

Disabled Students' Allowances

Higher Education Student Finance in Wales 2012/13 Academic Year

TO LOCAL AUTHORITIES
(For the attention of the Student Support Officer)

March 2012

Dear Colleague

2012/13 STUDENT FINANCE IMPLEMENTATION PROJECT: DISABLED STUDENTS' ALLOWANCES (DSAs)

Attached is revised guidance for key delivery partners in the 2012/13 student finance implementation project: **'Disabled Students' Allowances (DSAs)'**. The attached chapter contains guidance on DSA legislation and the administration of DSA applications. **It also contains a recommended suite of DSA Letters at Annexes 1 to 5 of the attached guidance.**

The chapter provides guidance on full-time DSAs (regulation 26, part-time DSAs (regulation 94), DSAs for full-time distance learning students (regulation 79) and DSAs for postgraduate students (Part 13) as provided in the The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 as amended by The Education (Student Fees, Awards and Support) (Wales) Regulations 2011 and The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2011 (to be known as the 2011 Regulations). Guidance on other grants for living and other costs payable under Part 5 of the 2011 Regulations is provided separately in the guidance chapters 'Assessing Financial Entitlement' and 'Grants for Dependants and Travel Grants.' LAs should also refer to the LA Portal User Guide for information on processing Non-Loan Products on the single system.

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

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Introduction

1. The Regulations referred to throughout this chapter, unless otherwise stated, are the The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 as amended by The Education (Student Fees, Awards and Support) (Wales) Regulations 2011 and The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2011. This chapter provides guidance on the Disabled Students' Allowances (DSAs) for full-time students (regulation 26), part-time students (regulation 94), DSAs for full-time distance learning students (regulation 79) and postgraduate students (Part 13).
2. DSAs for full-time students are part of the grants for living and other costs payable under Part 5 of the The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 as amended by The Education (Student Fees, Awards and Support) (Wales) Regulations 2011 and The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2011 Guidance on the other grants payable under Part 5 can be found in the following guidance chapters:
 - 'Assessing Financial Entitlement' (Maintenance Grant, Special Support Grant and Higher Education Grant); and
 - 'Grants for Dependants and Travel Grants' (Adult Dependants' Grant, Childcare Grant, Parents' Learning Allowance and Travel Grant).

Policy

Full-time DSAs (regulation 26)

3. Under regulation 26 an eligible student qualifies for DSAs to assist with the additional expenditure the student is obliged to incur to attend a designated course because of a disability. The four DSAs are intended to help a disabled student benefit fully from their course. The Regulations do not define disability, but LAs should consider all cases where extra costs are incurred in studying because of a disability, mental health condition or specific learning difficulty such as dyslexia.
4. DSAs are not intended to pay for:
 - disability related expenditure that the student would incur even if they were not attending a course of higher education;
 - costs that any student might have regardless of disability; and
 - services which can reasonably be expected to be provided by the student's institution (further guidance in this respect is given under the heading 'The scope of DSAs' from paragraph 85).

Eligibility

5. The personal eligibility criteria for receiving full-time student support, including DSAs, are set out in the 'Assessing Eligibility Guidance' chapter.
6. DSAs are not subject to:
 - an age limit;
 - previous study rules; or
 - income assessment.

7. A student can only receive support for a designated course. Where the eligible course does not appear on the HEI database the LA will not be able to fully process the application. Information on what action should be taken in this situation is covered in the 'General Eligibility and Financial Assessment Administration' guidance.
8. Students are potentially eligible for DSAs whilst attending an overseas institution as part of their UK course, whether obligatory or optional.
9. Students who are personally eligible for student support under paragraph 9 of Schedule 1 (i.e. nationals of member states of the European Union) but not under any other paragraph of that Schedule, are not eligible for DSAs.

Prisoners

10. Full-time students who are prisoners are potentially eligible for DSAs but will not generally qualify for other grants for living and other costs under Part 5 of the Regulations (regulation 25 (12)). See 'Grants for Dependants and Travel Grants' guidance chapter.
11. Full-time students who are prisoners and who began designated course before 1st September 2012 are potentially eligible for DSAs but will not generally qualify for other grants for living and other costs under Part 5 of the Regulations (regulation 66(8) & (9)). See 'Grants for Dependants and Travel Grants' guidance chapter. No Disabled Students' Allowances (DSAs) (including DSAs for postgraduate courses) will be available to any prisoner who starts a course on or after 1 September 2012. The responsibility to provide assistance for disabled prisoners will lie with the Prison Service.

Means-tested NHS bursaries

12. Under regulation 25 (3)(a), students are not eligible for grants for Dependants and Travel Grants for any academic year during which they are eligible to apply for NHS means-tested bursaries or similar awards bestowed under section 63 of the Health Services and Public Health Act 1968, article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972 or sections 73(f) and 74(1) of the Education (Scotland) Act 1980 (if the latter is granted in respect of a course leading to a qualification in a healthcare profession other than as a medical doctor or a dentist). Students who are eligible for an NHS bursary should be directed to the National Leadership and Innovation Agency for Healthcare (NLIH) website at www.nliah.wales.nhs.uk for information about the financial support available through the NHS Bursary Scheme. Or they can phone the NHS Wales Student Awards Unit on 029 2019 6167.

Students who began an ITT course before 1st September 2010

13. Students who began an ITT course before 1st September 2010 which:
 - is at least one academic year in length; and;
 - involves periods of full-time attendance (including teaching practice) that are in aggregate six weeks or more in the academic year;are potentially eligible for grants for living and other costs. However, special rules apply to the Maintenance Grant and Special Support Grant (see 'Assessing Financial Entitlement' guidance chapter).
14. Students who began an ITT course before 1st September 2010 which:

- is at least one academic year in length; and;
- involves periods of full-time attendance (including teaching practice) that are in aggregate less than six weeks in the academic year;

are not eligible for grants for living and other costs (regulation 25(3)(b)), with the exception of DSAs (regulation 25(4)). There are separate rates of DSAs for such students (regulation 26(5)) which are set out at paragraph 22. Students who do not qualify for a grant for living and other costs under regulation 25(3)(b) are eligible for a reduced rate maintenance loan which is not subject to income assessment (regulation 53).

Students who began an ITT course on or after 1st September 2010

15. Where a student begins an ITT course on or after 1st September 2010, the student support package available will depend on whether the course is either full-time or part-time. Designated full-time first degree and postgraduate ITT courses of at least one academic year in length will attract the same support package as full-time non-ITT first degree courses. Designated part-time first degree and postgraduate ITT courses of at least one academic year in length will attract the same part-time package of fee grant, course grant (see 'Grants for Part-time Students' guidance chapter) and DSAs as part-time non-ITT first degree courses.

Sandwich courses

16. 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, DSAs could pay for additional disability related travel costs to and from the institution 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.
17. Under regulation 25(5) students are not eligible for grants for living and other costs, including DSAs, in any academic year of a sandwich course in where the periods of full-time study are in aggregate less than 10 weeks (unless the period of work experience is an unpaid placement of a type specified in regulation 25(6)) Students who do not qualify for grants for living and other costs under regulation 25(5) are eligible for a reduced rate maintenance loan which is not subject to income assessment (regulation 53).
18. Under regulation 25(6) students undertaking certain types of unpaid work experience in the public or voluntary sectors are potentially eligible for grants for living and other costs, including DSAs (even where the periods of full-time study in the academic year are less than 10 weeks in aggregate). See 'Grants for Dependents and Travel Grants' guidance chapter

Students who become eligible during the course

19. Under regulation 25(10) & 25(11), a student **may** qualify for DSAs, from and including, the academic year during which:
- the student's course becomes designated;
 - the student, their spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain (in this

context 'spouse' or 'civil partner' does not include a co-habiting partner of the student - also refer to the 'Assessing Eligibility' guidance);

- the state of which the student is a national accedes to the European Union where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;
- the student acquires the right of permanent residence;
- the student becomes the child of a Turkish Worker;
- the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- the student becomes the child of a Swiss national.

However, such a student is not eligible retrospectively. That is, a student is not eligible for DSAs for academic years of the course falling **before** the academic year in which he becomes eligible in the circumstances mentioned above (regulation 25 (11)).

Full-time distance learning courses

20. Where disabled students undertake a full-time course by distance learning because their disability prevents them from attending an institution, they are treated as being in attendance on the course. Such students are potentially eligible for DSAs under regulation 26. They are also potentially eligible for the other elements of the full-time student support package (except travel grant).
21. Where disabled students undertake a full-time course by distance learning but are not compelled to study in this way because of their disability, they cannot be treated as being in attendance on the course. Such students are potentially eligible for DSAs under regulation 79 which are payable at the same full-time rates as those provided under regulation 26. Where the student commences their full time distance learning course prior to 1st September 2012, they are also potentially eligible for a fee grant and course grant similar to those offered to eligible part-time students. Where the student commences their full time distance learning course on or after 1st September 2012 they will potentially be eligible for a tuition fee loan and fee grant to cover the tuition fee charged, and no maintenance support. Such students will continue to be potentially eligible for DSAs under regulation 79 which as mentioned above are payable at the same full-time rates as those provided under regulation 26.
22. LAs should also refer to the guidance on full-time distance learning courses contained in the 'Assessing eligibility guidance 2012/13'.

DSAs for students attending full-time courses or part-time courses of ITT (which began before 1st September 2010)

23. There are four allowances for students attending full-time courses or part-time ITT courses which began before 1st September 2010. The maximum allowances that such students may receive in 2012/13 are given in the table below. Two of the allowances (non-medical helper's allowance and general allowance) are lower for students attending part-time ITT courses which began before 1st September 2010 where the period of full-time

attendance, including teaching practice, during the academic year aggregates less than six weeks.

Allowance	Maximum payable	
	Full-time	Part-time ITT course which began before 1 st September 2010 (less than 6 weeks' attendance)
Specialist equipment allowance (for the duration of the course)	£5,166	£5,166
Non-medical helper allowance (each academic year)	£20,520	£15,390
General allowance (each academic year)	£1,729	£1,296
Travel allowance	Unlimited	Unlimited

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

Specialist equipment allowance

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

Course transfers and specialist equipment allowance

26. LAs should draw the student's attention to the fact that the specialist equipment allowance covers the whole course duration. If a student transfers their eligibility to another course, any amount awarded for specialist equipment in relation to the first course would still need to be considered as the period of eligibility has not been broken. For example, a student receives £3,000 from the specialist equipment allowance but then transfers their eligibility to another course. Their specialist equipment

entitlement for the second course should not exceed **£2,166**, as £3,000 has already been awarded for specialist equipment, and given that **£5,166** is the maximum specialist equipment allowance for 2011/12.

27. 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 institution or to the LA for the use of other students. Institutions and LAs are perfectly free to suggest that students make such gifts. There is, however, nothing in the Regulations to permit LAs to purchase equipment themselves, either to donate to colleges or to lend to students. LAs contemplating such purchases should consult their legal advisers as to what other statutory provisions exist to permit such purchases. Any expenditure incurred would, of course, be met from the LA's own resources.

Non-medical helpers allowance

28. The non-medical helpers allowance (regulation 26(3)(a)) may be used to pay for helpers such as readers, lip-speakers, note-takers, campus specific mobility trainers, and any non-medical helpers necessary if the student is to benefit fully from the course and where the LA is satisfied that they are needed because of their disability. Where the student has to make regular or frequent payments for a non-medical helper, it may be helpful if the LA arrange for some of their grant payments to be made in corresponding instalments. If grant payments are made in instalments, LAs may find it useful to inform the student, or their institution, how such transactions should be recorded and verified for audit purposes.
29. The provision for the non-medical helper allowance does not remove the duty of local social services to provide assistance towards personal care costs that would have been incurred irrespective of a student's attendance on a course. However, in some circumstances a personal carer may also provide course-related help for a student. In such cases LAs might agree to share the cost of the course-related help provided by the carer with the social services. The non-medical helper allowance should not be used to pay for support that should properly be funded by social services.
30. In the view of the Welsh ministers, only a relatively small number of disabled students are likely to need the full amount of allowance available in any given year. For example, some deaf students whose first language is British Sign Language (rather than Sign Supported English) may incur higher costs because they make greater use of sign language interpreters and note takers.

