

# Disabled Students' Allowances

Higher Education Student Finance in Wales

Academic Year 21/22

Version 1.0

This guidance is for key stakeholders in academic year 21/22 for “Disabled Students’ Allowances (DSA)”. The guidance covers DSA legislation and the administration of applications for DSA.

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## REGULATION REFERENCES

Since AY 18/19 there have been two sets of Regulations governing student support in Wales. As these Regulations will often have mirroring provisions the regulation references throughout this guidance will be followed by either “(2017)” or “(2018)” to denote which set of Student Support Regulations the regulation is in reference to.

(2017) will denote the “The Education (Student Support) (Wales) Regulations 2017 (SI 2017/47)” as amended.

(2018) will denote the “The Education (Student Support) (Wales) Regulations 2018 (SI 2018/191)” as amended.

## ABBREVIATIONS

Abbreviation	Full
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ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
ASD	Autism Spectrum Disorder
AT	Assistive Technology
ATSP	Assistive Technology Service Providers
AY	Academic Year
BSL	British Sign Language
CMS	Courses Management Service
CTSI	Chartered Trading Standards Institute
DfE	Department for Education
DfE (NI)	Department for Education (in Northern Ireland)
DL	Distance Learning
DLA	Disability Living Allowance
DSA	Disabled Students Allowance
DSA-QAG	Disabled Students Allowance Quality Assurance Group
DVR	Digital Voice Recorder
DWP	Department for Work and Pensions
ECP	Exceptional Case Process
EHC	Education, Health and Care
ENT	Electronic Notetaker
FM	Frequency Modulation
FT	Full-Time
FTDL	Full-Time Distance Learning
FY	Financial Year
GDBA	The Guide Dogs for the Blind Association
GP	General Practitioner
HE	Higher Education
HEP	Higher Education Providers
HMRC	Her Majesty's Revenue and Customs
ICT	Information and Communications Technology
ITT	Initial Teacher Training
LLC	Long Course Loan

MSI	Multi-sensory Impairment
NAR	Needs Assessment Report
NHS	National Health Service
NHSBSA	National Health Service Business Services Authority
NI	National Insurance
NIPSO	Northern Ireland Public Services Ombudsman
NMH	Non-Medical Helper
OfS	Office for Students
OIA	Office of the Independent Adjudicator
OU	Open University
PC	Personal computer
PG	Postgraduate
PGCE	Postgraduate Certificate in Education
PGHC	Postgraduate Healthcare
PIP	Personal Independence Payment
PT	Part-Time
RRML	Reduced Rate Maintenance Loan
SAAS	Student Awards Agency for Scotland
SASC	SPLD Assessment Standards Committee
SFE	Student Finance England
SFNI	Student Finance Northern Ireland
SFW	Student Finance Wales
SLC	Student Loans Company
SpLDs	Specific Learning Difficulties
SPSO	Scottish Public Services Ombudsman
SSP	Specialist Support Professional
STEC	SpLD Test Evaluation Committee
STTR	Speech to Text Reporting
UG	Undergraduate
UK	United Kingdom
VAT	Value Added Tax



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## Introduction

This DSA guidance is for full-time students (regulations 24 (2017) and 61-63 (2018)), part-time students (regulations 88 (2017) and 61-63 (2018)), full-time distance learning students (regulation 71 (2017)) and postgraduate students (Part 13 (2017) and Schedule 4 (2018)).

Guidance on the other grants payable under the 2017 Regulations or 2018 Regulations is provided separately in the following guidance:

- “Assessing Financial Entitlement” (Maintenance Grant, Special Support Grant, Welsh Government Learning Grant and Travel Grant)
- “Grants for Dependents” (Adult Dependents’ Grant, Childcare Grant and Parents’ Learning Allowance)

## DSA

**1.** Under regulations 24 (2017) and 61-63 (2018) an eligible student qualifies for DSA to assist with the additional expenditure the student is obliged to incur to attend a designated course because of a disability. The four DSA are intended to help a disabled student benefit fully from their course.

**2.** A person is required to provide evidence that they meet the Equality Act 2010 definition of “disability” to be eligible for DSA. 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 2017 and 2018 regulations use this definition of disability for the purpose of receiving student support, including DSA. Aligning to the Equality Act definition provides clarity and consistency, particularly where providers are considering adjustments in parallel to DSA.

**3.** The Equality 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 definition, SFW should consider study and education-related activities as day-to-day activities.

**4.** 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 Equality 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.

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

- Students who are applying for DSA for the first time from AY 21/22;
- 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; and
- Students whose disability has changed in some way.

**6. DSA are not intended to pay for:**

- disability related expenditure that the student would incur even if they were not attending a higher education course;
- 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 DSA").

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## ELIGIBILITY

**7.** The personal eligibility criteria for receiving student support, including DSA, are set out in the "Assessing Eligibility" guidance.

DSA are not subject to:

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

**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 21/22 "Assessing Eligibility" guidance. Students are potentially eligible for DSA whilst attending an overseas provider as part of their UK course, whether obligatory or optional. Further guidance can also be found in the 21/22 "Assessing Eligibility" guidance.

Students who are EU nationals and are eligible for student support under Schedule 1 paragraph 9 (2017) and Schedule 2 paragraph 6(1) (2018), but not under any other paragraph of that Schedule, are not eligible for DSAs.

**9.** Since AY 17/18, students studying via distance learning whilst resident outside of the UK as a result of being a serving member of the armed forces (or a family member of) may be eligible for support including DSA. For more information on this change please see the "Assessing Eligibility" guidance.

