



# **Interim Policy for Students with Learning Difficulties and Disabilities (SLDD) in Further Education (FE) NI**



Department for the  
**Economy**  
[www.economy-ni.gov.uk](http://www.economy-ni.gov.uk)

**This Interim policy has been developed by the Department for the Economy and NI Further Education Colleges and has been endorsed by the Director of Further Education and the Principals Group.**

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## SECTION 1 – BACKGROUND

### 1. **Introduction**

- 1.1 The Department of the Economy (DfE) and the Further Education (FE) Sector recognises that disability discrimination is unlawful and firmly asserts that the Colleges take steps to ensure that it does not take place as they deliver services to their learners. The Colleges are required to have systems and procedures in place meet this requirement. This interim policy has been prepared to clearly set out the context and requirements for the Colleges to ensure that their systems and procedures reflect best current practice and are consistent across the Northern Ireland.

### 2. **Need**

- 2.1 Previous and ongoing reviews (Further Education Means Success (FEMS) Social Inclusion Project<sup>1</sup> and Additional Support Fund (ASF)<sup>2</sup> Review draft report) of the provision of student support for those with Learning Difficulties and Disabilities identified the need for an SLDD policy for a uniform approach to further enhance and ensure the quality and consistency of provision across the Colleges.
- 2.2 This policy also supports an outcome orientated approach to monitor and assess the positive impacts of the additional funding that that is made available to address the needs of students with learning difficulties and disabilities.

### 3. **Purpose**

- 3.1 The purpose of this interim policy is to ensure that the effective processes are in place to provide learning support for students with additional needs which are consistent across the FE sector and applied in a manner that is compliant with legislation and in accordance with the Colleges' commitments to equality and inclusion.

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<sup>1</sup> <https://www.economy-ni.gov.uk/sites/default/files/publications/economy/FE-Strategy%20FE-Means-success.pdf>

<sup>2</sup> <https://www.nidirect.gov.uk/articles/disability-support-college>

#### **4. Policy Objectives**

- 4.1 The objective of this interim policy is to provide the best opportunities to students identifying with additional learning needs, disabilities or long-term illness in order to reach their full potential in terms of achieving their learning goals, being able to progress towards training and employment or towards independent living and integration within the wider community. To assist in meeting this objective and the Department's strategy to widen access and increase the participation of students with learning difficulties and/or disabilities within the Colleges, the DfE provides additional specific funding to the Colleges. The Colleges monitor the effectiveness of the use of these funds through the completion of an annual return as detailed in Appendix C.
- 4.5 In delivering these objectives the Interim Policy also aims to:
- Promote awareness of provision for Students with Learning Difficulties and Disabilities in the FE Colleges.
  - Encourage good practice in all aspects of service delivery for Students with Learning Difficulties and Disabilities.
  - Empower Students with Learning Difficulties and Disabilities, to make informed decisions about their education, life experiences and wellbeing to allow them to live independent lives and integrate within the community.
  - Provide and implement clear, accessible and consistent guidance in relation to the procedures for Assessment/Evaluation/Reporting on Students with Learning Difficulties and Disabilities;
  - Encourage and promote continuous professional staff development in the approach to Students with Learning Difficulties and Disabilities provision;
  - Encourage and promote engagement with parents/guardians/responsible adults with learner consent.

#### **5. Scope of Policy**

- 5.1 This Interim policy is targeted at all Students with Learning Difficulties and Disabilities who have declared a learning difficulty and/or disability and attend courses wholly or mainly on the Colleges' campuses, outreach centres<sup>3</sup>.

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<sup>3</sup> A venue that is rented/hired by the College to deliver provision.

- 5.2 It focuses on meeting the needs of Students with Learning Difficulties and Disabilities and aims to assist in addressing barriers to participation in education.
- 5.3 This policy forms the basis upon which all staff, Board of Governors, volunteers and any other third party to the Colleges should base their approach to accommodating the needs of Students with Learning Difficulties and Disabilities. In doing so it should be read in conjunction with relevant standard operating procedures prepared at each College. These detail the arrangements for the effective administration of this policy.