General allowance

31. The general allowance (regulation 26 (3)(d)) may be used both for miscellaneous expenditure not covered by the other allowances and to supplement the specialist equipment allowance and non-medical helper allowance if necessary.

Travel allowance

32. The travel allowance (regulation 26 (3)(c)) may be used to pay the additional costs of travel to and from the institution which are incurred because of a disability. For example, if a student needs to travel by taxi rather than by public transport because of mobility or visual difficulties, then the DSAs will cover the additional expenditure that represents. In this instance, the amount of travel allowance should be any excess between public transport costs and taxi costs for the journey.

- 33.** Some students may be required as a result of a disability to use their own car to travel to and from the institution. In this instance, the amount of travel allowance should be any excess between public transport costs 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 LAs calculate the cost of the journey based on the mid point range of AA motoring costs which includes and element for wear and tear on the car. This is currently (2011/12) **27p per mile**. Some continuing students using their own car may already be receiving a travel allowance based on a higher mileage rate agreed by their LA. In such cases, it is recommended that LAs continue using the higher rate until the end of the course.
- 34.** LAs will need to be satisfied that the 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 33 - 36) in the same way as any other student (see 'Grants for Dependants and Travel Grants' guidance for 2012/13).

Processing DSAs on the LA Portal

- 35.** Functionality of the Non Loan Products screen on the LA Portal allows LAs to set a limit within each or any of the DSA categories up to the maximum for each category, including top ups from the general allowance. The LA user, having set the limits in accordance with the individual needs assessment recommendations will make payments against the limits. Refer to the LA Portal system user guide for further information on processing DSAs on the single system.

Part-time DSAs (regulation 94)

- 36.** Under regulation 94 an eligible part-time student qualifies for DSAs to assist with the additional expenditure that the student is obliged to incur to undertake (i.e. to attend or study by distance learning) a designated part-time course because of a disability. DSAs for students undertaking a part-time course with the Open University are administered by the Open University and not by LAs.
- 37.** The part-time DSA scheme closely follows that for full-time students. However there are, necessarily, some differences and these are explained below.

Eligibility

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

Designated part-time courses

- 39.** To be eligible for support, including DSAs, a student must be undertaking a designated part-time course. The criteria for course designation in respect of part-time support, including part-time DSAs, are set out in the 'Grants for part-time students' guidance chapter.

DSAs for students undertaking part-time courses

40. There are four allowances for students undertaking part-time courses. The maximum allowances that part-time students may receive in 2012/13 are given in the table below. However, it is recommended that the maximum amount of the non-medical helper allowance and general allowance should normally be calculated as a percentage of the full-time rates, according to the intensity of study.

Allowance	Maximum payable	
Specialist equipment allowance (for the duration of the course)	£5,166	
Non-medical helper's allowance (each academic year)	£20,520	75% of a FT course = £15,390 60% of a FT course = £12,312 50% of a FT course = £10,260
General allowance (each academic year)	£1,729	75% of a FT course = £1,296 60% of a FT course = £1,037 50% of a FT course = £864
Travel allowance	Unlimited	

41. There are no provisions within the Regulations to pay more than the maximum allowances for the academic year. Please refer to the guidance in respect of full-time DSAs at paragraphs 23 & 24).

Students whose status as an eligible (full-time) student is converted to that of an eligible part-time student (regulation 109)

42. When a student transfers from a full-time to a part-time course, the LA must convert their status as an eligible full-time student to that of an eligible part-time student. Where a student transfers from a full-time to a part-time course part way through the academic year:
- no instalment of full-time DSAs is payable after the student became an eligible part-time student;
 - the maximum amounts of part-time DSAs are reduced by one third where the student became an eligible part-time student during the second quarter of the academic year and by two thirds where he became an eligible part-time student in a later quarter of that year; and
 - where full-time DSAs have been paid to the student in a single instalment, the maximum amount of the corresponding part-time DSAs payable to them are reduced by the amount of full-time DSAs already paid (or further reduced if paragraph (b) above applies). If the resulting amount is nil or a negative amount, the part-time DSA is not payable.

Students whose status as an eligible part-time student is converted to that of an eligible (full-time) student (regulation 109)

43. When a student transfers from a part-time to a full-time course, the LA must convert their status as an eligible part-time student to that of an

eligible full-time student. Where a student transfers from a part-time to a full-time course part way through the academic year:

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

DSAs for postgraduate students

44. Under part 13 of the The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 as amended by The Education (Student Fees, Awards and Support) (Wales) Regulations 2011 and The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2011 (to be known as 2011 Regulations) an eligible postgraduate student qualifies for DSAs to assist with the additional expenditure that student is obliged to incur to undertake (i.e. to attend or study by distance learning) a designated full- or part-time postgraduate course because of a disability. DSAs for students undertaking a postgraduate course with the Open University are administered by the Open University and not by LAs.
45. The postgraduate DSA scheme closely follows that for undergraduate students. However there are, necessarily, some differences and these are explained below.
46. Regulation 122 provides for a DSA of up to **£10,260** for the academic year **2012/13** to be paid to eligible postgraduate students undertaking designated full- and part-time postgraduate courses. There is no statutory provision to pay a postgraduate student in excess of **£10,260** during academic year 2012/13. There are no specific limits within the maximum **£10,260** on particular items or type of help on which the grant can be spent. The allowance is awarded depending on the recommendations from a needs assessment carried out by an assessment centre or other such body. The cost of the needs assessment can be paid for from the postgraduate DSA, but as with undergraduate DSAs, it cannot be used to pay for establishing a student's disability. The postgraduate DSA may be spent on specialist equipment, non-medical helpers, other general support or additional travel costs, or a combination of the above, up to the maximum amount for the academic year.

Eligibility

47. Like the undergraduate DSAs, previous study rules do not apply to postgraduate DSAs; they are available to eligible students regardless of age and are not income assessed. To be eligible for the postgraduate DSA students must meet the personal criteria set out in Schedule 1 of the Regulations and undertake a designated postgraduate course (see paragraph 54).

- 48.** Postgraduate students studying by distance learning are eligible for DSAs, but only if the course is undertaken in the United Kingdom (regulation 115 (8)). Students undertaking courses on a distance learning basis are deemed to be studying at their home address. Therefore, to receive DSAs postgraduate distance learners must remain living in the United Kingdom whilst undertaking their course.
- 49.** Under regulation 115(4) a postgraduate student is not eligible for DSAs if they:
- a) are eligible to apply for an -
 - NHS bursary or award under section 63 of the Health Services and Public Health Act 1968 or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972;
 - allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007;
 - allowance, bursary or award of similar description made by a Research Council (a list of the relevant Research Councils is provided at Annex 6);
 - allowance, bursary or award of similar description made by their institution which includes a payment for meeting additional expenditure incurred because of a disability;
 - the Care Council for Wales' bursary for students on full-time postgraduate social-work courses (see paragraph 50 below);
 - b) are in breach of an obligation to repay a student loan;
 - c) have not ratified an agreement for a student loan made with them when they were under the age of 18; or
 - d) have shown themselves by their conduct to be unfitted to receive support.
- 50.** Postgraduate students may be in receipt of a bursary or award from another funding body that provides DSAs or support equivalent to DSAs. Postgraduate students are not eligible for the postgraduate DSA if they have been awarded a NHS bursary, a grant from a Research Council or the Care Council for Wales (CCW) bursary for students on full-time postgraduate social-work courses. Similarly, postgraduate students are not eligible for a postgraduate DSA if they are in receipt of a bursary or award from their institution which includes support equivalent to DSAs (excluding financial assistance received from their institution's Financial Contingency Fund).
- 51.** Under regulation 115(14) an eligible postgraduate student is not eligible for support for more than one designated course at a time.

Designated postgraduate courses for DSAs

- 52.** Regulation 117(1) provides the criteria for course designation in respect of postgraduate DSAs. The requirements are:
- a first degree or higher qualification should be an entry requirement to the course;
 - a course duration of at least one academic year;
 - if the course is part-time, it must be ordinarily possible to complete the course in not more than twice the time ordinarily required to complete an equivalent full-time course;

- the course is provided by a UK institution 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.
53. Courses need to be provided by publicly funded institutions in order to be automatically designated, although courses at other institutions 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 institutions which have been designated specifically for postgraduate DSAs. LAs must ensure the post-graduate course provided by private institutions has been designated so that students may receive DSA support. If in doubt, LAs should e-mail the usual contact address on page 1 of this guidance.
54. Students on postgraduate ITT courses are potentially eligible for DSAs under the full-time or part-time scheme. They are not therefore eligible for the postgraduate DSA.
55. The Welsh ministers may designate courses for the award of postgraduate DSA that are not automatically designated under the Regulations. An institution 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.

Periods of eligibility

56. Regulation 118 provides for DSAs to be paid for the period ordinarily required to complete the course (subject to the course satisfying the requirement of regulation 117). If a student withdraws from the course, abandons or is expelled from the course the period of eligibility is terminated and no further support should be paid.
57. Where a student intends at the outset to complete a part-time postgraduate course in not more than twice the period ordinarily required to complete an equivalent full-time course but subsequently takes longer, the period of eligibility will terminate at the end of the academic year during which it becomes impossible for them to complete the course within the required timeframe.

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

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

Example 3: Student C states an intention to study part-time for a PhD for six years. The equivalent full-time PhD would take three years. The student is awarded the 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.

- 58. It is for higher education institutions (HEIs) 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.
- 59. LAs may terminate the period of eligibility where the eligible postgraduate student has shown themselves by their conduct to be unfitted to receive support.
- 60. LAs 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 knows is false. If the provisions in regulation 118(7) are used, LAs may treat support paid to the student as an overpayment for recovery under regulation 124.

Transfer of eligibility

- 61. Regulation 119 provides for eligible postgraduate students to transfer their eligibility to another postgraduate course. A transfer is permitted provided that the period of eligibility for the first course has not expired or been terminated and a request to transfer eligibility is made by the student. It is also a requirement that the exporting institution recommends a transfer in writing and that the importing institution agrees to the transfer. If a student transfers their eligibility to another course, any DSA amount awarded for the first course would need to be considered for the second course as the period of eligibility has not been broken. For example, a student receives support of £3,000 but transfers to another course. For the remainder of the academic year, the student has **£7,260** remaining (**£10,260** maximum grant available less £3,000 already received for the first course). Students transferring courses may continue to receive support without the necessity of a further needs assessment unless their disability has changed in some way or the course is substantially different.

Students moving directly from undergraduate to postgraduate study

- 62. Where a student has just graduated and is proceeding directly to postgraduate study, the DSA needs assessment that was undertaken in respect of the undergraduate course should be sufficient to identify the student's support needs in respect of the postgraduate course. This means, for example, that the student could continue to receive support from non-medical helpers without the necessity of a new needs assessment. However, if the student wishes to undergo a new needs assessment because their disability has changed in some way or the course is substantially different, this can be paid for from the postgraduate DSA.
- 63. If the student seeks new equipment, the LA 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 the LA 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.

64. 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 are currently. They should provide evidence of disability and then have their course related needs assessed.

Postgraduate students completing dissertations after their course ends

65. A student retains their status as an eligible postgraduate for a period equal to that which is ordinarily required to complete the relevant designated postgraduate course. If the ordinary duration of the course includes a period to complete a dissertation or thesis, the Regulations provide for the student to be eligible to receive a 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.
66. However, there may be occasions when students request payment of DSAs to continue when they are writing up a dissertation or thesis after the end of the period ordinarily required to complete the designated course. Regulation 118(8) provides LAs 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. However, this is provided that the institution is still providing the teaching and supervision which comprises the course (regulation 117(2)(a)).
67. In the case of part-time designated postgraduate courses, 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.