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## ERASMUS STUDENTS

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**10.** Additional grant support was available to disabled students on an Erasmus+ Programme to cover the costs of their disability related needs. Applications are made by the participating provider to the relevant Erasmus+ National Agency once a student is identified as a participant and their disability related needs are known. The funding available covered 100% of the identified disability related costs and is not a set grant amount.

For more information on the definition of an Erasmus year please see the “Erasmus” guidance.

**As a result of the EU Exit, the Erasmus Scheme will no longer be available to new UK students from AY 2021/22 onwards. Instead the UK Government have introduced the Turing Scheme. However, some students are allowed to remain participants of Erasmus programmes for the full duration of their exchange, on the condition that they were already being awarded funding prior to the end of 2020. No new funding will be made available under the Erasmus programme.**

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## PRISONERS

**11.** Full-time students who are prisoners and who began a designated course before 1 September 2012 are potentially eligible for DSA but will not generally qualify for other grants for living and other costs under regulations 23(13) and (14) (2017) and 62 (2018)). See “Grants for Dependents” guidance.

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 DSA) 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.

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## MEANS-TESTED NHS BURSARIES

**12.** Under regulations 23(3) (2017) and regulations 44, 62 and 69(2018) , students are not eligible for grants for living costs, including DSA, 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 visit NHS Wales at <http://www.nwssp.wales.nhs.uk/student-awards> for information about the financial support available through the NHS Bursary Scheme. Or they can phone the NHS Wales Student Awards Unit on 029 2090 5380.

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## ITT COURSES

**13.** Where a student is undertaking an ITT course, 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). Designated part-time first degree and postgraduate ITT courses of at least one academic year in length will attract the same support package as part-time first-degree courses (see “Support for part-time students” guidance) and DSA as part-time non-ITT first degree courses.

### SANDWICH COURSES AND WORK PLACEMENTS

**14.** 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 DSA support. For example, DSA could pay for additional disability related travel costs to and from the 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 DSA 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.

**15.** Under regulations 23(6) (2017) and regulations 44, 62 and 69(2018), students are not eligible for grants for living and other costs, including DSA, 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 regulations 23(7) (2017) and 44 (2018)). Students who do not qualify for grants for living and other costs, including DSA, under regulation 23(6) (2017) and regulations 44, 62 and 69 (2018) are eligible for a reduced rate maintenance loan which is not subject to income assessment (regulation 45 (2017)) or an amount of maintenance loan in accordance with regulation 55, category 2 (2018).

**16.** Under regulation 23(7) (2017) and regulations 44 and 62(2018), 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 DSA (even where the periods of full-time study in the academic year are less than 10 weeks in aggregate).

### STUDENTS WHO BECOME ELIGIBLE DURING THE COURSE

**17.** Under regulations 23 (11) and (12) (2017) and 62 (2018), a student may qualify for DSA 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 student, or the student's eligible family member is awarded Calais leave, Humanitarian protection, Stateless leave, Section 67 leave, Leave to Remain as a victim of domestic violence or abuse, or Leave to remain as a bereaved partner (from 21/22 students who become an eligible student after the start of AY as a result of an event will qualify for DSA support from the date they become an eligible student);
- the student acquires the right of permanent residence;
- the student becomes a person described in paragraph 6(1)(a), Schedule 1, 2017 or Category 4 (1) (a), Schedule 2 (2018); or
- the student becomes the child of a Swiss national.

A student is not eligible for DSA for academic years of the course falling before the academic year in which they become eligible in the circumstances mentioned above regulations 23(12) (2017) and regulation 62 (2018)).

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### Studying full-time courses by distance learning

**18.** Disabled students who undertake a full-time course by distance learning because their disability prevents them from physically attending a HEP are treated as being in attendance on the full-time course. Such students are potentially eligible for DSA under regulations 23(15) and (16) (2017) and regulation 62 (2018). They are also potentially eligible for the other elements of the full-time student support package (except travel grant).

Disabled students who started a full-time distance learning course prior to 1 September 2012, are potentially eligible for DSA under regulations 71 (2017) which are payable at the same full-time rates as those provided under regulations 24 (2017) and 63 (2018). Students who started their full-time distance learning course on or after 1 September 2012 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 DSA under regulation 71 (2017) which as mentioned above are payable at the same full-time rates as those provided under regulations 24 (2017) and 63(2018). Also refer to the guidance on full-time distance learning courses contained in the "Assessing Eligibility" guidance for AY 21/22. Students who start a full-time or part-time distance learning course on or after 1 August 2018 will potentially be eligible for a tuition fee loan and maintenance support (maintenance grant/special support grant). Students who undertake a full or part-time distance learning course are not eligible for Grants for Dependents.

## DSA FOR STUDENTS ATTENDING FULL-TIME COURSES

**20.** For new and continuing students from AY 21/22, the above allowance limits have been removed and instead HE UG and PG students are eligible for a **maximum allowance of £31,831. This is intended to meet the costs incurred in** the following areas of expenditure:

- Non-medical personal helper;
- Major items of specialist equipment; and
- Other disability related expenditure

A separate uncapped travel allowance will also be available for students who incur additional study related travel costs due to their disability

There is no provision to pay more than the maximum allowance set out in the Regulations. Therefore, a student cannot use unspent DSA from a previous academic year or anticipate grant entitlement for a future academic year to pay costs in the current academic year.

## NON-MEDICAL HELPER CATEGORY OF ALLOWANCE

**21.** The portion of allowance used towards a non-medical helper 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 DSA is available for. The needs assessment should consider reasonable adjustments made by the HEP before recommending support to avoid duplication of support. Where the student must 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.

