their own fees, runs their own business and works for a number of people it is more likely they would be classed as self-employed. If the non-medical helper has regular payments from the student and works under the student's direction this would indicate that they are more likely to be employed.

### NATIONAL INSURANCE RATES

**112.** For financial year **2015-16**, employees' National Insurance contributions are 12% of weekly earnings between **£155** and **£815** and 2% of weekly earnings above **£815**. The employer's contribution is 13.8% on earnings above **£156** per week with no upper limit. The rate of Class 2 contribution (paid by self employed workers) is **£2.80** per week. Please note that all figures listed in this paragraph can be viewed at;

<http://www.hmrc.gov.uk/rates/nic.htm>.

### INCOME TAX

**113.** In **2015-16**, income tax is paid on earnings £0- £31,785 at 20% and from £31,786 to £150,000 at 40%. Please note that all figures listed in this paragraph can be viewed at:

<http://www.hmrc.gov.uk/incometax/basics.htm#6>

### ANNUAL LEAVE

**114.** From 1<sup>st</sup> October 2007 the Working Time Regulations changed to allow full time workers 4.8 weeks paid annual leave (24 days if working a 5 day week). This figure increased to 5.6 weeks (28 days if working a 5 day week) from 1<sup>st</sup> April 2009, pro-rata for those working part-time. For example, if a non-medical helper works 5 days per week, annual leave entitlement is 24 days a year from 1<sup>st</sup> October 2007, increasing to 28 days a year from 1<sup>st</sup> April 2009. If the non-medical helper works 2 days per week the annual leave entitlement is 8 days per year. See Department for Business, Innovation & Skills website: <https://www.gov.uk/government/topics/employment>.

**115.** The entitlement begins on the first day of employment. The amount of leave accrues monthly at the rate of one-twelfth of the annual entitlement each month. When the calculation does not result in an exact number of days, the amount of leave is rounded up to the next half day. For example, a worker who works 5 days per week would have accrued 6 days annual leave after 3 months (24 divide by 12 x 3), or 7 days annual leave after 3 months (28 divided by 12 x 3).

## EMPLOYERS' LIABILITY (COMPULSORY INSURANCE)

**116.** The Employer's Liability Act 1969 also requires employers to take out insurance against liability for bodily injury or disease sustained by their employees during the course of employment. This requirement applies when the employer deducts national insurance and income tax and controls where and how the work is carried out. Employer's Liability Insurance is not required if the worker is self employed. More information about employer's liability insurance is available from the Health and Safety Executive. For further guidance and clarification on the above and other employment legislation, advice should be taken from the appropriate sources.

## NATIONAL MINIMUM WAGE

**117.** The current (2015- 16) main (adult) rate is **£6.70** per hour for those aged 21 years and over. The rate of **£5.30** per hour applies to workers aged 18-20 years inclusive.

<https://www.gov.uk/national-minimum-wage-rates>

## ADMINISTRATION CHARGES FOR ARRANGING NON-MEDICAL HELPERS

**118.** In the context of DSAs, many HEPs arrange and administer non-medical helper support; HEIs may incur extra costs in providing this service. Such costs might include recruiting potential non-medical helpers, advertising for helpers, selecting suitable candidates, training unqualified non-medical helpers and maintaining records of their personal and financial details. The Welsh Ministers accept that it is legitimate for HEPs to add the relevant element of these administration costs into their charges for non-medical helper support. Furthermore, the Welsh Ministers accept that such charges, as an integral part of the provision of non-medical helper support, constitute a cost that a student requiring non-medical helper support is obliged to incur and can therefore be met from the student's DSAs.

**119.** Although it is permissible for HEPs to recover administrative costs associated with the provision of DSAs funded non-medical helpers, DSAs cannot be used as a contribution towards the infrastructure, general administration and pastoral costs of the HEP. That is, DSAs must not be used to cross-subsidise the infrastructure of HEPs' disability services.

**120.** HEP governing bodies are responsible for the proper stewardship and value for money of public funds. The amount they claim for DSAs administration needs to be relevant and proportionate, and to have been incurred by the HEP specifically in providing the DSAs service. Fixed percentages without an evidence base do not provide a sound basis for the calculation and award of relevant administration costs. Finding the clearly calculated cost of activity is a more transparent and sustainable means of funding than arbitrary fixed percentages.

**121.** Costs should be based on actual delivery and not assessed delivery. It is reasonable for SFW to ask for evidence that the support for which they are invoiced by HEPs was delivered. (Further guidance on whether charges incurred when a student fails to attend a pre-arranged session with a non-medical helper can be met for the DSAs is provided at paragraphs 125 and 126 below).

**122.** Administration charges and associated overheads should be claimed only once: the same activity should not be claimed twice. A reasonable level of actually-incurred *MARGINAL* costs should be the *MAXIMUM*. HEPs should clearly distinguish the types of services and their costs on invoices submitted to SFW. SFW will need to

assure themselves about the amounts claimed by individual providers. They might, for example, ask providers to submit details of how their administrative costs have been calculated with the first claims each year.