The Administration of DSAs

Evidence of a disability

68. For most applicants, there should be little difficulty establishing their eligibility for DSAs. Their disability will have been identified and documented at an earlier stage, in many cases while they were at school. However, it is not essential for an applicant's disability to have been identified at school in order to be eligible for DSAs. Eligibility for DSAs is not dependent on an applicant being registered as disabled. Nor is there any requirement or provision within the Regulations to apply the definition of disability contained in the Equality Act.

LAs might find it helpful to know that the categories of disability used on the UCAS application form are:

- specific learning difficulty (e.g. dyslexia);
- blind/partially sighted;
- deaf/has hearing impairment;
- wheelchair user/has mobility difficulties;
- student needs personal care support;
- has mental health difficulties;
- unseen disability i.e. diabetes, epilepsy, asthma;
- two or more of the above; and
- a disability, special need or medical condition not listed above.

Care will be needed for applicants whose disabilities have not previously been identified. In such cases, LAs should request an assessment of the disability by a suitably qualified person or body for the purposes of establishing eligibility for DSAs (see paragraph 102-109).

- 69.** DSAs are not intended to provide assistance to members of the general student population who suffer temporary illness or injury. Assisting such students would properly be the responsibility of the HEIs.
- 70.** Students can become eligible for DSAs at any point during their course, not just at the start of their first year. Some students become disabled or have a disability identified after their course has started. Others may decide to disclose their disability only after their course has started. Equipment needs may arise later in the course. LAs must not, therefore, adopt a policy of only accepting applications for the DSAs at the beginning of a course.
- 71.** Students who are physically disabled, or 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 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 psychologist or suitably qualified specialist teacher (see paragraphs 102 -109). However, any cost a student incurs obtaining the necessary expert evidence or opinion cannot be met from the DSAs. This is because such costs are not incurred by the student to attend or undertake their course; they are incurred to substantiate their claim for DSAs. However, students might be able to receive assistance with such costs from their institutions Financial Contingency Fund.
- 72.** Cases may arise where an LA is not satisfied from the evidence 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 the LA. In making such an invitation, it is important that the LA make 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 institution's Financial Contingency Fund.
- 73.** Once the LA is satisfied with the medical evidence, the student is required to undergo a DSA needs assessment to identify the appropriate course-related support. The cost of the assessment is met from 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 unaware of course requirements and technologies, there is still a requirement for the student to receive a separate full assessment of their course needs.

Assessment of course-related needs

- 74.** Once an LA has established that a student is an eligible student under the Regulations (i.e. eligible to receive support for fees, living and other costs) the student is potentially eligible at that stage for DSAs. An assessment of course needs should be arranged as soon as possible after it is established that the student is eligible for support and the LA 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 the LA to determine the amount of DSA grant for which the student is eligible. Given that the assessment may be carried out some months before the start of the course, some students may subsequently attend a different institution or course. In such cases, a top-up assessment can be carried out once the student has confirmed their place on a course.
- 75.** The cost of the early DSA needs assessment should be met from the non-medical helper allowance. The DSA general allowance may also be used to pay for the student's travel costs to the needs assessment. Where students do not subsequently start a course, they should not be asked to repay the needs assessment fee. If they reapply for a higher education course the following year the needs assessment already carried out should be sufficient to process their new DSA application. The Welsh ministers are prepared to write off the DSA needs assessment costs for those students who do not enter higher education.
- 76.** When advising students that they will need to undergo a DSA needs assessment, LAs should ensure that the student understands what is involved and that if they do not attend an assessment they may not receive the additional support they require. Suggested text for LA letters is provided at Annex 1. LAs are encouraged to use DSA-QAG registered or accredited assessment centres (see paragraph 78). Where students are asked to arrange their own DSA needs assessment, LAs should provide an up-to-date list of assessment centres to allow students to select their nearest centre. However, if LAs arrange the appointment, students should also be consulted about the date and time of the appointment to help to reduce the number of missed appointments and increase the availability of appointments.
- 77.** Providing that students have granted permission, a copy of the needs assessment and awards letter should be sent to the Disability Adviser at their institution once they have received confirmation of a place. This will help ensure that the support the student requires is put in place.

DSA Quality Assurance Group (DSA-QAG)

- 78.** DSA-QAG is a charity set up as a regulatory body. Its board is made up of representatives from HEIs, DSA needs assessors, DSA equipment suppliers and the NUS, with observers from BIS and the SLC. A central administrative unit supports this work. DSA-QAG has responsibility for a

quality assurance framework against which levels of service for both DSA assessment centres and equipment suppliers are audited. It is recommended that needs assessments are undertaken by DSA-QAG registered or accredited assessment centres, and any equipment provided under DSAs is provided by DSA-QAG registered or accredited equipment suppliers. More information on DSA-QAG and a list of registered and accredited assessment centres and suppliers is available at the following website: <http://www.dsa-qag.org.uk/>.

Needs assessments for students studying in Scotland and Northern Ireland

- 79.** It is hoped that the majority of Welsh students who study in 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 DSA-QAG registered or accredited assessment centre.
- 80.** However, there will be some occasions when students who are domiciled in Wales but study in England, Scotland and Northern Ireland require a needs assessment during term time. In these circumstances, it would seem sensible to recommend that LAs accept needs assessments carried out by centres used by the Department for Business, Innovation and Skills, Students Awards Agency for Scotland (SAAS) and the Department for Employment and Learning (Northern Ireland).
- 81.** SAAS operate a 'Toolkit of Quality Indicators for Needs Assessments' under which institutions and centres become validated as assessors recognised by SAAS. A list of institutions and centres validated by SAAS to undertake DSA needs assessments can be found on the SAAS website: www.saas.gov.uk (click on 'disabled students', and then 'needs assessment').

Disability Advisers

- 82.** Most higher education institutions 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. If requested to assist a student with their DSA assessment of needs it is essential that they liaise with the relevant LA before making any arrangements, primarily to ensure the student is an eligible student under the Regulations. Disability Advisers have an understanding of the institutional environment and will have access to academic teaching staff and to detailed course information. LAs should particularly note that Disability Advisers could provide useful advice to LAs when there is uncertainty about recommendations in the assessment of needs report. As well as the job title, the role of Disability Advisers may vary between institutions but the following provides a clearer insight into their roles and their importance to the student in the DSA process. In the main, Disability Advisers may:
 - support students with their DSA applications;
 - offer disabled students advice on other sources of funding and support that may be available;
 - advise or support students to arrange needs assessment appointments;
 - ensure that the institutional and non-medical helper support that is recommended in the needs assessment report is in place;

- advise on particular needs that may arise from specific courses;
- arrange diagnostic assessment for students who feel they may have a specific learning difficulty such as dyslexia;
- explain and give advice on diagnostic assessment reports of specific learning difficulties such as dyslexia;
- explain and give advice on DSA needs assessment reports;
- co-ordinate the network of support workers;
- work with Accommodation Services, Social Services, LAs/SLC and academic departments;
- make recommendations to central departments in relation to students, for example, extended library loans, networked adaptive software or alternative timetabling arrangements;
- supervise and arrange the recruitment and training of support workers;
- administer the payment of support workers and maintain records of the support provided and payments made;
- research, develop and help implement institutions' policy for exams, physical access and field work; and
- develop and put into practice disability elements of various institutional strategies.

83. Without the involvement of a Disability Adviser, the process of obtaining DSA support and putting this support in place can be lengthy and complicated for both students and LAs. The student may also not receive the necessary disability related support from their institution. In order for Disability Advisers to assist students it is important they are kept informed about the student's DSA application at an early stage by receiving a copy of the DSA needs assessment report and the DSA Awards letter which sets out the DSA support agreed by the LA. In the interests of administrative simplicity and to satisfy data protection requirements, students should be encouraged to make their own contacts with Disability Advisers and to show or supply them with a copy of their DSA assessment report and DSA award letters. Needs assessors are also asked to provide disability advisors with a copy of the report subject to the students' written consent. Therefore, it is important that students are encouraged to involve their Disability Advisers in arranging their DSA support and this is best achieved through 'Bridging the Gap', information in letters issued by LAs to students and information provided by assessors at the DSA needs assessment interview. Some trained disability advisers may also carry out DSA needs assessments. However, it is the view of the Welsh ministers that it would not normally be appropriate for a disability adviser to carry out the DSA needs assessment of students for whom they are responsible.

84. A DSA needs assessment report 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. This means that 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 interview, needs assessors are requested to explain the role of Disability Adviser and a copy of the needs assessment report should be sent to the Disability Adviser and the LA by the assessment centre once agreed. It would also help assessors if they are provided with a copy of the LA letter to the student which sets out the agreed DSA support (see Annex 3 for suggested text). This is subject to

the student giving their consent. This information would make assessors aware of any recommendations which have fallen outside the scope of the Regulations and reduce the likelihood of similar inappropriate recommendations in the future. The form 'Application for DSAs for the academic year 2012/13' (DSA1) asks students to give their consent to the release of information about their DSA application to third parties such as disability advisers and DSA assessors (see paragraph 191).

The scope of DSAs

- 85.** Higher Education Institutions and those Further Education Colleges which deliver directly funded higher education courses receive a funding allocation from the Higher Education Funding Council for Wales (HEFCW) for spending on institutional costs. This allocation includes the mainstream disability allocation which supports institutions in widening access and improving provision for disabled students. Although institutions are accountable for showing that their funds have been spent appropriately, institutions are autonomous in the way they distribute funds internally. Other funding areas also relate to improving provisions for disabled students. It is outside the HEFCW remit to make detailed rules on how the mainstream disability allocation should be used. This is for the institution to decide and the courts would decide on whether an institution should fund a particular area in the event of any legal challenge. Therefore, HEFCW does not produce detailed guidance on how institutions should use their disability-related funding allocation but draws institutions' attention to its guidance on base-level provision and the Disability Discrimination Act. HEFCW also funds partner organisations to provide support to institutions in meeting the needs of disabled students
- 86.** LAs must satisfy themselves that the student is obliged by reason of his disability to incur additional expenditure to be able to attend or undertake his course. LAs must also be satisfied that all such expenditure is reasonably incurred and appropriate to the individual needs of the student. DSAs are not intended to assist with disability-related expenditure that the student would continue to incur if he were not following his course. The local social services department may well continue to provide assistance towards personal care costs that will be incurred irrespective of whether or not the student is attending his course.

The Equality Act 2010

- 87.** The Equality Act 2010 came into force from 1st October 2010. The Equality Act generally carries forward the protection that the Disability Discrimination Act 1995 provided for people with disabilities.
- 88.** It is for LAs, higher education institutions and further education colleges to take their own advice on how the Equality act and related legislation applies to them.
- 89.** The duty requires public authorities (which will include most colleges and universities), when carrying out their functions, to have due regard to the need to:
- promote equality of opportunity between people with disabilities and other people;
 - eliminate discrimination that is unlawful under the Equality act 2010;

- eliminate harassment of disabled people that is related to their disabilities;
- promote positive attitudes towards people with disabilities;
- encourage participation by people with disabilities in public life; and
- take steps to take account of peoples' disabilities, even where that involves more favourable treatment.

- 90.** These elements are defined as the general duty to promote disability equality. Higher education institutions (HEIs) also have specific duties, which provide a clear framework to meet the general duty. Central to the specific duties is the requirement on HEIs 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.
- 91.** In addition, it is unlawful under part 2 of the Equality Act 2010 for educational institutions (including higher education institutions) to discriminate against disabled people. The Act encompasses any services provided for students - education, training, leisure facilities and accommodation – and also covers admissions, enrolments and exclusions. Part 2 of the Act includes two key requirements on bodies responsible for educational institutions:
- i. Responsible bodies must not treat a disabled person 'less favourably' than a non-disabled person for reasons related to their disability; and
 - ii. Responsible bodies must make 'reasonable adjustments' to ensure that a disabled student is not placed at a 'substantial disadvantage'.