**22.** The provision for the non-medical helper category of the overall 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.

**23.** It is likely that only a relatively small number of disabled students will 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.

**24.** It is not a requirement for Welsh students that their NMH support is secured from a known supplier. However, if required, needs assessors can refer to the current list of suppliers for DSA-funded NMH which has been published by the SLC on the SFW practitioner page:

<https://www.studentfinancewales.co.uk/media/198750/nmh-providers-data.xlsx>

Needs assessors can continue to source quotes for NMH directly from suppliers. This can be done in conjunction with confirming that the supplier has the capacity to deliver the support recommended. Needs assessors should continue to provide two quotations for NMH support along with their recommendation as currently.

**25.** DSA funding will not be provided for anyone to carry out NMH support who is not suitably qualified and/or experienced and does not have appropriate employment status. 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.

**26.** 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. Where a potential conflict of interest is identified, Welsh Ministers will consider each case based on the information available to them.

**27.** It is the view of the Welsh Ministers that where a recommendation has been made for Assistive Technology Training, the standard duration recommended should be no longer than two hours per session. Sessions of other lengths may be considered on a case by case basis, where a disability related need is clearly demonstrated. Agreement is at the discretion of SFW.

**28.** Where a student has not used the NMH in the last year of study then SFW will not request updated costs for NMH support.

**29.** Where the student engages with a company which provides both the needs assessment and NMH support, students should be aware of any terms and conditions that these companies may require the student to adhere to. It is the student's responsibility to ensure that such conditions are met. Ultimately, it is the student's choice as to which provider they use, and careful consideration should be given to all aspects and requirements.

Students who are dissatisfied with the service received by such companies should raise any concerns they have with these companies via their internal complaints process in the first instance. If a student is unsure on how to proceed in such cases, or requires further help, they may seek assistance from their disability adviser or a tutor at their HEP.

It is worth noting that students are not expected to face undue pressure from providers of NMH to use their services where they have undergone a needs assessment from the same company. A student should be made aware of all the options available to them. There is an expectation that such companies will effectively manage any conflict of interest between the need's assessment and the provision of any support specialist equipment allowance.

**30.** The specialist equipment category of allowance 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 are stolen or damaged, the cost of replacing or repairing the equipment will not be met from the DSA. Therefore, SFW will recommend that students take out insurance cover for their DSA equipment. The insurance premiums can be paid from the DSA. 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 DSA (see point 27 above), subject to the maximum overall allowance threshold specified in the Regulations.

#### COURSE TRANSFERS AND SPECIALIST EQUIPMENT CATEGORY OF ALLOWANCE

**31.** It is expected that a recommendation made for specialist equipment will last the student for the duration of their course, however, a student may apply for additional/replacement specialist equipment each year if justified by the study needs assessor and approved by SFW. The previous separation between specialist equipment costs being for a course only has been removed and specialist equipment is now part of the annual overall maximum allowance. For all students whose DSAs are being calculated from AY 21/22, the Specialist equipment allowance is not limited outwith the upper limit of **£31,831**.

**32.** 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 CATEGORY OF ALLOWANCE

**33.** The general category may be used for other expenditure not covered by the specialist equipment or NMH categories. The cost of a study needs assessment is drawn from the overall allowance under the general category. Additional costs associated with en-suite accommodation are also drawn from the general category of the overall allowance threshold. The general category of 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
- 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.

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#### TRAVEL ALLOWANCE (SEPARATE TO THE OVERALL ALLOWANCE)

**34.** The travel allowance 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 DSA 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.

**35.** 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. Suitable parking facilities should be arranged by the HEP.

**36.** 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 31 to 34(2017) and regulations 64 to 67(2018)) in the same way as any other student (see "Travel Grants" guidance for AY 21/22 which can be located in the "Assessing Financial Entitlement" guidance).

#### Part-time DSA

**37.** Under regulations 88 (2017) and 63 (2018), an eligible part-time student qualifies for DSA to assist with the additional expenditure that the student is obliged to incur to undertake 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 DSA 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 DSA policy closely follows that for full-time students. However, there are, necessarily, some differences and these are explained below.

## ELIGIBILITY

**38.** Like the full-time DSA, previous study rules do not apply to part-time DSA. 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 DSA, please refer to the guidance “Support for part-time student.”

## DESIGNATED PART-TIME COURSES

**39.** To be eligible for support, including DSA, a student must be undertaking a designated part-time course. The criteria for course designation in respect of part-time support, including part-time DSA, are set out in the “Support for part-time students” guidance.

**40.** Students who begin courses before 1 September 2014 must be studying at a minimum intensity of 50% FTE to be eligible for DSA (regulation 83(1c) (i) (2017)). 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 DSA (regulation 83(1c)(ii) (2017)).

## DSA FOR STUDENTS UNDERTAKING PART-TIME COURSES

**41.** Since AY 21/22, students undertaking part-time courses will have their DSA combined into a single allowance of up to **£31,831** covering costs relating to NMH, special equipment and general support, in addition to a separate uncapped travel allowance. This is the same upper cap as in full-time.

### DSA for postgraduate students

**44.** Under Part 13 (2017) and Schedule 4 (2018) an eligible postgraduate student qualifies for DSA to assist with the additional expenditure that a student is obliged to incur to undertake to attend or study by distance learning) a designated full-time or part-time postgraduate course because of a disability. DSA 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 DSA scheme closely follows that for undergraduate students.



**45.** PG DSA allowance is aligned with that of UG in relation to new and continuing students. Therefore, PG students. Single annual allowance of **£31,831** for NMH, SE and general support with separate uncapped travel allowance.