**123.** A fundamental review of costs should be undertaken by HEPs periodically to ensure that the service continues to provide value for money (for example, that efficiency improvements are effectively managed, to avoid a “last year plus x per cent” approach, and to assess whether the level of resources used to provide the service remain appropriate in the light of changing demand and other factors) and to avoid double-counting.

**124.** SFW should satisfy themselves that claims for DSAs are made in accordance with guidance and should challenge costs which do not appear to them to be reasonable. The Welsh Ministers are considering introducing spot check audits to see how SFW and HEPs are interpreting the revised guidance.

### **CANCELLATION CHARGES WHEN STUDENTS FAIL TO ATTEND A PRE-ARRANGED SESSION WITH A NON-MEDICAL HELPER**

**125.** The Welsh Ministers would not support a general policy of paying for NMH provision that has been recommended in a DSAs needs assessment report and put in place by an HEP or other provider, regardless of whether or not the student takes up that support. There will of course be occasions where a student fails to attend NMH sessions at short notice for reasons such as illness, etc. It is the Welsh Ministers' view that if the student is required in such circumstances to pay a cancellation charge, then the charge could be met from the student's DSAs as part of the expenditure they were obliged to incur to secure NMH support. For example, where the terms of a contract the student has entered into with an HEP or other provider of NMH support stipulate that a charge will be made for missed sessions if less than 24 hours' notice of cancellation is given.

**126.** However, the Welsh Ministers would expect the number of missed sessions and the reasons for not attending to be closely monitored. Where students continually fail to attend NMH sessions without good reason a point must come where SFW can no longer agree to pay for NMH provision that is not being used. 'Continually' could mean, for example, where 3 or more sessions are cancelled or missed by the student. Sessions cancelled by the HEP or the provider will not be covered by DSAs. Similarly where students give notice part way through the year that they no longer need or want NMH support, we do not consider that SFW should continue to pay for NMH provision that is not being taken up. The Welsh Ministers consider that it would be reasonable for SFW to request evidence that any NMH support for which they are invoiced by HEPs or other providers has been delivered.

### **PAYMENTS OF DSAS**

**127.** Regulation 25 (full time DSAs), 76 (full-time distance learning DSAs), 93 (part-time DSAs) and 115 (postgraduate DSAs) provide a discretion as to the timing of DSAs payments and also whether payments should be paid in instalments. Where high costs in respect of a non-medical personal helper's allowance are incurred, SFW will wish to consider the practical implications for the student who may have to make frequent payments to support workers. For example, a student who has to pay a helper £60 per week may have difficulty in meeting such costs in advance of receiving their grant instalment. While we do not recommend the payment of the full allowance available to the student in advance of the services carried out, SFW may wish to consult their auditors on whether provisional monthly or termly payments might be paid based on an estimate. SFW would need to be satisfied that the student had attended the sessions for which provisional payments had been made.

### **TIMING OF PAYMENTS FOR SPECIALIST EQUIPMENT**

**128.** In some cases, it may be necessary or desirable for students to purchase items of special equipment before the start of their courses, so that they may make use of them from the very beginning of their studies. SFW should not expect students initially to make large payments themselves and then claim reimbursement. Once SFW has established that the student is eligible for DSAs, it would not be unreasonable for it to arrange the purchase and supply of equipment shortly before the start of the course once the student's place is unconditional, i.e. after 'A' level results and it is established that the student is eligible for student support. In particular, students with severe disabilities, such as blind students, may need longer time for training in the use of their DSAs equipment and software. Needs Assessors and Disability Advisers may recommend that equipment is supplied before the start of the course to allow time for training in the use of the equipment. We advise that SFW accepts such recommendations. We would not expect SFW to make payments of DSAs well in advance of the start of the course, particularly where the student is still at school. There is no bar under the Regulations to making such payments in advance of the student's actual attendance on their course.

### **PAYMENTS TO THIRD PARTIES**

**129.** The Welsh Ministers recommend that SFW pays DSAs directly to assessment centres and suppliers of services and equipment after obtaining the student's written consent. We discourage SFW insisting that students purchase recommended DSAs equipment using their own monies and then reimburse the student from the DSAs. The Teaching and Higher Education Act 1998 (section 22) and The Education (Wales) (Student Support) Regulations 2015 (as amended) authorise the payment of DSAs directly to students. Therefore, payment directly to a third party would not satisfy the statutory requirements unless the student consents to this arrangement. Consent could be inferred if SFW wrote to a student advising that payment would be made by SFW to a supplier and the student accepted delivery of the equipment. Acceptance of the equipment could be inferred as the student giving their consent. However, from a legal perspective the safest course would be to obtain the student's written consent to making the payments directly to the supplier or assessment centre. Students should not expect reimbursement of costs of any equipment they have purchased without the prior consent of SFW.