Reasonable adjustments cover everything from admissions procedures, to teaching arrangements, exam procedures or course content. HEIs must anticipate what sort of adjustments may be necessary for disabled students in the future. The anticipatory nature of reasonable adjustments requires education providers to be proactive in finding out about individual disabled students' needs but this does not mean that education providers should wait for a disabled person to approach them before giving consideration to the duty to make reasonable adjustments. The Equality and Human Rights Commission (formerly The Disability Rights Commission) Code of Practice requires consideration and implementation of a range of mechanisms to overcome barriers that are likely to or would obviously disadvantage disabled people.

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

Equality Act 2010 and work placements

- 93.** 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.
- 94.** The Equality Act 2010 includes people who are on a work placement as part of a vocational training programme. A vocational training programme is likely to include most students who are undertaking a work placement as an integral part of a further or higher education course. The providers of work placements are now required to ensure that they do not have discriminatory practices and also to make reasonable adjustments for disabled people on a work placement. The length of the work placement may be a factor when determining whether an adjustment is reasonable.

Support appropriate to the DSAs

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

Special Equipment

- Computer hardware/lap tops
- Disability software
- Computer furniture for student's residence
- Furniture used for study purposes within student residence
- Recording devices
- Fridges for diabetic students in student's residence

Non-medical helper allowance

- Training in use of disability software
- Note-takers
- Study skills **tuition**
- Library Support
- Human assistance with carrying course-related materials and mobility around the HEI
- Payments to non-medical helpers comply with statutory employment rights (e.g. tax, holiday pay)
- Assessment of needs fee
- Support for course practical work
- 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 Allowances

- Travel costs to/from a needs assessment

- Book Allowances
 - Photocopying
 - Disability-related travel costs to/from a work placement
 - (if transport costs for non-disabled students are not met by HEI)
 - Internet connection
 - HEI Intranet connection
 - Consumables (batteries, cartridges, paper)
 - Additional costs of en suite university accommodation
96. Given the complexities surrounding disability-related support, it is impossible to provide an exhaustive list of support appropriate to DSAs. In many cases, a separate decision would need to be taken, taking into account circumstances and the purpose of the disability-related support. The following principles could be used to decide if the support is appropriate for DSA funding when it is unclear if the funding should be met from the DSAs or the institution's own funding allocation:
- the support in question is not provided by the institution for all other students; and
 - the equipment is provided for use exclusively by the disabled student.
97. The Welsh ministers recommend:
- DSAs should not be used for charges for support, counselling or tutorial services which the institution makes available to all students;
 - DSAs are not intended for the costs of extra academic tuition or support in the main subject area(s) being studied. Institutions should normally meet these costs as part of providing the course;
 - Similarly, where an institution 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 institutions may need to make to enable a disabled student to take examinations (e.g. providing physical access to the examination hall or allowing the examinations to be taken and invigilated somewhere else) should not be set against DSAs. Additional costs which the disabled student themselves needs to incur in taking their examinations (for example, a helper or item of specialised equipment) would however fall within the scope of DSAs; and
 - DSAs may be used only where a student is obliged by reason of their disability to incur costs in receiving specialised individual support. Some students will require additional support to develop appropriate learning strategies because of their disability, for example dyslexia or a mental health condition. The aim of this support is to maximise their ability and remove the barriers caused by the impairment. The costs of extra tutorial support to improve their study skills (e.g. in essay construction and writing, examination techniques, revision skills) would be appropriate for DSAs. However, LAs should satisfy themselves that the cost is reasonable and appropriate. If such study skills or IT support or IT installation and training are provided through the summer, it would seem reasonable to use DSAs to pay for it. However, any such training undertaken outside term time would not count as

attendance on the course and therefore would not trigger extra weeks' Maintenance Loan.

Social Services

- 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 (see also paragraph 30).

Dyslexia

What is dyslexia?

- 99.** The Report of the National Working Party on Dyslexia in Higher Education (published in January 1999) identifies the following two forms of dyslexia.
- a) Developmental dyslexia – a problem with particular aspects of learning despite adequate intelligence and general learning skills. Developmental dyslexia is the more common form of dyslexia. This type is usually inherited and neurologically based.
 - b) Acquired dyslexia – is characterised by a loss of literacy skills as a result of a neurological trauma, illness or brain disease.
- 100.** Dyslexia is a variable condition and not all students with dyslexia will display the same difficulties or characteristics. The following characteristics have been noted in connection with dyslexia:
- a marked inefficiency in the working or short-term memory system which may result in problems retaining the meaning of text, disjointed written work and the omission of words and phrases in examinations because students have lost track of what they are trying to express;
 - inadequate phonological processing abilities (innate difficulty linking sound and symbol) which affects either the acquisition of phonic skills in reading and spelling so that unfamiliar words are frequently misread which may also affect comprehension or reading and writing fluency;
 - difficulties with motor skills or coordination which might affect the ability to listen with understanding while taking notes or to concentrate on both spelling and the content of written work;
 - problems with visual processing which can affect handwriting and reading, causing the print to appear distorted or the reader to lose the place excessively (this is termed visual stress or Mears-Irlen Syndrome);
 - reading and writing problems which may include slow reading speed, difficulty extracting sense from written material without substantial re-reading, inaccurate reading, omission of words and perceived distortion of text;

- writing problems which may include poor handwriting and slow writing speed, omission of words, spelling problems, difficulties categorising information and sequencing ideas;
- difficulties with numeracy which may take the form of inaccuracy in calculations or failure to grasp mathematical or computational course components;
- lack of structure in oral presentations and word retrieval difficulties;
- short attention spans and a high level of distractibility; and
- poor organisation making time management very difficult.

Dyslexia screening

- 101.** Screening for dyslexia usually precedes a diagnostic assessment and the purpose is to determine whether a full psychological or diagnostic assessment would be warranted. Screening can save the cost of a full diagnostic assessment in cases where the outcome of screening suggests that a full diagnostic assessment would be unwarranted. Quick Scan, Dyslexia Adult Screening Test (DAST, Bangor Dyslexia Test,) and Lucid Adult Dyslexia Screening (LADS) are examples of screening tests, although there are other screening tests. Screening for dyslexia does not constitute a diagnostic assessment of dyslexia and therefore LAs 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 dyslexia

- 102.** LAs will be aware that 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 Working Group has now finished its work and the final report has been published and is available on Student Finance England practitioners' website at:
http://practitioners.studentfinanceengland.co.uk/portal/page?_pageid=133,4210339&_dad=portal&_schema=PORTAL#section7.
- 103.** 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 second committee, 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 is provided at paragraphs 177-178.
- 104.** The success of the new framework recommended in the report relies heavily on the support of LAs who are strongly encouraged to adopt the recommendations. The following schedule shows dates for introducing specific parts of the framework described in the report's recommendations.

Diagnostic assessments carried out before September 2006	<ul style="list-style-type: none"> • Local authorities to accept diagnostic assessments carried out by psychologists and suitably qualified specialist teachers. Specialist teachers who assess dyslexia should hold
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	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 7).
Diagnostic assessments carried out between September 2006 and August 2007	<ul style="list-style-type: none"> Local authorities to accept diagnostic assessments carried out by psychologists and suitably qualified specialist teachers as above. Diagnostic reports to be in the format recommended in the SpLDs Working Group's report. Diagnostic reports to use tests recommended in the SpLDs Working Group's guidelines or added by the SpLD Test Evaluation Committee (STEC). See paragraph 178.
Diagnostic assessments carried out between September 2007 and August 2008	<ul style="list-style-type: none"> Local authorities to 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). Diagnostic reports to be in the report format recommended in the SpLDs Working Group's guidelines Diagnostic reports to use tests recommended in the SpLDs Working Group's guidelines or added by the SpLD Test Evaluation Committee (STEC). See paragraph 178.
Diagnostic assessments carried out from September 2008	<ul style="list-style-type: none"> Procedures as from September 2007 above plus the following. All training for assessing specific learning difficulties to incorporate the SpLDs Working Group's guidelines.

105. It is recommended that a full diagnostic assessment of a higher education student for dyslexia should contain the following.

- Evidence of any significant difficulties in reading, writing, spelling and numeracy relevant to the standards in these skills required in higher education.
- Evidence of a significant discrepancy between the abilities in reading, writing, spelling and numeracy and the level of those

abilities expected of the student in terms of their general intellectual ability.

- Evidence of cognitive disabilities or neurological anomalies (affecting memory, visual perception, phonological processing, including speed of processing or motor coordination) which are likely to have adverse effects on learning.
- Evidence that the learning difficulties identified are likely to affect learning in higher education.

106. Once an LA has accepted a diagnostic report there is no requirement for a 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.

107. If the diagnosis was carried out before the age of 16, the student should normally be asked to undergo an 'Assessment of Performance Attainment' which would provide an update on their current performance in reading, writing and spelling. Intelligence is unlikely to change significantly even if the student was diagnosed as a child and therefore there is no requirement for another assessment of intelligence. However, reading, writing and spelling could change in adulthood. The 'Assessment of Performance Attainment' is a 'top up' diagnosis which provides up to date evidence of the student's current degree of difficulty in reading, writing and spelling. The top up diagnosis is to establish the likely impact of the student's specific learning difficulties on the skills needed for higher education. The top up diagnosis should be based on tests recommended in the Specific Learning Difficulties Working Group's guidelines or added by the SpLD Test Evaluation Committee (STEC). See paragraph 178. The Assessment of Performance Attainment is part of the diagnosis and the cost should be met by the student, although an application may be made to the institution's discretionary Financial Contingency Fund to meet the cost. The Assessment of Performance Attainment could be carried out by specialist teachers who hold a current practicing 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), or by psychologists who hold a current practising certificate issued by their relevant professional association (for example, the British Psychological Society).

108. The diagnostic report should state that because the student has dyslexia he should receive extra support to compensate for these difficulties. The diagnostic report will often classify the dyslexia into three bands, severe, moderate and mild. Mild dyslexia does not always mean that the student will encounter mild problems as mild dyslexia can cause severe problems and still need support to compensate. Therefore, the written report of a relevant specialist or expert whose qualifications have been checked should be sufficient to enable the student to proceed to the next stage of the process; the assessment of course related needs. There is no requirement for LAs to consider the level or severity of dyslexia. 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, irrelevant to the applicant or very cursory. In such circumstances, further information should be sought and the views of institution's Disability Adviser should also be taken into account.

109. There should be no need for the LA's educational psychologist to provide a second opinion on a diagnosis already made by another professional.

However, if an LA is dissatisfied with the written evidence provided on dyslexia it can seek further evidence or request a new full diagnostic report.

Study support for dyslexic students

- 110.** Dyslexic students may be eligible for the following support from the DSAs subject to the nature of their learning difficulties and their needs assessment.
- Study skills tuition to help manage difficulties within higher education, language and numeracy through the more effective use of dyslexic thinking styles. Individual study support sessions may be required because generalised advice offered by a department may not take into account different learning skills. The Welsh ministers have not set a ceiling on the number of hours of study skills support that may be provided through the DSAs. However, the aim of such support should be to impart generic skills which, together with any specialist equipment that has been provided, will allow the student to become an independent learner. Therefore, any study skills support recommended should be tailored to the student's individual needs, setting out clear goals and timescales for achieving those goals.
 - A computer with a word processing package, spell-checker, dictionary and/or voice recognition software, text help software and mind-mapping software reduces the need for redrafting. A scanner with Optical Character Recognition (OCR) software linked to text-to-speech software may also be appropriate where students have particularly poor reading skills.
 - Training in the use of disability software.
 - Readers to read text to students either in person or on tape.
 - Scribes to note down the student's ideas for early drafts.
 - Proof readers to correct minor technical errors.
 - An allowance for additional textbooks so that the student may use them to implement various reading strategies, such as book-marking and highlighting key words. Extended library loans are useful but inadequate as substitute strategies.
 - Photocopying allowances so that students can obtain enlarged copies of text to alleviate visual discomfort. Extended library loans are useful but inadequate as substitute strategies.
 - Portable spell-checkers.
 - A tape-recorder, mini disk or digital recorder to record lectures or to compose orally before writing onto a computer.