**46.** Since AY 17/18, eligible Welsh postgraduate students can access a postgraduate loan (PGL) for eligible standalone Master's degrees. Since AY 19/20, eligible new Welsh postgraduate students can access a combination of loan and grant as a contribution to costs towards a PG Master's course. For more information please see the AY 20/21 "PGL" guidance. This PG support will not affect the provision of postgraduate DSA.

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## ELIGIBILITY

**47.** Like the undergraduate DSA, previous study rules do not apply to postgraduate DSA. They are available to eligible students regardless of age and are not income assessed. To be eligible for the postgraduate DSA students must meet the personal criteria set out in Schedule 1 (2017) and Schedule 2 (2018) and undertake a designated postgraduate course (regulations 112 (2017) and Schedule 4, paragraph 2 (2018)).

**48.** Postgraduate students studying by distance learning are eligible for DSA, but only if the course is undertaken in the United Kingdom (regulations 110(8) (2017) and Schedule 4, paragraph 4(2018)). Students undertaking courses on a distance learning basis are deemed to be studying at their home address. Therefore, to receive DSA, postgraduate distance learners must remain living in the United Kingdom whilst undertaking their course.

Under regulation 110(4) (2017) and Schedule 4, paragraph 5(2018), a postgraduate student is not eligible for DSA 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
  - an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007
  - an allowance, bursary or award of similar description made by a Research Council (a list of the relevant Research Councils is provided at Annex 1)
  - an allowance, bursary or award of similar description made by their HEP which includes a payment for meeting additional expenditure incurred because of a disability
  - the Social Care Wales bursary for students on full-time postgraduate social-work courses
- 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
- have shown themselves by their conduct to be unfitted to receive support.

**49.** Postgraduate students may be in receipt of a bursary or award from another funding body that provides DSA or support equivalent to DSA. Postgraduate students are not eligible for the postgraduate DSA if they have been awarded an 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 postgraduate DSA if they are in receipt of a bursary or award from their provider which includes support equivalent to DSA (excluding financial assistance received from their provider's hardship fund). Under regulation 110(14) (2017) and Schedule 4, (4)(2) (2018) an eligible postgraduate student is not eligible for support for more than one designated course at a time.

**50.** As with undergraduate DSA support, where a serving member of the armed forces (or a family member of such a person) is studying a distance learning course from outside the UK as a result of their being posted overseas, they can be eligible for PG DSA.

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#### DESIGNATED POSTGRADUATE COURSES FOR DSA

**51.** Regulation 112(1) (2017) and Schedule 4, paragraph 2 (2018) provide the criteria for course designation in respect of postgraduate DSA. 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 that began before 1 September 2014, it must be ordinarily possible to complete the course in not more than twice the period ordinarily required to complete an equivalent full-time course. If the course is part-time which began on or after 1 September 2014, it must be ordinarily possible to complete the course in not more than four times the period 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

**52.** Courses need to be provided by publicly funded providers in Wales, Northern Ireland and Scotland and approved fee cap providers in England, 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 in Wales, Northern Ireland and Scotland and approved providers in England which have been designated specifically for

postgraduate DSA. Postgraduate courses provided by private providers must be designated for the students to receive DSA support. Students on postgraduate ITT courses are potentially eligible for DSA under the full-time or part-time scheme. They are therefore **not** eligible for the postgraduate DSA.

**53.** The Welsh Ministers may designate courses for the award of postgraduate DSA that are not automatically designated under the Regulations. A 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 DSA to cover the whole academic year in which designation takes place.

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## PERIODS OF ELIGIBILITY

**54.** The Regulations provide for DSA to be paid for the period ordinarily required to complete the course (subject to the course satisfying the requirement of regulation 112 (2017) and Schedule 4, paragraph 2 (2018)). 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 (for courses that began before 1 September 2014) or not more than four times the period (for courses which began on or after 1 September 2014) 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 Master's degree (which takes one 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 Master's 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 Master's 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 DSA 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 DSA 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 DSA 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 DSA support. Their eligibility will cease from when the intensity drops below 25%.

**55.** 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.

**56.** 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 113(7) (2017) and schedule 4, paragraph 10 (2018) are used, SFW may treat support paid to the student as an overpayment for recovery under regulation 119 (2017) and schedule 4, paragraph 22(2018).

## TRANSFER OF ELIGIBILITY

**57.** Regulation 114(2017) and Schedule 4, paragraph 15 (2018) provide 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 DSA amount awarded for the first course, in the academic year of the transfer, would need to be considered for the second course as the period of eligibility has not been broken. 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

**58.** Where a student has just graduated and is proceeding directly to postgraduate study, the medical evidence provided and DSA 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, 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, because the student's disability has changed in some way or the course is substantially different, this can be paid for from the postgraduate DSA.

**59.** 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.

**60.** 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.

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

**61.** A student retains their status as an eligible postgraduate student 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 DSA 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.

**62.** However, there may be occasions when students request payment of DSA 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 113(8) (2017) and Schedule 4, paragraph 11 (2018) provide 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.

**63.** In the case of part-time designated postgraduate courses that began before 1 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 DSA support after the ordinary duration of the part-time course. Where the part-time postgraduate course

begins on or after 1 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 DSA support.

## **ADMINISTRATION OF DSA**

### **Evidence of a disability**

**64.** For most applicants, there should be little difficulty establishing their eligibility for DSA. 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 DSA. Eligibility for DSA is not dependent on an applicant being registered as disabled. Since AY 15/16, the Regulations have applied 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 Equality Act they will be required to submit a completed disability evidence proforma. DSA 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.