### **DSAS APPLICATIONS RECEIVED IN THE FINAL STAGES OF A COURSE**

**130.** Some students may apply for DSAs support in the latter stages of the final year of their courses. Many of the students who apply late for DSAs support do so because they have been reluctant to disclose their disability and now have concerns about their impending examinations or are struggling with dissertations. If a need for disability-related support is identified in the latter stages of the course, it is important the student receives the appropriate support, even if it is only for a short period until the end of the course.

**131.** A concern is that students applying late may not receive their DSAs support before the end of their courses. It is recommended that students applying near the end of their courses are also referred to their Disability Advisers for further advice. Disability Advisers may be able to arrange human support, such as exam support, study support or revision skills, at short notice. However, the usual DSAs needs assessment would be required to identify any assistive technology requirements. Although it is reasonable for special equipment needs to arise at the end of a course, we continue to advise that SFW treats with caution applications for the equipment allowance towards the end of a student's course. If suppliers are willing to rent out equipment and if rental is better value for money, SFW should consider rental or hired equipment as The Education (Student Support) (Wales) Regulations 2015(as amended) allow for support to be provided by way of hire or rental as well as through outright purchases. Assessment centres can offer information on equipment suppliers who provide equipment for hire or rental. However, it is important that students receive the necessary support and in the event that it is not possible to rent or hire equipment, purchases of equipment should be made.

### **STUDENT LEAVES A COURSE AFTER RECEIVING EQUIPMENT**

**132.** If a student receives DSAs equipment while on their course and then abandons the course, there is no provision within the Regulations for recovery of the equipment, regardless of the length of time the student spent on the course. This is because the award was made with statutory authority and the purpose for which the equipment was supplied had already materialised.

### **EQUIPMENT SUPPLIED BEFORE THE STUDENT STARTS THE COURSE / DELIVERED AFTER THE STUDENT HAS LEFT THE COURSE**

**133.** A DSAs assessment may be provided before a student has started their course to ensure that any equipment or other support they need can be arranged and delivered for the beginning of term. In some cases it may be appropriate to supply DSAs equipment early as well e.g. where training on the equipment is necessary before the student starts their course. However, if the student subsequently does not start the course, this will constitute an overpayment for the purposes of regulation 67(5) (full-time students), regulation 85(3) (full-time distance learning students), regulation 114(7) (part-time students) and regulation 124(6) (postgraduate students).

**134.** Similarly, a student may start their course, then abandon it and then receive DSAs payments or equipment after they have abandoned the course (possibly because SFW had not been notified that the student had left the course). This will constitute an overpayment for the purposes of regulation 67 (full-time students), regulation 85 (full-time distance learning students), regulation 114 (part-time students) and regulation 124 (postgraduate students).

**135.** SFW will be able to accept the return of the equipment to the supplier, a monetary repayment or a combination of both. For example, where the student has received two items of equipment through the DSAs and it is possible to return one item to the supplier and secure a full refund but it is not possible to return the other item, the student should only have to pay for the second item of equipment. SFW should clearly explain to students who are supplied with equipment before the start of their course, that they may be liable for the cost of the equipment if they do not subsequently begin the course.

### **VAT AND DISABLED STUDENTS' ALLOWANCES**

**136.** Under VAT law, equipment and appliances are VAT zero-rated if:

- they are designed *solely* for use by a disabled person;
- the supply is to a disabled person for their personal or domestic use; and
- the equipment is relevant to a person's disability.

If the supplier has received advice/confirmation from the 'designer and/or manufacturer' that the goods are '*designed solely for use by a disabled person*' (condition 'i' above) and the supplier is satisfied that conditions ('ii' & 'iii' above) for VAT relief are met, he should not charge VAT on the goods at *the time of supply*. Before zero-rating the goods, a supplier should ask a purchaser to complete an 'eligibility declaration' contained in VAT Notice 701/7/2002 *Reliefs for disabled people*.

**137.** The services of adapting goods that have not been designed solely for use by disabled people, to suit the condition of a disabled person can also be zero-rated. The goods themselves however remain standard-rated and the value of those goods and of the zero-rated services of adaptation can be apportioned when calculating the VAT chargeable.

For the purpose of VAT relief, a disabled person is:

- a person with a physical or mental impairment which has a long term and substantial effect on their ability to carry out everyday activities;
- a condition which the medical profession treats as a chronic sickness (for example, diabetes); or
- a person who is terminally ill.

### COMPUTER EQUIPMENT THAT MAY BE ZERO-RATED WHEN SUPPLIED TO A DISABLED PERSON FOR PERSONAL OR DOMESTIC USE

**138.** In general, computer equipment is only zero-rated if it is designed solely for use by a disabled person. Examples of equipment which might qualify for zero-rating include special items of furniture, Braille embossing printers and speech synthesisers. A central processor can **by concession** be zero-rated if it has software installed which enables a disabled student to use the computer effectively or to carry out tasks effectively when otherwise they could not do so and is sold as part of a computer system.