Students diagnosed after the start of their HE course

- 111.** It has often been asked why students who previously attained high levels of academic achievement without any additional support 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 dyslexia typically have greater problems in adjusting to independent learning because the necessary organisational

capacity is weak. The dyslexic student 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.

The arrangements for engaging non-medical helpers

The employment rights of non-medical helpers including tax and National Insurance Contribution implications

112. If non-medical helpers earn more than the National Insurance lower earnings limit of **£139 (2011/12 Financial Year)** per week issues arise relating to the employment of the non-medical helper and pay records will need to be submitted to HM Revenue & Customs (HMRC). In the tax year **2011/12**, Class 1 national insurance contributions (NIC) are payable by the employer and the employee when the employee earns **£139** per week or more. Employee's national insurance contributions are 11% of weekly earnings between **£139** and **£817**. Employer's contribution is 12% on earnings above **£139** per week. Non-medical helpers pay income tax on earnings over and above **£7,457 (2011/12)** per annum but may have to pay tax on earnings below this level if, for example, they have other employment earnings which combined takes their earnings above the threshold. The employers of non-medical helpers are responsible for calculating the amount of tax and national insurance, deducting it from the employee's wages and making payments to HMRC. Employers may also be required to pay Employer's National Insurance contributions. This will be in addition to the gross pay paid to the non-medical helper and therefore needs to be taken into account when agreeing how much the helper will be paid. Non-medical helpers have certain other employment rights regardless of how much they earn. These rights are:

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

The Department for Business, Innovation & Skills (formally Department for Business, Enterprise and Regulatory Reform) Trade and Industry) provides information on the individual rights of employees. This information may be accessed through the website at:
<http://www.bis.gov.uk/policies/employment-matters/rights>.

The employer of the non-medical helper

113. It is the engager's (**e.g. the student's or HEI's**) role to decide whether the person they are hiring should be treated as an employee or self-employed. Individual and the engager is free to decide the terms and conditions of any engagement. However, the engager cannot simply call a contract employment or self-employment unless the facts support that. For the purpose of tax and national insurance contributions (NICs), where the facts suggest that the contract is one of employment, PAYE income tax and Class 1 NICs should be deducted. In order to make this decision, each case needs to be considered on an individual basis. It is impossible to

provide comprehensive guidance on where employer responsibilities lie for every arrangement. The following case studies provide an indication of who would be treated as the employer of the non-medical helpers. They are based on advice received from HMRC technical advisers. Further advice on identifying the employment status of non-medical helpers can be obtained direct from HMRC Enquiry Offices and at: www.hmrc.gov.uk/employment-status.

Case Study 1

The university recruits, organises and trains the non-medical helpers. The university invoice the LA and then pay the non-medical helper.

Assuming there is a contract of service between the HEI and the non-medical helper, regardless of the invoicing arrangements, the HEI, as the employer, is responsible for PAYE/NICs. If under the same arrangements, the LA or student pays the non-medical helper on the HEI'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 the LA 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 HEI pays the non medical helper on the student's behalf as their agent does not affect who is the liable secondary contributor.

- 114.** In all of the three case studies, if the non-medical helper runs their own business: for instance negotiates their fees independently of the HEI 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.
- 115.** For assistance in determining the correct employment status of the non-medical helper you can use HMRC's interactive Employment Status Indicator (ESI) tool. The ESI is an online tool which HMRC use to determine a workers employment status. It is free and easy to use and can help you work out whether the non- medical helper is employed or self employed in all but the most complex of cases.

The ESI is available at <http://www.hmrc.gov.uk/calcs/esi.htm>

Relieving students of employer responsibilities

- 116.** 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 LAs have no role in engaging non-medical helpers and agreeing the terms of engagement, it is unlikely that LAs would be the employer of a non-medical helper. Some text on the subject has been added to the suggested text for the 'Awards Letter' at Annex 3. It may help LAs 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.

117. The following arrangements could be considered to avoid students being the employer of their non-medical helpers.

Using non-medical helpers employed by HEIs

118. 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.

Using self employed non-medical helpers

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

National Insurance rates

120. For **2011/12**, employees' National Insurance contributions are 11% of weekly earnings between **£139** and **£817** and 1% of weekly earnings above **£817**. The employer's contribution is 13.8% on earnings above **£102** per week with no upper limit. The rate of Class 2 contribution (paid by self employed workers) is **£2.50** per week. Please that all figures listed in this paragraph can be viewed at;

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

Income tax

121. In **2011/12**, income tax is paid on earnings **£0- £35,000** at 20% and from **£35,001** to **£150,000** at 40%. Please note that all figures listed in this paragraph can be viewed at;

http://www.hmrc.gov.uk/employers/rates_and_limits.htm

Annual leave

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

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

Employers' liability (compulsory insurance)

124. The Employer's Liability Act 1969 also requires employers to take out insurance against liability for bodily injury or disease sustained by their employees during the course of employment. This requirement applies when the employer deducts national insurance and income tax and controls where and how the work is carried out. Employer's Liability Insurance is not required if the worker is self employed. More information about employer's liability insurance is available from the Health and Safety Executive.

125. For further guidance and clarification on the above and other employment legislation, advice should be taken from the appropriate sources.

National minimum wage

126. From 1st October 2010 the main (adult) rate is **£6.08** per hour for those aged 21 years and over. The rate of **£4.98** per hour applies to workers aged 18-20 years inclusive.
<http://www.direct.gov.uk/en/Employment/Employees/NationalMinimumWage/index.htm>

Administration charges for arranging non-medical helpers

Summary

127. A DSA for a full time student is 'a grant to assist with the additional expenditure which the Welsh Ministers are satisfied that the student is obliged to incur in connection with their attendance on a designated course by reason of a disability to which they are subject' (regulation 26 of the The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 as amended by The Education (Student Fees, Awards and Support) (Wales) Regulations 2011 and The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2011). The allowance is made up of different elements including expenditure on a non-medical helper.

- 128.** DSAs cannot be used as a contribution towards the infrastructure, general administration and pastoral costs of the HEI. DSAs must not be used to cross-subsidise the infrastructure of HEIs' disability services.
- 129.** It is permissible for HEIs to recover administrative costs associated with the provision of non-medical helpers funded through DSAs.
- 130.** Fixed percentages without an evidence base do not provide a sound basis for the calculation of relevant admin charges.
- 131.** The clear and consistent allocation of relevant costs provides the most accurate guide to the true cost of delivering the service.
- 132.** HEIs need to think through their costs properly: LAs need to assure themselves that they are not endorsing claims which are "over the odds".

Context

- 133.** The Department depends on HEIs to provide a range of well-managed services that respond to the needs of students. In the context of DSAs, many HEIs arrange and administer non-medical helper support; HEIs may incur extra costs in providing this service. Such costs might include recruiting potential non-medical helpers, advertising for helpers, selecting suitable candidates, training unqualified non-medical helpers and maintaining records of their personal and financial details. The Welsh ministers accept that it is legitimate for HEIs 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.

The DSAs

- 134.** HEI 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 HEI specifically in providing the DSA service.
- 135.** 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.
- 136.** Costs should be based on actual delivery and not assessed delivery. It is reasonable for LAs to ask for evidence that the support for which they are invoiced by HEIs or other providers was delivered. (Further guidance on whether charges incurred when a student fails to attend a pre-arranged session with a non-medical helper can be met for the DSAs is provided at paragraphs 140 & 141).
- 137.** 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. HEIs should clearly distinguish the types of services and their costs on invoices submitted to LAs. LAs 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.

- 138.** A fundamental review of costs should be undertaken 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.
- 139.** LAs should satisfy themselves that claims for DSAs are made in accordance with guidance and should challenge costs which do not appear to them to be reasonable. The Welsh ministers are considering introducing spot check audits to see how LAs and HEIs are interpreting the revised guidance.

Cancellation charges when students fail to attend a pre-arranged session with a non-medical helper

- 140.** 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 an HEI or other provider, regardless of whether or not the student takes up that support. There will of course be occasions where a student fails to attend NMH sessions at short notice for reasons such as illness, etc. It is the Welsh ministers' view that if the student is required in such circumstances to pay a cancellation charge, then the charge could be met from the student's DSAs as part of the expenditure they were obliged to incur to secure NMH support. For example, where the terms of a contract the student has entered into with an HEI 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.
- 141.** 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 the local authority (LA) can no longer agree to pay for NMH provision that is not being used. Similarly where students give notice part way through the year that they no longer need or want NMH support, we do not consider that LAs should continue to pay for NMH provision that is not being taken up. The Welsh ministers consider that it would be reasonable for LAs to request evidence that any NMH support for which they are invoiced by HEIs or other providers has been delivered.

Payments of DSAs

- 142.** Regulation 26 (full time DSAs), 79 (full-time distance learning DSAs), 94 (part-time DSAs) and 115 (postgraduate DSAs) 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, LAs 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, LAs may wish to consult their auditors on whether provisional monthly or termly payments might be paid based on an estimate. LAs 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

- 143.** 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. LAs should not expect students initially to make large payments themselves and then claim reimbursement. Once the LA has established that the student is eligible for DSAs, it would not be unreasonable for it to arrange the purchase and supply of equipment shortly before the start of the course once the student's place is unconditional, i.e. after 'A' level results and it is established that the student is eligible for student support. In particular, students with severe disabilities, such as blind students, may need longer time for training in the use of their 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 LAs accept such recommendations. We would not expect LAs to make payments of DSAs well in advance of the start of the course, particularly where the student is still at school. There is no bar under the Regulations to making such payments in advance of the student's actual attendance on their course.

Payments to third parties

- 144.** The Welsh ministers recommend that LAs pay DSAs directly to assessment centres and suppliers of services and equipment after obtaining the student's written consent. We discourage LAs insisting that students purchase recommended DSA equipment using their own monies and then reimburse the student from the DSAs. The Teaching and Higher Education Act 1998 (section 22) and the The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 as amended by The Education (Student Fees, Awards and Support) (Wales) Regulations 2011 and The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2011 (to be known as 2011 Regulations) authorise the payment of DSAs directly to students. Therefore, payment directly to a third party would not satisfy the statutory requirements unless the student consents to this arrangement. Consent could be inferred if an LA wrote to a student advising that payment would be made by the LA to a supplier and the student accepted delivery of the equipment. Acceptance of the equipment could be inferred as the student giving their consent. However, from a legal perspective the safest course would be to obtain the student's written consent to making the payments directly to the supplier or assessment centre.

DSA applications received in the final stages of a course

- 145.** 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.
- 146.** 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 LAs treat with caution applications for the equipment allowance towards the end of a student's course. If suppliers are willing to rent out equipment and if rental is better value for money, LAs should consider rental or hired equipment as the The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 as amended by The Education (Student Fees, Awards and Support) (Wales) Regulations 2011 and The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2011 allow for support to be provided by way of hire or rental as well as through outright purchases. Assessment centres can offer information on equipment suppliers who provide equipment for hire or rental. However, it is important that students receive the necessary support and in the event that it is not possible to rent or hire equipment, purchases of equipment should be made.

Student leaves a course after receiving equipment

- 147.** 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.

Equipment supplied before the student starts the course / delivered after the student has left the course

- 148.** 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 as well e.g. where training on the equipment is necessary before the student starts their course. However, if the student subsequently does not start the course, this will constitute an overpayment for the purposes of regulation 70(5) (full-time students), regulation 88(7) (full-time distance learning students) regulation 114(7) (part-time students) and regulation 124(6) (postgraduate students).
- 149.** 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 the LA had not been notified that the student had left the course). This will constitute an overpayment for the purposes of regulation 70 (full-time students), regulation 87 (full-time distance learning students), regulation 114 (part-time students) and regulation 124 (postgraduate students).
- 150.** LAs 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.
- 151.** LAs 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

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

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

153. 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*.