**65.** 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 DSA (see paragraphs 72 to 77 below).

**66.** Students can become eligible for DSA 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 DSA at the beginning of a course.

**67.** 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). Since AY 19/20 a diagnostic assessment does not need to have been carried out after the student's 16th birthday to be valid for DSA purposes. Any cost a student incurs obtaining the necessary expert evidence or opinion cannot be met from DSA. 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 DSA. However, students might be able to receive assistance with such costs from their HEP's hardship fund once enrolled.

**68.** 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 HEP's hardship fund once enrolled.

**69.** Cases may arise where SFW is 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.

**70.** Where a student is in receipt of a disability related benefit, such as PIP or DLA, and provides a copy of their benefit award letter, SFW can use this evidence when establishing eligibility for DSA. The evidence must still confirm the required criteria under the Equality Act clearly, such as confirming day to day impacts etc. It is unlikely evidence of this type will confirm all the required criteria, and so will most likely be used in conjunction with other evidence provided.

**71.** Once SFW is satisfied with the medical evidence, the student is required to undergo a DSA study needs assessment to identify the appropriate course-related support. The cost of the assessment is met from the general category of the overall allowance of the DSA. 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 DSA 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.

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## NEEDS ASSESSMENT

**72.** Once SFW has established that a student is an eligible student under the Regulations (for example, eligible to receive support for fees, living and other costs) the student is potentially eligible at that stage for DSA. 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 DSA 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 HEP 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.

The current list of assessment centres is available at:

<https://www.gov.uk/disabled-students-allowances-assessment-centre>

**73.** Since AY 14/15 onwards the cost of the DSA needs assessment is met from the general category of the allowance. The general category of 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 DSA application. - From 1 January 2016, a maximum amount of £660 (plus VAT where applicable) of DSA funding will be available to individual students for their study needs assessments.

**74.** SFW will notify students that they will need to undergo a DSA 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. Since December 2019, following the closure of DSA-QAG, students are directed to a list of available needs assessment centres in the DSA1 letter that students receive informing them they are eligible for DSA's. 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.

**75.** 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.

**76.** 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.



**77.** DSA 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) CLOSURE

**78.** Following the closure of DSA-QAG in December 2019 and until alternative arrangements are introduced, the Welsh Ministers expect all assessment centres and equipment providers to adhere to the key principles and standards underlying the Quality Assurance Framework previously operated by DSA-QAG. All NMH providers must continue to have the required level of knowledge, skills, training and qualifications to deliver SFW DSA support competently and to meet professional standards.

**79.** Further information on the DSA-QAG closure and SFW DSA arrangements can be found here: <https://www.studentfinancewales.co.uk/media/198810/sfwin-230120-dsa-process-change-v10-final.pdf>

#### NEEDS ASSESSMENTS FOR STUDENTS STUDYING OUTSIDE WALES

**80.** It is hoped that the majority of Welsh students who study in England, Scotland or Northern Ireland receive a DSA needs assessment in their home area before they start their courses. This should be carried out by a 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 Education (England), Students Awards Agency for Scotland (SAAS) and the Department for Economy (Northern Ireland).

**81.** SAAS operates a “Toolkit of Quality Indicators for Needs Assessments”, under which providers and centres become validated as assessors by SAAS. A list of providers and centres validated by SAAS to undertake DSA needs assessments will be available on the SAAS website: <https://www.saas.gov.uk/disabled-students-allowance>

#### The role of the student

**82.** Students are advised to apply for DSA 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 DSA application form.

#### Disability Advisers

**83.** Most HEPs 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 DSA 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 DSA 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 DSA will be made available. Disability advisers understand the institutional environment and will have access to academic teaching staff and to detailed course information. Disability advisers have an important role in the DSA process by offering advice on the support available, supporting students with their DSA 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.

**84.** 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 HEP's support for disabled students or students in general. Some trained disability advisers may also carry out DSA 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 DSA needs assessment of students for whom they are responsible.

**85.** DSA 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 DSA needs assessment report or any other disability-related information to a third party. During the DSA needs assessment, assessors are requested to explain the role of the "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 DSA 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 DSA application for AY 21/22 asks students to give their consent to the release of information about their DSA to third parties such as disability advisers and DSA assessors.

#### **DSA study needs assessor**

**86.** The role of the DSA 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 Education, Health and Care (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 DSA that they wish to recommend for the student. This guidance sets out what falls within the scope of DSA. If DSA are available, but the assessor determines that some of the support is already provided by the provider, then DSA 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 DSA are made available to complement the existing support. DSA study needs assessors should set out clearly in the report what recommendations they are making for DSA funded support and why. Any recommendations for DSA 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 DSA study needs assessor.

**87.** If the DSA study needs assessor identifies support that falls outside DSA funding, they will wish to advise the provider of their findings for consideration. The DSA 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 DSA 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 below.

**88.** The DSA study needs assessor does not make decisions on eligibility or entitlement to DSA. 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 DSA study needs assessor when considering entitlement to DSA support.

**89.** SFW is a Student Loans Company service, providing financial support to students on behalf of the Welsh Ministers, support is provided to students who are from Wales entering higher education in the UK. SFW is required to deliver DSA within the framework set by the Student Support 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.

**90.** SFW is required to make decisions on DSA awards, taking into account the recommendations of the DSA study needs assessor. SFW will challenge study needs assessment reports where DSA 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 DSA 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 DSA

**91.** SFW must satisfy itself that the student is obliged by reason of their disability to incur additional expenditure to be able to attend or undertake their course. SFW must also be satisfied that all such expenditure is reasonably incurred and appropriate to the individual needs of the student. DSA are not intended to assist with disability-related expenditure that the student would continue to incur if they were not following their 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 their course.