**139.** When a computer system is purchased that contains both elements on which VAT is chargeable as well as zero-rated, the supplier may decide **by concession** to apply a 'composite rate' of VAT to the whole system. Suppliers who decide to apply a composite rate of VAT for computer packages may do so after consulting HM Revenue & Customs (HMRC). Please refer to Section 9 of VAT Notice 701/7/2002 *Reliefs for disabled people*.

**140.** General purpose goods and services such as standard recording or computer equipment (standard printers, keyboards, VDUs or software) are not eligible for VAT relief even when purchased for, or by a disabled person. There is no provision for VAT relief on taxi fares and VAT will be chargeable in the usual way.

**141.** Under VAT notice 701/7/2002, the following are listed as services which might be zero-rated to a disabled person: installation of qualifying goods, adaptation of general goods, repair and maintenance, of qualifying goods **some** building alterations, goods supplied in connection with **qualifying** services and letting of goods on hire or lease.

### DSAS EQUIPMENT ORDERED AND PAID DIRECT BY SFW

**142.** DSAs funds belong to the student and items purchased with these funds remain the property of the student. SFW is unable to order equipment on a student's behalf. VAT is properly chargeable **at the time of purchase** (i.e. the VAT relief, **if appropriate**, is applied at **that time by the supplier**) and *cannot be reclaimed* from HMRC by SFW or the student.

**143.** Further advice and help on VAT relief for disabled people can be obtained from VAT Notice 701/7/2002: VAT reliefs for disabled people. A copy of this notice and further advice may be obtained from the HMRC Charities Helpline, that also deals with VAT reliefs for disabled people, on 0845 3020203 or by visiting the HMRC website at: <https://www.gov.uk/government/publications/vat-notice-7017-vat-reliefs-for-disabled-people>

### INTERNET CONNECTION

**144.** Internet connection may be necessary for some disabled students. However, it is the view of the Welsh Ministers that access to the internet should only be considered if it is recommended in the student's DSAs needs assessment. The Welsh Ministers do not recommend approval of internet access on the basis of a request by the provider alone unless it is part of a DSAs assessment. Where SFW is satisfied that the student's need for connection to the internet arises because of a disability, the Welsh Ministers' view is that support for associated costs (e.g. subscribing to an internet provider) may be met from DSAs, subject to the limits of the particular allowance.

**145.** For new applications for DSAs from AY 2015/16, internet connection will no longer be covered by DSAs, other than in exceptional circumstances. The Welsh Ministers only recommend approval of internet access in exceptional circumstances. The wide availability of internet access within providers, student accommodation and other venues has removed the necessity of providing individual personal internet access. Exceptions should be considered by SFW on a case by case basis.

### HIGH COST COMPUTERS

**146.** Study needs assessors should identify the lowest specification computer that meets the student's needs. DSAs will only be available for high cost computers e.g. non-PC laptops and desktops including Mac, PC computers with larger memory, faster processors and/or graphics cards where there is a robust disability-related justification for computer support and written confirmation from the course director (or equivalent) indicating that the course cannot be completed via a PC platform. DSAs study needs assessors should not recommend a high-cost computer unless it is essential and the student's specific need must be appropriately evidenced. When electing to run courses requiring access to a non-PC platform, or other higher cost equipment, providers must consider how its students, including disabled students, will access the appropriate equipment. Providers should make appropriate provision for access to such IT equipment.

### NON-RECOMMENDED SUPPLIERS AND UPGRADES

**147.** There is no statutory requirement that students should purchase the DSAs equipment or other support they need from a particular supplier. However, although a student is free to use a different supplier from that recommended in the DSAs needs assessment report, they may only use DSAs monies to purchase support which has been agreed by the SFW. SFW will need to be satisfied that the expenditure is reasonable. Purchases made directly by students should always be supported by receipts which SFW may request under the provisions of Schedule 3 of the Education (Student Support) (Wales) Regulations 2015 (as amended). If a student wishes to purchase equipment of a higher specification than that recommended, they must use their own monies to meet the extra costs.

### ELECTRICALLY POWERED WHEELCHAIRS AND SCOOTERS

**148.** Generally the cost of purchasing wheelchairs and scooters would be incurred regardless of whether the student is attending a course. The need for a wheelchair or mobility scooter is unlikely to be solely related to their study. They would therefore not normally be covered through DSAs funding. Individuals may qualify for support from the health authority or through DWP benefits to meet their mobility needs.