154. 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.

155. 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

156. 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.

157. 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*.

158. 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.

159. 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 LAs/SLC

- 160.** DSA funds belong to the student and items purchased with these funds remain the property of the student. If an LA orders and pays for the equipment on behalf of the student, VAT relief may be available where all the relevant conditions are met. VAT is properly chargeable **at the time of purchase** (i.e. the VAT relief, **if appropriate**, is applied **at that time by the supplier**) and *cannot be reclaimed* from HMRC by the LA or the student.
- 161.** 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 relief's for disabled people, on 0845 3020203 or by visiting the HMRC website at:
http://customs.hmrc.gov.uk/channelsPortalWebApp/channelsPortalWebApp.portal?_nfpb=true&_pageLabel=pageVAT_ShowContent&id=HMCE_CL_000184&propertyType=document

Internet connection

- 162.** 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 students DSA needs assessment. The Welsh ministers do not recommend approval of Internet access on the basis of a request by the institution alone unless it is part of a DSA assessment. Where the LA is satisfied that the student's need for connection to the Internet arises because of a disability, the Welsh ministers' view is that support for associated costs (e.g. subscribing to an Internet provider) may be met from the DSA, subject to the limits of the particular allowance.

DSAs and laptop computers

- 163.** Laptop computers may be more expensive to purchase than an equivalent desktop computer. If a desk top computer is sufficient to meet the student's disability-related needs, the use of DSA monies to purchase a laptop computer would not satisfy the Regulations which describe DSAs as grants to assist with the additional expenditure which the Welsh ministers (i.e. the LA) are satisfied that the student is obliged to incur. A laptop should not be approved, for example, when a student states that they do not have enough space in their accommodation to house a desk top computer or simply because a laptop computer is more convenient. When it is not appropriate to provide a DSA grant for a laptop computer, it is permissible for a student to use their own money to pay the difference in cost between a desk top and a lap top computer. If a student decides to purchase a laptop using part DSA monies and their own monies, it should be made clear at the outset that any malfunctioning or incompatibility with other recommendations is the student's responsibility. The laptop should meet the specifications set out in the DSA needs assessment report and have sufficient memory to take account of changing needs during the course.
- 164.** However, there may be occasions when a grant from the DSA is needed to purchase a laptop computer due to a student's disability, for example, a student with a physical disability which requires them to work from a chair rather than at a desk or a student who has regular kidney dialysis and needs a laptop with them. Further examples when a laptop might be considered are when a disabled student studies part of their course abroad or attends residential work placements where they need to use special software to write up notes or submit course work during the placement.

This is not an exhaustive list of examples when it may be appropriate for a student to be supported with a laptop. LAs should always ensure that the need for a laptop arises because of a disability, if necessary consulting with DSA needs assessors and Disability Advisors. LAs should also recommend that students take out sufficient insurance to cover possible loss or damage when the laptop is in transit or used outside the home.

Non-recommended suppliers and upgrades

- 165.** There is no statutory requirement that students should purchase the DSA equipment or other support they need from a particular supplier. However, although a student is free to use a different supplier from that recommended in the DSA needs assessment report, they may only use DSA monies to purchase support which has been agreed by the LA. LAs will need to be satisfied that the expenditure is reasonable. Purchases made directly by students should always be supported by receipts which LAs may request under the provisions of Schedule 3 of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011. If a student wishes to purchase equipment of a higher specification than that recommended, they must use their own monies to meet the extra costs.

Electrically powered wheelchairs and scooters

- 166.** Generally the cost of purchasing wheelchairs and scooters would be incurred regardless of whether the student is attending a course and therefore would not normally be an appropriate charge to the DSA. Individual health authorities have duties to meet the mobility needs of people who are unable or virtually unable to walk. However, some students may have requirements which arise specifically because of the course. For example, attendance on a course may mean that a student has to use hilly terrains which can be avoided in ordinary life. Advice may be requested from the institution's Disability Advisor. A hilly university campus terrain may mean that a manual wheelchair is inadequate or that a student with mobility problems might require human assistance to move around the campus. An electrically powered wheelchair/scooter in such cases would probably be more cost effective over the life of the course. If lectures are held in different parts of the campus which are some distance apart, students may be required to travel quickly in order to reach their next lecture on time. This may not be possible for a student with limited mobility or a manual wheelchair. Therefore, we believe that each request for mobility equipment such as wheelchairs and scooters should be considered individually in the light of course requirements and the terrain of the university campus.

Using DSAs to support participation in extra curricular activities

- 167.** It has been asked whether the DSAs can be used to fund extra curricular activities and participation in Freshers' week. The Regulations allow for the DSAs to be used for additional expenditure which the LA is satisfied the student is *obliged* to incur in connection with their attendance on (or their undertaking) a designated course. This would not allow the DSAs to be used to support a student when participating in Freshers' week or other extra curricular activities where there is *no link* with the course of study. However, if it could be demonstrated that the extra curricular activity is a course requirement, we can see no statutory bar to paying a DSA to allow the student to participate in that activity. Examples might be a music student participating in a choral society, or a drama student involved in a

drama group. It is recommended that the DSAs can be used to provide support for students during induction meetings they might have with their course tutors during Freshers' week (as well as during other parts of their course) as this is course-related.

Reimbursing HEIs for support provided before a DSA assessment was carried out

- 168.** Where a disabled student has a clear need for non-medical helper and/or other support, HEIs will sometimes provide this support whilst the student's DSA application is still being processed and before a DSA needs assessment has been carried out. This might occur when the application for DSAs is made after the course has started and a DSA needs assessment is not immediately available. In the Welsh ministers' view the HEI can be reimbursed from the student's DSA (where subsequently awarded) if the type of support provided was later recommended in the DSA needs assessment report.

Student fails to pay an assessment centre or supplier

- 169.** Although it is recommended that LAs 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 LAs in such circumstances to set the student's debt to the provider against future grants or to make other arrangements for recovery. The same advice would apply if a student failed to pay a supplier for equipment.

Supplier of equipment becomes bankrupt

- 170.** 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 LA or the student) and the supplier has gone bankrupt before supplying the equipment. In such circumstances, under insolvency law, the student could become a creditor of the bankrupt's estate and potentially recover the monies subject to prior creditor's claims or receive the equipment already paid for, assuming the supplier still has the equipment. However, if the student is unable to recover the monies or obtain their equipment, a further grant could be paid in accordance with regulation 26 but subject to the prescribed financial limits. In other words, the *total* amounts paid to the student should not exceed the allowances in regulation 26. For example, a total of £3,000 is paid to an equipment supplier who goes bankrupt and the student is unable to obtain their equipment or recover their monies. The student still needs the equipment costing £3,000. The remaining balance of **£2,166** from the equipment allowance and **£1,729** from the general allowance can be used to make purchase from other equipment suppliers (this assumes the student has not previously spent any of the general allowance or any other monies from the equipment allowance).

The role of disability organisations

- 171.** National disability organisations such as RNIB (Royal National Institute of the Blind) and RNID (Royal National Institute for Deaf People) can often provide valuable specialist support and advice upon which LAs can draw. They can help LAs in one or more of the following ways:

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

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

Disability Alliance

173. Disability Alliance is a national charity which promotes opportunities for disabled people in higher education. The Disability Alliance 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 Alliance's information booklets are available on their website: www.disabilityalliance.org/skillpublications.htm. The Disability Alliance's information service is open Tuesdays 11:30am – 1:30pm and Thursdays 1:30 pm – 3:30pm. Telephone 0800 328 5050, textphone 0800 068 2422, email: skill4disabledstudents@disabilityalliance.org

National Association of Disability Practitioners (NADP)

174. 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 LAs have on the role of disability staff and how they support disabled students.

National Association of Disability Practitioners Ltd
Moulton Park Business Centre
Redhouse Road
Moulton Park
Northampton
NN3 6AQ

Tel/Fax: 01604 497933

Email: admin@nadp-uk.org

Website: <http://www.nadp-uk.org>

The National Network of Assessment Centres (NNAC)

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

concerned. Queries can be addressed to the Joint Chairs or the NNAC Administration Centre, contact details below.

Chair:

Steven Broadbent

Email@ steve@nnac.org

Tel: 01457 835 568

NNAC Administration Centre

Email: admincentre@nnac.org

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

Tel: 01432 376 630

Association of Study Aids and Study Strategies Assessors (ASASA)

- 176.** ASASA is a voluntary organisation and its current membership consists of Assessors, Diagnosticians (SpLD), Study Skills Providers and IT Trainers all working within the parameters of DSA. It is independent of other stakeholders in the sector and its remit is to provide a forum for those working with DSA where issues relating to the DSA needs assessment process can be discussed and considered.

Website: www.asasa.org.uk

Email: admin@asasa.org.uk

SpLD Assessment Standards Committee (SASC) and the SpLD Test Evaluation Committee (STEC)

- 177.** The SpLD Standards Committee (SASC) is taking a lead in implementing a number of the recommendations contained in the report of the SpLDs Working Group (see paragraph 104). Membership consists of individuals representing organisations with national roles in promoting standards in SpLD assessment, support and teacher training. SASC's purpose and responsibilities are to:
- implement the recommendations for SpLD assessor training contained in the SpLD Working Group report;
 - promote continuing professional development in SpLD assessment;
 - oversee and approve processes of awarding SpLD Assessment Practising Certificates;
 - maintain list of approved evaluators for Accreditation of Prior Learning and/or Experience (APL/ape) applications;
 - provide training for evaluators;
 - approve course as meeting standards of SpLD assessor training; and
 - draw on expertise across the sector and provide a forum for sharing good practice.
- 178.** A sub-committee, the SpLD Test Evaluation Committee (STEC), will review periodically the list of suitable tests contained in the SpLD's

Working Group report and consider new tests for inclusion (see paragraphs 93 and 94). Membership consists of individuals representing organisations with national roles in promoting standards in SpLD assessment and identification.

- 179.** Further information about SASC and/or STEC can be found on the website SASC website at www.sasc.org.uk. Enquiries relating to the work of SASC and/or STEC should be directed to –

Lynn Greenwold
Chair, SASC
c/o PATOSS
PO Box 10
Evesham, Worcs
WR11 1ZW
E-mail: sascweb@sasc.org.uk

Further guidance

- 180.** It is important that students who may be eligible for DSAs know that they are available. The Welsh ministers have published a supplement to 'a guide to financial support for higher education students in **2012/13**' booklets which offers guidance on allowances for disabled students. The booklet ('Bridging the Gap: a guide to the Disabled Students' Allowances (DSAs) in Higher Education. Guide for **2012/13**') is available by calling the free information line on 0800 731 9133. Bridging the Gap can also be downloaded from the website: www.studentfinancewales.co.uk

The DSA Application Process

Application procedures for students apply for DSAs in respect of full-time courses

- 181.** It is important for LAs to identify as early as possible in the application process any applicant who may be disabled. Students are asked on the third page of the PN1 and the third page of the PR1 if they wish to apply for DSAs and to provide details and, if possible, evidence of their disability. Continuing students applying for the non-income assessed element of the student loan are asked on the second page of the PR1a if they wish to apply for DSAs. These questions allow the LA user to recognise and prioritise the processing of these application forms. Where a student answers yes to these questions, the LA user, at data entry is prompted to raise an 'Issue Information Pack' task. This task should then be processed by the LA (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. LAs might find it helpful to know that the categories of disability used on the UCAS application form are:

- specific learning difficulty (e.g. dyslexia);
- blind/partially sighted;
- deaf/has hearing impairment;
- wheelchair user/has mobility difficulties;
- student needs personal care support;
- has mental health difficulties;

- unseen disability i.e. diabetes, epilepsy, asthma;
- two or more of the above; and
- a disability, special need or medical condition not listed above.