### THE EQUALITY ACT 2010

**92.** The Equality Act 2010 (Equality Act) came into force from 1 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
- take steps to take account of peoples' disabilities, even where that involves more favorable 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.

**93.** In addition, it is unlawful under part 2 of the Equality Act 2010 for educational providers (including HEPs) to discriminate against disabled people. The Equality Act encompasses any services provided for students - education, training, leisure facilities and accommodation – and also covers admissions, enrolments and exclusions. Part 2 of the Equality 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
- ii. Responsible bodies must make “reasonable adjustments” to ensure that a disabled student is not placed at a “substantial disadvantage”

**94.** 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 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.

**95.** 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 and 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. 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 further and higher education sectors.

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#### Equality Act 2010 and work placements

**96.** 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 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 DSA**

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

Specialist 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 support – 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 that comply with statutory employment rights (for example, 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 category of allowance

- The general category of allowance can cover other disability-related items not covered elsewhere. The general category of allowance can also be used to cover additional costs associated with en-suite accommodation.
- The general category of allowance should also cover the costs of a study needs assessment.

#### Travel Allowance

- The extra cost (due to their disability) of the student's travel to and from a 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 DSA. 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

DSA funding when it is unclear if the funding should be met from the DSA or the HEP's own funding allocation:

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

The Welsh Ministers recommend:

- DSA should not be used for charges for support, counselling or tutorial services which the provider makes available to all students.
- DSA 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 HEP 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 HEPs may need to make to enable a disabled student to take examinations (for example, providing physical access to the examination hall or allowing the examinations to be taken and invigilated somewhere else) should not be set against DSA. 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 DSA.
- DSA 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 (for example, in essay construction and writing, examination techniques, revision skills) would be appropriate for DSA. 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 DSA 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

**98.** 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.

## **SPECIFIC LEARNING DIFFICULTIES**

**99.** "Specific Learning Difficulty" (SpLD) 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
- poor organisation making time management very difficult

### Screening for SpLDs

**100.** 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

**101.** 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 DSA section of the SpLD Assessment Standards Committee website at: <http://www.sasc.org.uk>

**102.** 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.

Diagnostic assessments carried out before September 2006	<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>
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Diagnostic assessments carried out between September 2006 and August 2007	<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>
Diagnostic assessments carried out between September 2007 and August 2008	<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>
Diagnostic assessments carried out from September 2008	<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>
From September 2012 onwards	<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>

**103.** Further information on identifying SpLDs through assessment can be found in the regularly updated guidance issued by SASC and its SpLD Test Evaluation Committee see <http://www.sasc.org.uk>. New guidance relating to the assessment of ADHD and updated guidance on dyspraxia is also available.

**104.** Diagnostic assessments 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.

**105.** If assessments 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 (for example, an assessment at aged 40 following diagnosis at aged 15, or an assessment at aged 18 following diagnosis at aged 7). A 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). This assessment is part of the diagnosis and the cost should be met by the student, although help may be available via the student's HEP. Students should speak to their HEP's disability officer for further advice. This assessment should be carried out by a qualified specialist assessor.

**106.** 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.

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#### Students diagnosed after the start of their HE course

**107.** Students who might previously have attained high levels of academic achievement without any additional support may request DSA 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

**108.** If non-medical helpers earn more than the National Insurance lower earnings limit of £120 (2021/22 Tax Financial Year) per week, any issues that 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 2021/22 Class 1 national insurance contributions (NIC) are payable by the employer and the employee when the employee earns £184 per week or more. Employee's national insurance contributions are 12% of weekly earnings between £184 and **£967**. Employer's contribution is 13.8% on earnings of £170 and above per week. Non-medical helpers pay income tax on earnings over and above **£12,570** per annum for tax year **2021/22** 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
- paid holiday entitlements

For further details on rates and allowances in relation to National Insurance contributions, please refer to the following:

<https://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions>

**109.** Information on the individual rights of employees may be accessed through the website at:

<https://www.gov.uk/government/topics/employment>

**110.** 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

**111.** It is the engager's (for example, 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: <https://www.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 DSA 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.

**112.** 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.

**113.** 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 worker's 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>

**114.** Generally DSA funding will not be available for individuals without an appropriate employment status for example, they must be registered with HMRC to pay tax and national insurance on their earnings. DSA 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.

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## RELIEVING STUDENTS OF EMPLOYER RESPONSIBILITIES

**115.** 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.

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## USING NON-MEDICAL HELPERS EMPLOYED BY HEPS

**116.** 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 DSA could also pay for the non-medical helpers' tax, national insurance and other employer-related costs.

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#### USING SELF EMPLOYED NON-MEDICAL HELPERS

**117.** 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.

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#### ANNUAL LEAVE

**118.** From 1 April 2009, a full-time worker has a statutory right to take a minimum of 5.6 weeks' paid annual leave, (28 days if working a 5day week) this is prorated for those working part-time.

**119.** 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).

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#### EMPLOYER'S LIABILITY (COMPULSORY INSURANCE)

**120.** The Employer's Liability (Compulsory Insurance) Act 1969, as amended, 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.

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#### NATIONAL LIVING/MINIMUM WAGE

**121.** Information on national living/minimum wage rates can be viewed at the below link:

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

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#### ADMINISTRATION CHARGES FOR ARRANGING NON-MEDICAL HELPERS

**122.** In the context of DSA, many HEPs arrange and administer non-medical helper support however HEPs 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 DSA.