### USING DSAS TO SUPPORT PARTICIPATION IN EXTRA CURRICULAR ACTIVITIES

**149.** The Regulations allow for DSAs to be used for additional expenditure on extracurricular activities which SFW is satisfied the student is *obliged* to incur in connection with their attendance on (or their undertaking) a designated course. This would not allow DSAs to be used to support a student when participating in Freshers' week or other extracurricular activities where there is *no link* with the course of study. If it could be demonstrated that the extra-curricular activity is a course requirement, there is no statutory bar to paying a DSA to allow the student to participate in that activity. It is recommended that DSAs can be used to provide support for students during induction meetings they might have with their course tutors during Freshers' week (as well as during other parts of their course) as this is **course-related**. It should be noted that course related costs which all students on the course are required to incur are not covered by DSAs, for example items required by all students to attend a field trip such as waterproof clothing would fall outside the scope of DSAs. **It is expected**

that any reasonable adjustments which could have been anticipated when planning a field trip should be met by the provider.

### REIMBURSING HEPS FOR SUPPORT PROVIDED BEFORE A DSAS ASSESSMENT WAS CARRIED OUT

**150.** Students will not be reimbursed for items bought before the study needs assessment has been carried out. HEPs can claim reimbursement for NMH support that they have provided in advance of the study needs assessment; on condition that the type and level of support is subsequently recommended by the study needs assessor.

### STUDENT FAILS TO PAY AN ASSESSMENT CENTRE OR SUPPLIER

**151.** Although it is recommended that SFW obtain the consent of the student to make payments direct to suppliers and other service providers, some students have insisted on exercising their rights to receive their DSAs monies and make payments direct. In some cases, the DSAs assessment has been undertaken but the student has not paid for the assessment. Advice is that this does not constitute an overpayment and that this is a matter between the assessment centre and the student. There are no provisions in the Regulations which would enable SFW in such circumstances to set the student's debt to the provider against future grants or to make other arrangements for recovery. The same advice would apply if a student failed to pay a supplier for equipment.

### SUPPLIER OF EQUIPMENT BECOMES BANKRUPT

**152.** It has also been asked what should be done if DSAs monies have been paid to a supplier of specialist equipment (paid either by the SFW or the student) and the supplier has gone bankrupt before supplying the equipment. In such circumstances, under insolvency law, the student could become a creditor of the bankrupt's estate and potentially recover the monies subject to prior creditor's claims or receive the equipment already paid for, assuming the supplier still has the equipment. However, if the student is unable to recover the monies or obtain their equipment, a further grant could be paid in accordance with regulation 25 but subject to the prescribed financial limits. In other words, the *total* amounts paid to the student should not exceed the allowances in regulation 25. For example, a total of £3,000 is paid to an equipment supplier who goes bankrupt and the student is unable to obtain their equipment or recover their monies. The student still needs the equipment costing £3,000. The remaining balance of **£2,332** from the equipment allowance and **£1,785** from the general allowance can be used to make purchase from other equipment suppliers (this assumes the student has not previously spent any of the general allowance or any other monies from the equipment allowance).

### THE ROLE OF DISABILITY ORGANISATIONS

**153.** National disability organisations such as RNIB (Royal National Institute of Blind People) and Action on Hearing Loss (previously Royal National Institute for Deaf People) can often provide valuable specialist support and advice upon which SFW can draw. They can help SFW in one or more of the following ways:

- providing information on particular disabilities;
- assessing students' needs;
- helping with the training of Student Support Officers;
- increasing awareness of DSAs in their own constituent groups; and

- providing a network of wider help for SFW.

**154.** The Welsh Ministers' view is that it is important for SFW to establish good working relationships with the national bodies. SFW who have a nominated officer with responsibility for DSAs will find it easier to establish and maintain a good working relationship. Assistance of the type described above from a national body need not replace any local arrangements that SFW may already have but can usefully supplement them.

#### **DISABILITY RIGHTS UK**

**155.** Disability Rights UK is a national charity which gives information and advice to disabled students and the people who work with them. They can support students who are studying in Wales with general information on the Equality Act, welfare benefits and access to higher education. All of the Disability Rights UK's factsheets are available on their website: [www.disabilityrightsuk.org/how-we-can-help/benefits-information/factsheets/education-factsheets](http://www.disabilityrightsuk.org/how-we-can-help/benefits-information/factsheets/education-factsheets). The Disabled Students' Helpline is open Tuesdays 11:30am – 1:30pm and Thursdays 1:30pm – 3:30pm. Telephone 0800 328 5050, textphone 18001 0800 328 5050 (Type Talk), email: [students@disabilityrightsuk.org](mailto:students@disabilityrightsuk.org)

#### **NATIONAL ASSOCIATION OF DISABILITY PRACTITIONERS (NADP)**

**156.** The National Association of Disability Practitioners (**NADP**) Ltd is the professional organisation for disability and support staff in further and higher education. NADP is for anyone working in the post-16 education sector and involved in the management or delivery of services for students with disabilities. NADP is available to respond to questions SFW may have on the role of disability staff and how they support disabled students.