## **SECTION 2 – RESPONSIBILITIES**

### **6. Statutory Requirements**

- 6.1 The Colleges will carry out its responsibilities under all relevant legislation, regulations and professional guidelines, under the following statutory functions which will be encompassed by this Interim Policy:
- Article 13(2) of the Further Education (Northern Ireland) Order 1997 <https://www.legislation.gov.uk/nisi/1997/1772/article/13> requires that ‘the Governing Body of an Institution of Further Education shall have regard to the requirements of persons over compulsory school age, who have learning difficulties’.
  - Disability Discrimination Act (DDA) 1995 (Section 49a & 49B) (as amended by Article 5 of the disability discrimination (Northern Ireland) Order 2006), <https://www.legislation.gov.uk/ukpga/1995/50/part/5A> requires that when carrying out its functions, colleges are required to have due regard to the need to promote positive attitudes towards people with a disability, learning difficulty or long term medical condition: and encourage participation in public life (‘the disability duties’). Colleges are required to submit a Disability Action Plan to the Equality Commission to demonstrate this.

- Section 75 of NI Act 1998 requires public bodies to have due regard to the need to promote equality of opportunity and to have regard to promoting good relations <http://www.legislation.gov.uk/ukpga/1998/47/section/75>
- FE Colleges are required under The Special Educational Needs and Disability (Northern Ireland) Order 2005 (amended 2006) <http://www.legislation.gov.uk/nisi/2005/1117/contents> to make **reasonable adjustments** (see appendix A) for Students with Learning Difficulties and/or Disabilities (SLDD), so that they can access provision.

## 7. **Strategic Context**

- 7.1 This Policy contributes to the Executive's [New Decade, New Approach Deal](#) with the aim of improving wellbeing for all by tackling disadvantage and the related outcomes in the draft Programme for Government (PFG) 2016-2021:
- Outcome 1: We prosper through a strong, competitive, regionally balanced economy.
  - Outcome 3: We have a more equal society.
  - Outcome 8: We care for others and we help those in need.
  - Outcome 12: We give our children and young people the best start in life.
- 7.2 This Policy also assists in the delivery of the Department's Strategic Objective of "Enhancing education, skills and employability" and in meeting its social inclusion responsibilities to "overcome educational disadvantage and support social and economic inclusion" as set out in the [FE Means Success Strategy](#). It will also contribute to indicator 42 within the NI Executive's Outcome Delivery Plan to "Increase quality of life for people with Disabilities).

## 8. **General Principles**

- 8.1 The interim policy and related procedures are based on the following principles to create an inclusive environment and consistent practices across the sector:
- Colleges will make every effort through adjustments and support to provide Students with Learning Difficulties and Disabilities with the same opportunities and equal access to College provision as all students

- Colleges will make reasonable efforts to ensure that College provision is fully accessible to all students and that it aligns with best Special Educational Needs support recommendations and practice.
- The interim policy and related procedures will be reviewed annually to ensure they reflect current legislation and best practice.
- Colleges will use best practice in its recruitment of staff by undertaking the appropriate checks.
- When the student is likely to require significant reasonable adjustment and / or one which raises Health and Safety issues that must be considered, colleges should follow risk assessment procedures prior to confirming enrolment.
- In supporting students with learning difficulties and disabilities, colleges will work in partnership with other local agencies including the Health and Social Care Trust Teams, Education Authority (EA), schools and other relevant stakeholders as appropriate.
- Colleges are committed to supporting, resourcing and training those who work with students with learning difficulties and disabilities to ensure that effective support arrangements are in place.
- While Colleges will endeavour at all times to meet the needs of students with learning difficulties and disabilities, parents / carers and other stakeholders must accept that there may be occasions when College provision is unable to address the needs of that student.

8.2 Each College will develop and implement procedures to ensure that these principles are effectively implemented in a consistent and transparent manner.

### **SECTION 3 – GOVERNANCE**

#### **9. Responsibilities**

9.1 The Governing Body of each college is responsible for ensuring that this Policy is implemented within their College and establishing structures to ensure that student needs are being appropriately assessed and addressed. In doing so a procedure to address complaints shall also be maintained.