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

**124.** HEP governing bodies are responsible for the proper stewardship and value for money of public funds. The amount they claim for DSA administration needs to be relevant and proportionate, and to have been incurred by the HEP specifically in providing the DSA 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.

**125.** 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.

**126.** 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.

**127.** 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.

**128.** SFW should satisfy themselves that claims for DSA are made in accordance with guidance and should challenge costs which do not appear to them to be reasonable.



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

**129.** The Welsh Ministers would not support a general policy of paying for NMH provision that has been recommended in a DSA needs assessment report and put in place by a HEP or other provider, regardless of whether 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 DSA 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 a 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.

**130.** 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 DSA. 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. Additionally, if a student has not used the NMH in the last year of study then SFW will not request updated costs for NMH support. 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 DSA

**131.** Regulation 24 (2017) and regulation 63 (2018) (full-time DSA), regulation 71 (2017) (full-time distance learning DSA), regulation 88 (2017) and regulation 63 (2018) (part-time DSA) and regulation 110 (2017) and Schedule 4 (2018) (postgraduate DSA) provide a discretion as to the timing of DSA 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

**132.** 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 DSA, 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, for example, 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 DSA 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 DSA 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

**133.** The Welsh Ministers recommend that SFW pays DSA 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 DSA equipment using their own monies and then reimburse the student from the DSA. The Teaching and Higher Education Act 1998 (section 22) and the student support regulations authorise the payment of DSA directly to students. Therefore, payment directly to a third party would not satisfy the statutory requirements unless the student consents to this arrangement.

## DSA APPLICATIONS RECEIVED IN THE FINAL STAGES OF A COURSE

**134.** Some students may apply for DSA support in the latter stages of the final year of their courses. Many of the students who apply late for DSA 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.

**135.** A concern is that students applying late may not receive their DSA 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 DSA 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 equipment 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 2017 and 2018 Regulations 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.

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#### STUDENT LEAVES A COURSE AFTER RECEIVING EQUIPMENT

**136.** If a student receives DSA 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.

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

**137.** A DSA 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 DSA equipment early, for example, 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 62(5) (full-time students) (2017) and regulation 90 (2018), regulation 80(3) (2017) (full-time distance learning students), regulation 109(7) (part-time students) (2017) and 90 (2) (2018) and regulation 119(6) (postgraduate students) (2017) and Schedule 4, paragraph 22 (2018).

**138.** Similarly, a student may start their course, then abandon it and then receive DSA 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 62 (full-time students) (2017) and 90 (2018), regulation 80 (2017) (full-time distance learning students), regulation 109 (part-time students) (2017) and 90 (2018) and regulation 119 (postgraduate students) (2017) and Schedule 4, Paragraph 22 (2018).

**139.** 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 DSA 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

**140.** 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
- 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.

**141.** 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

**142.** 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.

**143.** 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.

**144.** 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.

**145.** 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.

#### DSA EQUIPMENT ORDERED AND PAID DIRECT BY SFW

**146.** DSA 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 (for example, the VAT relief, if appropriate, is applied at that time by the supplier) and cannot be reclaimed from HMRC by SFW or the student.

**147.** 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 **0300 123 1073** or by visiting the HMRC website at:

<https://www.gov.uk/government/publications/vat-notice-7017-vat-reliefs-for-disabled-people>

#### INTERNET CONNECTION

**148.** 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 DSA needs assessment. The Welsh Ministers do not recommend approval of internet access based on a request by the provider alone unless it is part of a DSA 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 (for example, subscribing to an internet provider) may be met from DSA, subject to the limits of the particular allowance.

**149.** For new applications for DSA from AY 15/16, internet connection will no longer be covered by DSA, 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.

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### HIGH COST COMPUTERS

**150.** Study needs assessors should identify the lowest specification computer that meets the student's needs. DSA will only be available for high cost computers for example, 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. DSA 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.

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### NON-RECOMMENDED SUPPLIERS AND UPGRADES

**151.** There is no statutory requirement that students should purchase the DSA equipment or other support they need from a supplier. However, although a student is free to use a different supplier from that recommended in the DSA needs assessment report, they may only use DSA 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 (2017) and regulation 35 (2018). 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.

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### ELECTRICALLY POWERED WHEELCHAIRS AND SCOOTERS

**152.** 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 DSA funding. Individuals may qualify for support from the health authority or through DWP benefits to meet their mobility needs.

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### USING DSA TO SUPPORT PARTICIPATION IN EXTRA-CURRICULAR ACTIVITIES

**153.** The Regulations allow for DSA 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 DSA 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 DSA 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 DSA, for example items required by all students to attend a field trip such as waterproof clothing would fall outside the scope of DSA. It is expected that any reasonable adjustments which could have been anticipated when planning a field trip should be met by the provider.

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#### REIMBURSING HEPs FOR SUPPORT PROVIDED BEFORE A DSA ASSESSMENT WAS CARRIED OUT

**154.** 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.

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

**155.** 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 DSA monies and make payments direct. In some cases, the DSA 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.

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#### SUPPLIER OF EQUIPMENT BECOMES BANKRUPT

**156.** It has also been asked what should be done if DSA 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 but subject to the prescribed financial limits.



## The role of disability organisations

**157.** 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 DSA in their own constituent groups
- providing a network of wider help for SFW

**158.** 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 DSA 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.