National Association of Disability Practitioners Ltd  
Moulton Park Business Centre  
Redhouse Road  
Moulton Park  
Northampton  
NN3 6AQ  
Tel/Fax: 01604 497933  
Email: [admin@nadp-uk.org](mailto:admin@nadp-uk.org)  
Website: <http://www.nadp-uk.org>

#### **THE NATIONAL NETWORK OF ASSESSMENT CENTRES (NNAC)**

**157.** The National Network of Assessment Centres (NNAC) comprises of assessment centres that have registered with DSA-QAG. NNAC represents assessment centre managers and all those who work within centres. NNAC itself does not currently deal with complaints about assessment centres, which should be directed to the individual centre concerned.

NNAC Administration Centre

Email: [admin@nnac.org](mailto:admin@nnac.org)

Website: <http://www.nnac.org>

#### **ASSOCIATION OF STUDY AIDS AND STUDY STRATEGIES ASSESSORS (ASASA)**

**158.** The Association of Study Aids and Study Strategies Assessors aims to help Assessors fulfil their role by providing an informal means of communication between assessors that encourages discussion, reflection on practice and sharing of knowledge.

Membership is free and open to anyone whose primary work role is related to DSAs e.g. DSAs Assessors, AT Trainers, Study Skills Practitioners and Diagnosticians

Website: [www.asasa.co.uk](http://www.asasa.co.uk)

Email: [admin@asasa.co.uk](mailto:admin@asasa.co.uk)

## FURTHER GUIDANCE

**159.** It is important that students who may be eligible for DSAs know that they are available. The Welsh Ministers have published a supplement to 'Student finance - new full-time students 2016/17' and 'Student finance – Continuing full-time students 2016/17' which offers guidance on allowances for disabled students. The booklet 'Extra help - Disabled Students' Allowances in 2016/17' is available by calling the free information line on 0800 731 9133 or by text phone on 0800 328 8988. 'Extra help - Disabled Students' Allowances in 2016/17' can also be downloaded from the website: [www.studentfinancewales.co.uk](http://www.studentfinancewales.co.uk)

## THE DSAS APPLICATION PROCESS

### APPLICATION PROCEDURES FOR STUDENTS APPLYING FOR DSAS IN RESPECT OF FULL-TIME COURSES

**160.** It is important for SFW to identify as early as possible in the application process any applicant who may be disabled. Students are asked on the third page of the PN1 and the third page of the PR1 if they wish to apply for DSAs and to provide details and, if possible, evidence of their disability. Continuing students applying for the non-income assessed element of the student loan are asked on the second page of the PR1a if they wish to apply for DSAs. These questions allow the SFW user to recognise and prioritise the processing of these application forms. Where a student answers yes to these questions, the SFW user, at data entry is prompted to raise an 'Issue Information Pack' task. This task should then be processed by SFW (this may be the responsibility of the same person who completed data entry or another officer). The processes of assessing a disabled applicant's needs for their course, and arranging for those needs to be met, can take time. The aim must be for them to be completed before the start of the course so that the student can embark on it properly equipped.

**161.** It is recommended that SFW have nominated officers with specific responsibility for handling DSAs applications. SFW should also ensure that other officers are trained in DSAs work to provide cover for the nominated officers during periods of absence. The Welsh Ministers commend this as good practice to be followed wherever possible. It is also recommended that SFW DSA officers make full use of the notes facility on the single system which will help other Student Support Officers to provide instant answers to enquiries and maintain standards of customer service, particularly in the absence of the nominated DSAs officer.

## INFORMATION FOR STUDENTS

**162.** The process of applying for DSAs can be confusing for students as they do not always understand what evidence is required. Therefore, it is important that students are provided with sufficient information on the stages in the DSAs process, the DSAs support awarded to them, the arrangements for delivering and paying for support, the importance of the DSAs assessment and the support available from Disability Advisers at their providers. Students should also be made aware that they have responsibilities to supply information promptly to minimise the risk of delay in processing their applications and arranging their support. Therefore, SFW letters issued to students should include the following:

- Information on the evidence of disability/specific learning difficulty required from students together with a brief outline of the DSAs process. This letter should be issued with 'Extra help - Disabled Students' Allowances in 2016/17' when students enquire about DSAs or have indicated on their application forms that they wish to apply for DSAs. The Disabled Student Allowances 2016/17 application form (either DSA1F for students who have not yet submitted a student support application or DSASL for those who have) should also be sent at this stage to obtain the consent of students attending full-time courses.
- A brief outline of the DSAs assessment process and its importance. This letter would confirm the SFW accepts the evidence of disability/specific learning difficulty provided by the student and clearly sets out the arrangements for obtaining a DSAs assessment.
- Full details of the DSAs support awarded, delivery arrangements and method of paying for DSAs support. This letter would be issued once SFW has agreed the DSAs support to be awarded.
- Named SFW contacts for DSAs enquiries.
- A reference to Disability Advisers at HE providers as a source of further assistance for the student. Whenever possible it would be helpful if SFW included the name and contact details of the Disability Adviser at the student's provider.