## 10. **Communication**

- 10.1 This Policy will be made available to all staff and students of the Colleges, parents, carers and others. On request copies can be made available in alternative formats.

## 11. **Reporting**

- 11.1 Each College is required to complete an annual evidence-based report for the preceding academic year that details the value and effectiveness of the student support that has been provided. Appendix C details the requirements of this report.

## **KEY TERMS AND DEFINITIONS**

### 1. **SLDD**

A person is regarded as being disabled if he/she has “*a physical or mental impairment which has a substantial and adverse effect on his/her ability to carry out normal day to day activities*”. Examples of conditions covered by the term ‘physical or mental impairment’ can be found on pages 37-38 of the Disability Discrimination Code of Practice for Further & Higher Education;

<https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/SENDOPforFHE2006.pdf?ext=.pdf>

**Substantial Adverse effect** - More than minor or trivial.

**Long term effect** – has lasted or is likely to last at least 12 months or for the rest of the person’s life. If an effect is likely to come and go over a period of time (i.e. it is likely to recur) it is considered to be long-term.

### 2. **Reasonable adjustments**

FE Colleges are legislatively required to make reasonable adjustments for SLDD so that they can access provision. A reasonable adjustment aims to remove or reduce any substantial disadvantages faced by disabled people or students. Further information and examples can be found in Section 6 of the Disability Discrimination Code of Practice for Further & Higher Education

<https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/SENDOPforFHE2006.pdf?ext=.pdf>

### 3. **Additional Support**

Additional Support is the term used to describe a range of support and services available to students with disabilities/learning difficulties. Additional Support includes technical and/or personal support (non-medical) and includes:

- Specialist Tutor/Adviser, such as hearing or visual impairment tutor, IT consultancy, speech therapist or counsellor;
- Lecturer or IT adviser (including technician);
- Interpreter (for students with a hearing impairment);

- Learning Support Worker/Classroom Assistant;
- Note taker, such as shorthand note taker and/or typist, for assistance with student notes;
- Staff time, specifically for meetings with students;
- Specialised enabling equipment, such as brailers, IT adaptations, specialist software and related licences, and IT hardware and hearing loops.

Students who require personal or medical care services whilst studying at College will need to arrange this through their local health trust or social services department.

## **Standards for Supporting Students with Learning difficulties or Disabilities**

- (i) This section outlines a set of minimum requirements which must be met in support of the Interim Policy. Additionally, each College underpins this interim policy with a series of operational procedures to ensure adequate processes are in place to enable students with learning difficulties or disabilities to be supported appropriately. While each College operates with different organisational structures each College will ensure that procedures:
- Are accessible to all students, their parents / carers at the time of enrolment and throughout their time at the College;
  - Demonstrate clear lines of accountability, including a complaint / appeals procedure;
  - Are compliant with current legislation as identified in this policy.
- (ii) Each College's operational procedures should clearly articulate the process for meeting the policy standards set out below.

### **A. Disclosure of Learning Difficulty or Disability**

- (iii) Information should be made available to learners, parents, carers and the wider community about the provision of support for learners within the Colleges and on how a prospective student can disclose a learning difficulty / disability in a timely manner. This information should clearly articulate that:
- It is up to the student to disclose a learning difficulty or disability;
  - It is in a student's best interests to make the disclosure so that staff are better informed on how to make learning more accessible;
  - A disclosure can be made at any time during the student's course;
  - Some courses may have particular health and safety issues that make it essential for a student to disclose certain impairments or conditions;
  - All information provided is managed in line with data protection legislation and associated policies and procedures and that it will only be shared with the consent of the student;