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### DISABILITY RIGHTS UK

**159.** 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: <https://www.disabilityrightsuk.org/how-we-can-help/benefits-information/factsheets/education-factsheets>. The Disabled Students Helpline is open 11:00am-1:00pm on Tuesdays and Thursdays. Telephone number 0330 995 0414, and email: [students@disabilityrightsuk.org](mailto:students@disabilityrightsuk.org)

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### NATIONAL ASSOCIATION OF DISABILITY PRACTITIONERS (NADP)

**160.** 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  
212A Lansdowne Building  
2 Lansdowne Road  
Croydon  
Surrey  
CR9 2ER



Tel/Fax: 0208 263 6220  
Email: [admin@nadp-uk.org](mailto:admin@nadp-uk.org)  
Website: <http://www.nadp-uk.org>

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

**161.** The National Network of Assessment Centres (NNAC) comprises of assessment centres that previously 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>

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#### COMPLAINTS

**162.** DSA funded students should raise any complaints with the supplier of their service in the first instance. Where the student and supplier are unable to resolve matters the student should now be directed to SLC. Details of SLC's complaints procedure can be found at:

<https://www.gov.uk/government/organisations/student-loans-company/about/complaints-procedure>.

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

**163.** The Association of Study Aids and Study Strategies Assessors aims to help Assessors fulfill 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 DSA for example, DSA Assessors, AT Trainers, Study Skills Practitioners and Diagnosticians.

Website: <https://www.nnac.org/students/sassa.php>

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

#### Further guidance

**164.** It is important that students who may be eligible for DSA know that they are available. Guidance and other information can be downloaded from the website:

<https://www.studentfinancewales.co.uk>

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#### THE DSA APPLICATION PROCESS

## Application procedures for students applying for DSA in respect of full-time courses

**165.** 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 DSA 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 DSA. 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.

**166.** It is recommended that SFW has nominated officers with specific responsibility for handling DSA applications. SFW should also ensure that other officers are trained in DSA 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 DSA officer.

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### INFORMATION FOR STUDENTS

**167.** The process of applying for DSA 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 DSA process, the DSA support awarded to them, the arrangements for delivering and paying for support, the importance of the DSA 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 DSA process. This letter should be issued with "Extra help - Disabled Students' Allowances in 2021/22" when students enquire about DSA or have indicated on their application forms that they wish to apply for DSA. The Disabled Students' Allowances 2021/22 application form (either DSA1F for students who have not yet submitted a student support application or DSAL 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 DSA 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 DSA assessment.
- Full details of the DSA support awarded, delivery arrangements and method of paying for DSA support. This letter would be issued once SFW has agreed the DSA support to be awarded.
- Named SFW contacts for DSA 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.

**168.** Individual circumstances may require different approaches (for example, different arrangements for arranging DSA 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).

**169.** Where SFW rejects an application for DSA or allows only part of the application, it should provide clear reasons to the applicant for its decisions. In such cases, it would be expected that 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.

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

**171.** In 21/22 the PN1 and PR1 forms request that, whenever possible, students wishing to apply for DSA 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 DSA processing, SFW should consider the advice provided below to minimise the risk of delays in the DSA application process.

- SFW identifies students wishing to apply for DSA 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 DSA 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.
- Further to the student being advised that they require a needs assessment, they can enter their postcode to find their nearest Disabled Students' Allowances (DSA) assessment centre by using the link below:  
  
<https://www.gov.uk/disabled-students-allowances-assessment-centre>
- If a student has indicated they wish to apply for DSA on their application form but not included evidence of a disability, SFW should establish eligibility for support and then issue a DSA application pack, consisting of the booklet "Extra help - Disabled Students' Allowances in 2021/22", "Application for Disabled Students' Allowances 2021/22 (form DSA1)" and a covering letter, requesting the student returns evidence of their disability

**172.** The Disabled Students' Allowances 21/22 application form (either DSA1F for students who have not yet submitted a student support application or DSAL for those who have) is also used for obtaining student consent to paying suppliers direct and for releasing information about the student's DSA application to third parties such as Disability Advisors and DSA needs assessors. DSA1F can be issued by SFW to full-time undergraduate students with "Extra help - Disabled Students' Allowances in 21/22 at the beginning of the application process. The DSAL form for 21/22 can be requested via the correspondence screen in the student's account. From AY 19/20, SFW enhanced the service to enable SFW full-time students to apply for DSA through their online account.

#### **Application procedures for students applying for DSA in respect of full-time distance learning courses part-time courses and postgraduate courses**

**173.** Students wishing to apply for DSA support in respect of a full-time distance learning course or a part-time undergraduate course are requested to complete only part of the DSAL 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.

**174.** The DSA application process for students undertaking full-time distance learning, part-time and postgraduate courses involve completion of the DSA1F/DSAL 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.

**175.** 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
- 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 DSA.

## 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 the British Dyslexia Association (BDA) for dyslexia assessments carried out by teachers.** You should contact the BDA for details of the specific providers and courses that meet the DSA requirements. BDA details can be found here: <https://www.bdadyslexia.org.uk/>

**Courses Leading to SpLD Assessment Practising Certificate.** 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/apel) 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: [sascweb@sasc.org.uk](mailto:sascweb@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, DSA 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 (for example, 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 (for example,

certified training certificates in software). Instances where this is not possible may be considered on an exceptional basis.

## ANNEX 5

### Updates log

Date	Updates
25 November 2020	Initial draft Version 0.1  Updates for DSA UG-PG alignment project. Updates to events due to EU exit changes
06 May 2021	Version 0.3 updated with removal of much of pre-AY 21/22 policy, limiting guidance to AY 21/22. Updating of links and annual thresholds.
07 May 2021	Final version signed off