**163.** Individual circumstances may require different approaches (for example, different arrangements for arranging DSAs assessments or obtaining equipment). The letters should clarify the required evidence of providing a diagnostic assessment report for students with specific learning difficulties in line with the recommendations of the SpLDs Working Group which are being taken forward by National Committee on Standards in SpLD Assessment (SASC) paragraphs 93-101.

**164.** Where SFW rejects an application for DSAs or allows only part of the application, it should provide clear reasons to the applicant for its decisions. In such cases, it would be helpful if the SFW at the same time provided the applicant with information on its appeals policies and procedures. Whatever the outcome, the Welsh Ministers expect all applications to be dealt with expeditiously. It is recommended that SFW makes full use of the notes facility on the students' record on the system to detail information that may assist with enquiries from students.

**165.** The DSAs flag (found on the Eligibility Details screen) is defaulted to 'Undetermined'. Once the SFW has determined a student's eligibility to receive DSAs they should set the flag accordingly. DSAs cannot be made against a student's record in any year unless the DSAs flag for that year has been set to 'Eligible'.

**166.** In 2016/17 the PN1 and PR1 forms request that, whenever possible, students wishing to apply for DSAs should include evidence of their disability with their completed application form. The PR1a form requests that students should provide details of their disability. SFW should note that continuing students who received a DSA earlier in the course are not required to resubmit evidence of their disability. In order to minimise: a) an increased demand on assessment centres for needs assessments over a shorter period of time; and b) delays in general DSAs processing, SFW should consider the advice provided below to minimise the risk of delays in the DSAs application process.

- SFW identifies students wishing to apply for DSAs by checking the third page of the PN1 or the third page of the PR1 and second page of the PR1a and the accompanying evidence of a disability if supplied immediately on receipt of application forms;

- SFW determines eligibility for student support from potential DSAs applicants as a priority, if necessary fast tracking such applicants;
- Once established that a student is eligible for support and if the student has provided acceptable evidence of their disability with their application forms, SFW should contact the student with a view to arranging a needs assessment;
- If a student has indicated they wish to apply for DSAs on their application form but not included evidence of a disability, SFW should establish eligibility for support and then issue a DSAs application pack, consisting of the booklet 'Extra help - Disabled Students' Allowances in 2016/17', 'Application for Disabled Students' Allowances 2016/17 (form DSA1) and a covering letter, requesting the student returns evidence of their disability.

**167.** The Disabled Students Allowances 2016/17 application form (either DSA1F for students who have not yet submitted a student support application or DSASL for those who have) is also used for obtaining student consent to paying suppliers direct and for releasing information about the student's DSAs application to third parties such as Disability Advisors and DSAs needs assessors. DSA1F can be issued by SFW to full-time undergraduate students with 'Extra help - Disabled Students' Allowances in 2016/17 at the beginning of the application process. The DSASL form for 2016/17 can be requested via the correspondence screen in the student's account.

#### **APPLICATION PROCEDURES FOR STUDENTS APPLYING FOR DSAS IN RESPECT OF FULL-TIME DISTANCE LEARNING COURSES PART-TIME COURSES AND POSTGRADUATE COURSES**

**168.** Students wishing to apply for DSAs support in respect of a full-time distance learning course or a part-time undergraduate course are requested to complete only part of the DSASL if they have already completed a PTG1 or an application for the PT Tuition Loan. Postgraduate students will be required to complete all of the DSA1F. In order to expedite the application process it is recommended that SFW requests that students provide evidence of their disability with their completed application form.

**169.** The DSAs application process for students undertaking full-time distance learning, part-time and postgraduate courses involves completion of the DSA1F/DSASL form by the student and endorsement of course details by providers. Under the Equality Act, disabled students have the right to confidentiality which means that they are not required to reveal their disability to their provider. We expect that most students will not object to asking their providers to endorse their application form. However, some disabled students (we expect the number to be minimal) may object to asking their provider to complete the form because this would disclose that they are disabled and deny their rights to confidentiality under the Equality Act.

**170.** In the event that a disabled student does object to their provider seeing their application form on the grounds that this breaches their right under the Equality Act 2010, we recommend the following action:

- the student completes all parts of the application form except Section 5 and returns the form to the SFW;
- the student obtains a letter from their SFW requesting information from the HEP about their course and the student's study pattern
- the student passes the letter to the HEP; and
- the information is returned by the HEP to the SFW via the student.