182. It is recommended that LAs have a nominated officer with specific responsibility for handling DSA applications. LAs should also ensure that other officers are trained in DSA work to provide cover for the nominated officer during periods of absence. The Welsh ministers commend this as good practice to be followed wherever possible. It is also recommended that LAs 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.

Information for students

183. The process of applying for DSAs can be confusing for students as they do not always understand what evidence is required. Therefore, it is important that students are provided with sufficient information on the stages in the 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 institutions. 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, LA 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 Bridging the Gap when students enquire about DSAs or have indicated on their application forms that they wish to apply for DSAs (see sample letters at Annex 1-5). The Disabled Student Allowances 2012/13 application form (either DSA1F for students who have not yet submitted a student support application or DSASL for those who have) should also be sent at this stage to obtain the consent of students attending full-time courses.
- A brief outline of the DSA assessment process and its importance. This letter would confirm the LA accepts the evidence of disability/specific learning difficulty provided by the student and clearly sets out the arrangements for obtaining a DSA assessment (see sample 'letter setting out arrangements for obtaining a DSA assessment appointment' at Annex 2).
- Full details of the DSA support awarded, delivery arrangements and method of paying for DSA support. This letter would be issued once the LA has agreed the DSA support to be awarded (see sample 'awards letter' at Annex 3).
- Named LA contacts for DSA enquiries.
- A reference to Disability Advisers at HE institutions as a source of further assistance for the student. Whenever possible it would be helpful if LAs included the name and contact details of the Disability Adviser at the student's institution.

184. It is recommended that LAs use the new suite of DSA Letters at Annex 1 – 5 which have been prepared in consultation with Welsh LAs and other interested parties. However, they are not prescriptive and do not cover every eventuality, given that individual circumstances may require different

approaches (for example, different arrangements for arranging DSA assessments or obtaining equipment). The letters clarify the required evidence of providing a diagnostic assessment report for students with specific learning difficulties in line with the recommendations of the SpLDs Working Group which are being taken forward by National Committee on Standards in SpLD Assessment (SASC) paragraphs 103 – 109.

- 185.** Where an LA rejects an application for DSAs or allows only part of the application, it should provide clear reasons to the applicant for its decisions. In such cases, it would be helpful if the LA 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 LAs make full use of the notes facility on the students' record on the system to detail information that may assist with enquiries from students.
- 186.** The DSA flag (found on the Eligibility Details screen) is defaulted to 'Undetermined'. Once the LA has determined a student's eligibility to receive DSAs they should set the flag accordingly. DSAs cannot be made against a student's record in any year unless the DSA flag for that year has been set to 'Eligible'.
- 187.** In 2012/13 the PN1 and PR1 forms request that, whenever possible, students wishing to apply for DSAs should include evidence of their disability with their completed application form. The PR1a form requests that students should provide details of their disability. LAs 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, LAs are requested to consider the advice provided below to minimise the risk of delays in the DSA application process.
- LAs identify students wishing to apply for DSAs by checking the third page of the PN1 or the third page of the PR1 and second page of the PR1a and the accompanying evidence of a disability if supplied immediately on receipt of application forms;
 - LAs determine 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, LAs should contact the student with a view to arranging an assessment of course needs (see letter at Annex 2);
 - If a student has indicated they wish to apply for DSAs on their application form but not included evidence of a disability, LAs should establish eligibility for support and then issue a DSA application pack, consisting of the booklet 'Bridging the Gap', 'Application for Disabled Students' Allowances 2012/13' (form DSA1) and a covering letter as at Annex 1, requesting the student returns evidence of their disability.
- 188.** The Disabled Students Allowances 2012/13 application form (either DSA1F for students who have not yet submitted a student support application or DSASL for those who have) is also used for obtaining student consent to paying suppliers direct and for releasing information about the student's DSA application to third parties such as Disability Advisors and DSA needs assessors. DSA1F can be issued by LAs to full-

time undergraduate students with 'Bridging the Gap' at the beginning of the application process. The DSASL form for 2012/13 can be requested via the correspondence screen in the student's account.

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

- 189.** 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 DSASL if they have already completed a PTG1. Postgraduate students will be required to complete all of the DSA1F. Supplies of the DSA1F will be delivered via Prolog. In order to expedite the application process it is recommended that LAs issue the text contained in Annex 1 with the DSA application forms they issue, requesting that students provide evidence of their disability with their completed application form.
- 190.** The DSA application process for students undertaking full-time distance learning, part-time and postgraduate courses involves completion of the DSA1F/DSASL form by the student and endorsement of course details by institutions. Under the Equality Act, disabled students have the right to confidentiality which means that they are not required to reveal their disability to their institution. We expect that most students will not object to asking their institutions to endorse their application form. However, some disabled students (we expect the number to be minimal) may object to asking their institution to complete the form because this would disclose that they are disabled and deny their rights to confidentiality under the Equality Act.
- 191.** In the event that a disabled student does object to their institution 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 LA;
 - the student obtains a letter from their LA requesting information from the HEI about their course and the student's study pattern
 - the student passes the letter to the HEI; and
 - the information is returned by the HEI to the LA via the student.
- 192.** Suggested text for inclusion in the letter referred to under the second bullet point in the previous paragraph is provided at Annex 5. Please note that letters should not mention that the student is disabled or is applying for a DSA.

Assessments of course needs

- 193.** When advising students that they will need to undergo a DSA needs assessment, LAs should ensure that the student understands what a needs assessment involves and that if they do not attend their support will be delayed and they may not receive the additional support they require. LAs are encouraged to use the assessment centres which have registered their intentions of meeting the standards of service set out in the DSA-QAG framework (see paragraph 78). Suggested text for LA letters is provided later in this chapter from Annex 1. When students are asked to arrange their own DSA assessments, LAs should consider including the most recent list of assessment centres with this letter to allow students to

select the nearest centre for their assessment. However, if LAs arrange the appointment, students should also be consulted on when the appointment is set up, which will help to reduce the number of missed appointments which contributes to the backlog in obtaining new appointments.

- 194.** Providing that students have granted permission, a copy of the needs assessment and awards letter should be sent to the Disability Adviser at their institution once they have received confirmation of a place. This will allow the Disability Adviser to help set up any support that is required, and to advise of any matters which the needs assessment has not considered.

Annex 1

STUDENT INDICATES THEY WISH TO APPLY FOR DSAs

Dear Mr/Mrs/Miss

STUDENT FINANCE ACADEMIC YEAR 2012/13 **DISABLED STUDENTS' ALLOWANCES (DSA)**

You have indicated an interest in applying for Disabled Students' Allowances.

If you think you may be eligible and would like to apply for a DSA the process of providing DSA support can only start when you have completed and returned the enclosed Student Finance Wales DSA1 form together with evidence of your learning difficulty/disability.

This evidence is usually a medical certificate from your doctor or appropriate specialist. However, if you have a specific learning difficulty, such as dyslexia or dyspraxia, you will need to provide a diagnostic assessment report from a qualified professional. This is usually a qualified psychologist or a specialist teacher who holds a current practising certificate in assessing adults with specific learning difficulties.

This report must be comprehensive enough to establish the likely impact of your specific learning difficulty on the skills you need to meet the study requirements of your higher education course. If your report is not adequately up to date and/or comprehensive, you will be asked to provide a new one.

The costs of providing such evidence of your disability **cannot** be met by the Authority. However you may be eligible to apply to your institution's discretionary Financial Contingency Fund (FCF) to meet the cost.

When you return the above I will send further information for an Assessment of Course Needs to be carried out.

If you are applying to follow a course through the medium of Welsh and would prefer to have the Assessment of Course Needs carried out in that language I will do everything possible to accommodate your request but would appreciate early notification.

I am enclosing a copy of the bilingual booklet Bridging the Gap: a guide to the Disabled Students Allowances (DSAs) in higher education, which gives more information about DSAs. You can also get this booklet in Braille, on audio tape by calling the free information line 0800 731 9133.

If you have any queries, not answered in the enclosed Bridging the Gap booklet please contact me at the above address.

Please note that unless specifically authorised by you, by signing and returning the enclosed agreement to share with a third party we will be unable to discuss your application for Disabled Students Allowance with any 3rd party such as parents, spouse or partner.

Yours sincerely,

I..... authorise the
Student finance officers ofCouncil to
discuss my application for Disabled Students' Allowances with my parent(s) /
spouse / partner. (Delete as necessary)

Signed.....

Date.....

Annex 1(A)

STUDENT HAS COMPLETED INCORRECT DSA APPLICATION FORM

Dear Mr / Mrs / Miss

STUDENT FINANCE ACADEMIC YEAR 2012/13 **DISABLED STUDENTS' ALLOWANCES (DSA)**

You have indicated an interest in applying for a Disabled Students Allowances, and have supplied evidence but have completed the wrong DSA1 application form. Please find enclosed the correct form which you should complete and return to us as soon as possible.

The process of providing DSA support can only start when you have completed and returned this form and when I receive it I will send further information for an Assessment of Course Needs to be carried out.

If you are applying to follow a course through the medium of Welsh and would prefer to have the Assessment of Course Needs carried out in that language I will do everything possible to accommodate your request but would appreciate early notification.

I also enclose a copy of the bilingual booklet Bridging the Gap: a guide to the Disabled Students' Allowances (DSAs) in higher education, which gives more information about DSAs. You can also get this booklet in Braille, on audio tape by calling the free information line 0800 731 9133.

If you have any queries, not answered in the enclosed Bridging the Gap booklet please contact me at the above address.

Please note that unless specifically authorised by you, by signing and returning the enclosed third party agreement we will be unable to discuss your application for Disabled Students Allowances with any 3rd party such as parents, spouse or partner,

Yours sincerely,

I..... authorise the

Student finance officers ofCouncil to

discuss my application for Disabled Students' Allowances with my parent(s) /

spouse / partner. (Delete as necessary)

Signed.....

Date.....

Annex 1(B)

REQUEST FOR EVIDENCE OF DISABILITY/SPECIFIC LEARNING DIFFICULTY

Dear Mr / Miss / Mrs

STUDENT FINANCE ACADEMIC YEAR 2012/13 **DISABLED STUDENTS' ALLOWANCES (DSA)**

You have indicated an interest in applying for Disabled Students' Allowances and have returned the form DSA1 **but** you have not provided any evidence of your disability / learning difficulty.

As stated in my previous letter you must provide evidence of your disability /learning difficulty which is usually a medical certificate from your doctor or appropriate specialist. However, if you experience a specific learning difficulty, such as dyslexia or dyspraxia, you will need to provide a report from a qualified professional. This is usually a qualified psychologist or a specialist teacher who holds a current practising certificate in assessing adults with specific learning difficulties.

Diagnostic assessment reports carried out since September 2008 are acceptable only if produced by psychologists and/or specialist teachers who hold a current practising certificate in assessing specific learning difficulties.

If your diagnostic assessment report was issued prior to 16 years old then you will need a "top up" assessment which should be carried out by a qualified psychologist or a specialist teacher who holds a current practising certificate.

If your diagnostic assessment was issued after 16 years old there will usually be no need to provide a new assessment, providing the report you currently have is comprehensive enough to establish the likely impact of your specific learning difficulty on the skills you need to meet the study requirements of your higher education course. If your report is not adequately up to date and/or comprehensive, you will be asked to provide a new one.

The university or college disability adviser may be able to help you arrange an updated, or new assessment.

The costs of providing such evidence of your disability **cannot** be met by the Authority. However you may apply to your institution's discretionary Financial Contingency Fund (FCF) to meet the cost.

The process of providing DSA support can only start when you have provided the above additional information. When you have done so, I will send you further information for an Assessment of Course Needs to be carried out.