## **B. Assessment / Enrolment / Evaluation**

- (iv) Colleges should ensure that adequate and appropriate adjustments are made to facilitate enrolment at the College so that no student is disadvantaged, or unfairly advantaged as a result of a learning difficulty or disability. In applying the procedure, the College will take all reasonable steps to ensure that a student with a learning difficulty or disability is provided with appropriate opportunity to follow a pathway of learning that allows them build the necessary skills and qualifications to be able to access appropriate future employment, progress to further education or training or develop enhanced life skills
- (v) All assessments should be carried out by an appropriately qualified person and actively involve the student. The level of support should be agreed by both parties.
- (vi) Appropriate evidence will have to be provided by the student before support arrangements can be finalised and must be provided by a suitably qualified person, for example a medical professional, an educational psychologist or a specialist assessor with a qualification in assessment at or equivalent to level 7.
- (vii) In all cases colleges shall identify and consider “reasonable adjustment” as the benchmark for making enrolment decisions.
- (viii) Generally, the student should not be repeating any previously undertaken qualifications or similar levels of qualifications.
- (ix) A clear statement of the support needs / reasonable adjustments / support arrangements that have been agreed with a student should be then shared with the staff who will work with that student while they are enrolled at the college.
- (x) Steps should be in place to review (a minimum of 2 per year for full time students) and update support arrangements on a regular basis with appropriate records being kept of all such reviews and updates as agreed with the student.

- (xi) Student feedback should be collected on a regular basis and used in developing the services provided for students with learning difficulties and disabilities.

### **C. Information Recording/Data capture**

- (xii) The minimum data requirements to be retained, in respect of each student, (in addition to normal enrolment data), should include:
- nature of disability and/or learning difficulty;
  - details of additional needs/level of support required (this should include details of personal and/or technical support);
  - evidence of eligibility to support funding (e.g. educational psychologist's report, Statement of Educational Needs, GP letter etc.); or signed learning difficulty and/or disability declaration form;
  - the expected duration of support; and
  - a completed support/action plan on agreed actions, pathway and/or progression route from initial enrolment, review dates and post course progression plan.
- (xiii) The above information and assessment process should be completed and recorded on the Learner Management System (LMS) before the student can be coded as SLDD (further coding guidance is available at Appendix E). This should take place **by the end of December annually** or within four weeks of enrolment date for part-time students.
- (xiv) Where additional support has been identified during any part of an academic year, the student will be entitled to that support for the entire academic year. Where the course spans more than one year, but the additional support is required for one year only, the student will be entitled to support for that academic year only.

### **D. Examination Access Arrangements**

- (xv) College Operational Procedures should:

- Articulate to students the process, timelines and evidence required to request examination access arrangements as appropriate for the relevant awarding body /bodies;
- Highlight that students with learning difficulties and/or disabilities do not automatically qualify for Examination Access arrangements and that the final decisions on Access Arrangements are the responsibility of the relevant Awarding Body;
- Clearly highlight who a student should contact to discuss such arrangements.

#### **E. Work Placements/Field Trips**

- (xvi) Colleges will take all reasonable steps to ensure that students with learning difficulties and / or disabilities can participate in essential field trips, workplace visits, field studies, site visits, trips and other college related events and activities. College Operating Procedures should detail how arrangements will be considered and implemented (as appropriate) to allow the student to participate based on their needs and in compliance with Health and Safety Guidelines.
- (xvii) Colleges must ensure that the relevant disability information, as agreed with the student, is passed on to the placement provider and ensure that any reasonable adjustments are put in place, prior to placement. In addition, the College will address any issues relating to a disabled student being discriminated against in line with its Pastoral Care / Equality policies and procedures. In facilitating the placement of students with disabilities or learning difficulties the College will endeavour to ensure that work placements are fully accessible prior to the commencement of the work placement.

#### **F. Complaints / Appeals**

- (xviii) Colleges will respond to complaints / appeals relating to the way in which the College has applied its procedures in addressing a student's needs. Further information on complaints procedures can be found on Colleges websites.

**Monitoring and Reporting Requirements**

A report will be provided by each College on an annual basis which will be structured as outlined in the table below.