**Letters should not mention that the student is disabled or is applying for DSAs.**



## **ANNEX 1**

### **LIST OF RESEARCH COUNCILS**

#### Research Councils

The Arts and Humanities Research Council (AHRC) at [www.ahrc.ac.uk](http://www.ahrc.ac.uk)

Biotechnology and Biological Sciences Research Council (BBSRC) at [www.bbsrc.ac.uk](http://www.bbsrc.ac.uk)

Economic and Social Research Council (ESRC) at [www.esrc.ac.uk](http://www.esrc.ac.uk)

Engineering and Physical Sciences Research Council (EPSRC) at [www.epsrc.ac.uk](http://www.epsrc.ac.uk)

Medical Research Council (MRC) at [www.mrc.ac.uk](http://www.mrc.ac.uk)

Natural Environment Research Council (NERC) at [www.nerc.ac.uk](http://www.nerc.ac.uk)

Science and Technology Facilities Council (STFC) at [www.scitech.ac.uk](http://www.scitech.ac.uk)

## ANNEX 2

### ACCREDITED COURSES

#### **Courses Accredited by BDA for Dyslexia Assessments carried out by Teachers.**

Details of the specific providers and courses that meet the DSAs requirements can be found here:

<http://www.bdadyslexia.org.uk/quality-mark-and-accreditation/professional-membership-accreditation/choosing-a-course-and-individual-accreditation-app.html>

#### **Courses Leading to SpLD Assessment Practising Certificate**

**NB the BDA website contains the following caveat – included here for info only**

*Please Note: This information on BDA accredited courses is intended to be as accurate as possible. However it is not possible to ensure that this website is always fully accurate and students must check with a course provider to find out what accreditation is currently in place for a course before booking that course. The BDA takes no responsibility for the accuracy of this information. It is the responsibility of prospective students to contact the provider in order to clarify if they offer the course as a standalone or as part of a wider programme.*

Details of the courses that will qualify successful candidates to apply for SpLD Assessment Practising Certificate from Patoss or Dyslexia Action can be found at:

[http://www.sasc.org.uk/SASC\\_Default.aspx?id=16](http://www.sasc.org.uk/SASC_Default.aspx?id=16)

This list will be updated as more courses are approved by the BDA Accreditation Board for AMBDA or by SASC as meeting the training requirements for SpLD Assessment Training.

**ANNEX 3****SPLD ASSESSMENT STANDARDS COMMITTEE (SASC) AND THE SPLD TEST EVALUATION COMMITTEE (STEC)**

The SpLD Assessment Standards Committee (SASC) leads in implementing a number of the recommendations contained in the report of the SpLD Working Group. Membership consists of individuals representing organisations with national roles in promoting standards in SpLD assessment, support and teacher training. SASCs purpose and responsibilities are to:

- implement the recommendations for SpLD assessor training contained in the SpLD Working Group report;
- promote continuing professional development in SpLD assessment;
- oversee and approve processes of awarding SpLD Assessment Practising Certificates;
- maintain list of approved evaluators for Accreditation of Prior Learning and/or Experience (APL/ape) applications;
- provide training for evaluators;
- approve course as meeting standards of SpLD assessor training; and
- draw on expertise across the sector and provide a forum for sharing good practice.

A sub-committee of SASC, the SpLD Test Evaluation Committee (STEC), will review periodically the list of suitable tests contained in the SpLDs Working Group report and consider new tests for inclusion. Further information about SASC and/or STEC can be found on the SASC website at [www.sasc.org.uk](http://www.sasc.org.uk) or Email: [info@sasc.org.uk](mailto:info@sasc.org.uk).

## **ANNEX 4**

### **NON-MEDICAL HELPERS – GUIDING PRINCIPLES**

The following should be considered by study needs assessors when recommending NMH support:

- All disabled students, wherever they might be studying, should have equal access to good quality and cost appropriate non-medical help support.
- Where possible, DSAs should be used to promote independent study solutions. NMH should be used where independence requires additional facilitation or is not possible due to disability-related issues.
- Duplicate support strategies should be avoided, unless a blended approach is taken to assist with transition (e.g. providing a note taker until a student develops the skills to use a digital recorder themselves).
- All non-medical helpers should have the required level of knowledge, skills, training and qualifications (where appropriate) to deliver the support competently and to meet professional standards.

When assessors recommend and charge non-medical help work to SFW, they should consider:

- whether the costs of non-medical help services are comparable and represent an appropriate cost for the service provided; and
- the training, range of qualifications, type/level of experience and professional standards required by the individual providing the service.

Activity titles currently allowable for DSA funding:

- Practical Support Assistant
- Library Support Assistant
- Reader
- Scribe
- Workshop/Laboratory Assistant
- Sighted Guide
- Study Assistant – this would be a non-professional mentor / buddy / study support person.
- Examination Support Worker
- Manual Notetaking
- Communication Support Workers
- Specialist Transcription (P)
- Mobility Trainer (Q)
- Electronic Note taking (Q)

- Specialist Mentors (Q)
- Specialist One to One Study Skills Support (Q)
- British Sign Language Interpreter (Q)
- Language Support Tutor for deaf students (Q)
- Assistive Technology Trainers (P)

Roles marked (Q) require an individual to hold a professional qualification. Those marked (P) should have a portfolio of evidence showing that they are properly trained (e.g. certified training certificates in software). Instances where this is not possible may be considered on an exceptional basis.