<b>Outcome</b>		
That all students with learning difficulty or disability are provided with appropriate additional support, while studying to help them to achieve to their full potential by progressing to suitable education/training or employment.		
	<b>Relevant Data</b>	<b>Summary of activity during the reporting period</b>
<b>Indicator 1</b> The effective uptake of the services provided	Number of Students with Learning Difficulties / Disabilities enrolled in: <ul style="list-style-type: none"> <li>• Discrete Provision</li> <li>• Mainstream Provision</li> </ul>	Promotion and engagement activities including those that relate to: <ul style="list-style-type: none"> <li>• Raising awareness of the support arrangements that are available</li> <li>• Transition planning with schools, EA other providers</li> <li>• Assessment of needs and reasonable adjustments</li> <li>• Resource issues</li> <li>• Parental / carer engagement</li> </ul>
<b>Indicator 2</b> Effectiveness of the additional support arrangements that have been put in place	Numbers availing of support  Numbers availing of examination access arrangements  Achievement <ul style="list-style-type: none"> <li>• of full qualification</li> <li>• of partial qualification</li> </ul>	Summary of the type and nature of support arrangements that have been arranged to support students  Other achievements



	<p>Progression statistics</p> <ul style="list-style-type: none"> <li>• Numbers progressing to additional training / education</li> <li>• Numbers progressing to employment / voluntary work</li> </ul> <p>Student Feedback</p> <ul style="list-style-type: none"> <li>• Data from student surveys</li> <li>• Information from student focus groups</li> <li>• Other feedback</li> </ul>	
<p><b>Indicator 3</b> Ongoing Continuous Professional Development (CPD) activities to enhance staff capability in supporting those students with learning difficulties and disabilities.</p>	<p>Numbers participating in relevant CPD activities Annual expenditure on CPD activities</p>	<p>Details of professional development activities to enhance skills in supporting students with learning difficulties and disabilities.</p>

### **Related Strategies & Initiatives**

- Executive Strategy – Improving the lives of people with disabilities. <https://www.gov.uk/government/publications/improving-lives-the-future-of-work-health-and-disability>
- Bamford Action Plan – development of mental health & learning disability services and the promotion of independence & social inclusion. <https://www.health-ni.gov.uk/publications/delivering-bamford-vision-action-plan-2012-15>
- Transitions for young people with severe learning difficulties/disabilities – Action Plan. Transitions for young people with severe learning difficulties/disabilities – Action Plan.
- Employment Strategy for People with Disabilities. <https://www.communities-ni.gov.uk/consultations/employment-strategy-people-disabilities-consultation>
- <https://www.equalityni.org/Home>
- Autism Strategy NI <https://www.health-ni.gov.uk/austismstrategy>
- Children and Young People Strategy <https://www.education-ni.gov.uk/consultations/children-and-young-peoples-strategy-2017-2027>
- SENDO Code of Practice <https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/SENDOCOforFHE2006.pdf?ext=.pdf>
- ASF Circular 2019 <https://www.economy-ni.gov.uk/publications/fe-0619-funding-students-learning-difficulty-additional-support-fund>
- GDPR <https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>
- DPA 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

## SLDD Coding Guidance

Code	Description	Definition
NULL	Default position on LMS	Student has not indicated any learning difficulties or disabilities, or educational provision is not delivered in a Day Centre/Hostel/ Nursing Homes/Homes for the Elderly
01	Mainstream - Do NOT require extra support	Student with a learning difficulty and/or disability enrolled in FE mainstream provision in a college, but who does not require an additional level of support for learning.
02	Mainstream - DO require extra support	Student with an identified and evidenced learning difficulty and/or disability enrolled in FE mainstream provision in college and for whom additional support needs have been identified and personal and/or technical support put in place through the Additional Support Fund.
03	Discrete	Student with an identified and evidenced learning difficulty and/or disability enrolled in FE discrete provision under the Additional Support Fund in an FE college or college outreach centre.
04	Day Centre/Hostel/ Nursing Homes/Homes for the Elderly	Student enrolled on provision being delivered in: <ul style="list-style-type: none"> <li>• day centres (including Social Educational Centres);</li> <li>• hostels;</li> <li>• nursing homes; or</li> <li>• homes for the elderly</li> </ul>