Yours sincerely,

Annex 1(C)

DIAGNOSTIC ASSESSMENT REPORTS - REQUEST FOR FULL EVIDENCE OF DISABILITY/SPECIFIC LEARNING DIFFICULTY

Dear Mr / Mrs / Miss,

STUDENT FINANCE ACADEMIC YEAR 2012/13 **DISABLED STUDENTS' ALLOWANCES (DSA)**

You have indicated an interest in applying for Disabled Students' Allowances and have returned the form DSA1 but you have not provided adequate evidence of your disability / learning difficulty.

The evidence you have provided in relation to your learning difficulty was issued before you were 16 years old and you will now require a "top up" assessment which should be carried out by a qualified psychologist or a specialist teacher who holds a current practising certificate. The "top up" would be needed to establish the likely impact of your specific learning difficulty on the skills you need to meet the study requirements of your higher education course.

Please arrange to send in the required "top up" report. The university or college disability adviser may be able to help you arrange an updated assessment. The costs of providing such evidence of your disability **cannot** be met by the Authority. However you may apply to your institution's discretionary Financial Contingency Fund (FCF) to meet the cost.

Or:

From 2007/08 all diagnostic assessment reports must be carried out by a qualified psychologist or a specialist teacher who holds a current practising certificate in assessing adults with specific learning difficulties.

Your report does not meet this requirement. Please arrange to send in the required report. The university or college disability adviser may be able to help you arrange an updated, or new assessment.

The costs of providing such evidence of your disability **cannot** be met by the Authority. However you may apply to your institution's discretionary Financial Contingency Fund (FCF) to meet the cost.

Or :

We would not normally ask you to provide a new diagnostic assessment report since you were 16 however, the report you have provided does not establish the likely impact of your specific learning difficulty on the skills you need to meet the study requirements of your higher education course.

As your report is not adequately up to date and/or comprehensive, you must provide a new one and from academic year 2007/08 it must meet the requirements of being carried out by qualified psychologist or a specialist teacher who holds a current practising certificate.

The costs of providing such evidence of your disability **cannot** be met by the Authority. However you may apply to your institution's discretionary Financial Contingency Fund (FCF) to meet the cost.

And:

The process of providing DSA support can only start when you have provided the above additional information and when you have done so I will send further information for an Assessment of Course Needs to be carried out.

Yours sincerely,

Annex 2

ARRANGEMENTS FOR OBTAINING DSA NEEDS ASSESSMENT APPOINTMENTS

Dear **Student**

STUDENT FINANCE ACADEMIC YEAR 2012/13 **DISABLED STUDENTS' ALLOWANCES (DSA)**

Thank you for your application for Disabled Students' Allowances (DSA 1) and supporting medical evidence/Psychologist report.

In order for us to process your application further, you now need to make an appointment for a needs assessment to be carried out by an Accredited Access Centre registered by the DSA Quality Assurance Group (QAG). The Assessment Centre will provide us with a comprehensive report identifying the type of equipment required, the cost and a recommended supplier. It will also identify any training and non-medical help that will be required, together with an estimated cost of this support.

The fee for your assessment will be met through the non-medical helper allowance of your DSA and paid by your Local Authority on your behalf to the organisation who carries out your assessment. On receipt of the Assessor's report, I will contact you again about arranging and providing your DSA support.

Accredited Access Centre in and around your locality include:

[LA may wish to insert details of nearest AC here]

You can also find a full list of accredited Assessment Centres at www.dsa-qag.org.uk. To find your nearest centre, click on 'Search for Assessment/Outreach Centre' and choose a Region or Town from the drop-down list.

The Disability Advisor at your University will be able to help you to arrange your DSA study Needs Assessment, they can also ensure you receive the appropriate support during your course and offer further advice and guidance.

Please take a copy of this letter with you for the Assessors' attention. This will enable them to know what information is required and also who to invoice for payment for the needs assessment.

You should note that assessors have a large demand for their services and I would therefore advise you to make contact straight away. You should also note that we are unable to pay your DSA support until we have received an assessment report of your course-related needs. Given the high demand for appointments, you are advised to attend the earliest assessment appointment available.

Yours sincerely

Annex 3

DSA AWARDS LETTER

Dear **Student**

STUDENT FINANCE ACADEMIC YEAR 2012/13 **DISABLED STUDENTS' ALLOWANCES (DSA)**

I refer to your application for additional course-related support from the Disabled Students' Allowances.

I have now received your needs assessment report from **Insert Name of Assessment Centre** and I am pleased to inform you that assistance has been agreed from the equipment allowance/non-medical helper allowance and general allowance for the purpose of attending your Institution subject to the restrictions imposed by, and up to the financial limits stipulated in the regulations.

However, no payments may be made for any support until you return a signed copy of this letter and you must also submit a completed DSA1 every year for the duration of your course to ensure that payment for all recommended support is available.

1) Specialist Equipment

We will order all items recommended in your needs assessment report direct from the recommended supplier, who will contact you regarding delivery. (Or the LA can list the equipment and name the supplier)

The equipment and software is supplied for your sole use and must not be shared with anyone.

YOU MUST ENSURE THAT THE VIRUS PROTECTION SOFTWARE IS UPDATED AS REQUIRED.

If you download or install any additional software such as programs, games, music or other inappropriate material onto your PC (**if one is supplied**) without prior consultation with the Local Authority and written authorisation from the original supplier you may invalidate the warranty. Should you fail to comply with these instructions you will have to pay for any work required to rectify any problems caused.

Insurance

You can use the DSA to cover the cost of any extra insurance to cover the equipment purchased from your DSA. You will need to send us a receipt, showing the costs of the extra insurance cover for the DSA equipment only. All risks insurance cover is important as the DSA cannot be used to meet the cost of replacement if the original is lost or stolen.

IT IS IMPORTANT THAT THE INSURANCE PERIOD COVERS THE WHOLE OF YOUR COURSE OR IS RENEWED ANNUALLY.

2) Non Medical Helpers Allowance

This will be supplied as recommended in your needs assessment report. (Or the LA can list the support and name the supplier)

This Authority will require monthly or termly invoices for payment of any non-medical support.

Please Note

Depending upon the terms and conditions under which your non-medical helper is engaged, you may be classed as their employer. This could mean you are responsible for complying with employment legislation and ensuring that your helper's tax and national insurance contributions are paid. You will not be an employer if you select a helper who is self-employed or a helper who is employed by your Institution. Your Institutions' disability officer should be able to offer you more advice on this subject. You may also wish to speak to your local Her Majesty's Revenue and Customs (HMRC) office.

Missed Sessions

Payment from DSA will only be made for up to three missed sessions throughout the whole of the academic year. You will have to pay the cost of missed sessions over and above the three mentioned, unless there are mitigating circumstances, ie, illness. Documentary evidence will be required in such cases.

3) **General Allowance**

You should only claim for items recommended in your needs assessment report. (Or the LA can list the items)

Please find attached a pro forma to claim reimbursement of expenditure. You should complete this and send it, with your original receipts, to this Authority in order for us to reimburse you. If you require further claim forms please either copy the original or contact this office for a replacement.

If your needs assessment recommends internet access we cannot reimburse your costs of installation or rental if you already had the internet before you had the needs assessment. However if this is not the case you should provide proof that you have had the internet installed, the invoice for that connection and provide copies of the monthly invoices for reimbursement.

WE WILL REFUND RENTAL OF A MAXIMUM £15.00 PER MONTH

(Any amounts over this will have to be paid for by you).

4) **Travel**

You should only claim for travel recommended in your needs assessment report. (Or the LA can list).

If you need to take a taxi we can arrange a local firm to take you as and when required and invoice us on a monthly basis.

If a parent or friend takes you in their car we will reimburse them at rate of **24p** per mile on submission of a detailed breakdown. However, if a fellow student takes you we will only reimburse the extra mileage incurred in picking you up and dropping you off.

You will need to be able to confirm you actual attendances.

By signing and returning a copy of this letter you agree that if you do not take up your place at university you will return the equipment and repay any costs as necessary.

If you require any further information or advice, please contact me, you may also wish to provide a copy of this letter to the Disability Co-ordinator at your University or College as they then put in place the support you need.

Yours sincerely

I agree that if I do not take up my place at university I will return the equipment and repay any costs as necessary.

Name

Date.....

Signature.....

Contact Telephone Number.....

Delivery Address for Equipment.....

Annex 4

MISSED SESSIONS LETTER – NON MEDICAL HELPER

Dear **Student**.

STUDENT FINANCE ACADEMIC YEAR 2012/13
DISABLED STUDENTS' ALLOWANCES (DSA)

As you are aware the non medical help that you receive as outlined in your needs assessment report is paid for out of your Disabled Students' Allowances,

I previously advised you that if you fail to attend more than three sessions, no further missed sessions will be paid for out of your Disabled Students' Allowances.

It has been brought to my attention that you have failed to attend for.....sessions.

Therefore, if you fail to attend any future appointments the cost **WILL NOT** be met by your Disabled Students Allowances and you may be charged for these missed appointments by the University or College.

If you require further clarity on this matter or have any further questions in relation to your DSA, please do not hesitate to contact me.

Yours sincerely

Annex 5

DSA APPLICANTS EXERCISE THEIR RIGHT UNDER THE EQUALITY ACT 2010 NOT TO DISCLOSE THEIR DISABILITY TO THEIR INSTITUTION (SUGGESTED TEXT FOR LETTER)

Dear [HEI]

[Full name of student]

The above student is [studying/applying] for a part-time undergraduate/full/part-time postgraduate/full-time undergraduate distance learning course at your institution.

We would be grateful if you could confirm the following information to enable us to process this student's claim for financial support:

- title of the course;
- course start and finish dates
- the qualification which will be gained at the end of the course;
- the course has an entry requirement of a first degree or higher (for postgraduate courses only);
- you are a publicly-funded institution;
- the rate of study on this part-time course will be xx % (please give the figure) of that needed to complete the course, or an equivalent course, on a full-time basis;
- the student is not receiving any other bursary or award from your institution (other than an award from the Access to Learning Fund). If the student is receiving a bursary, please give details (for postgraduate students only).

Yours sincerely,

[Name, Position, LA]

Annex 6

LIST OF RESEARCH COUNCILS

Research Councils

The Arts and Humanities Research Council (AHRC) at www.ahrc.ac.uk

Biotechnology and Biological Sciences Research Council (BBSRC) at
www.bbsrc.ac.uk

Economic and Social Research Council (ESRC) at www.esrc.ac.uk

Engineering and Physical Sciences Research Council (EPSRC) at www.epsrc.ac.uk

Medical Research Council (MRC) at www.mrc.ac.uk

Natural Environment Research Council (NERC) at www.nerc.ac.uk

Science and Technology Facilities Council (STFC) at www.scitech.ac.uk

Annex 7

COURSES ACCREDITED BY BDA FOR DYSLEXIA ASSESSMENTS CARRIED OUT BY TEACHERS

Courses Leading to SpLD Assessment Practising Certificate-

The following courses will qualify successful candidates to apply for SpLD Assessment Practising Certificate from Patoss or Dyslexia Action.

- All courses leading to AMBDA
- University College London - Certificate in the Diagnostic Assessment & Management of Literacy Difficulties [from 2000 through 2004]
- Evesham & Malvern Hills College Postgraduate Certificate in the Assessment of Specific Learning Difficulties validated by University of Worcester
- London South Bank University LLU+ Postgraduate Diploma in Adult Dyslexia, Diagnosis and Support M Level (7) [from November 2006]
- Oxford Cambridge and RSA Examinations OCR Level 7 Certificate in Assessing and Teaching Learners with Specific Learning Difficulties (Dyslexia)

Below are tables that give details of the specific institutions and courses that meet the above requirements.

Accredited AMBDA Courses

Institution	Course Title	Level
Bath Spa University	Professional Masters Programme, Module One Identifying and supporting Learners with Specific Learning Difficulties/Dyslexia and Module Two Assessment Methodology for SpLD/Dyslexia	AMBDA
Bangor University of Wales	Advanced Certificate of Further Professional Studies (8 modules)	AMBDA
Birmingham University	B Phil / PG Dip / M Ed in Dyslexia Studies	AMBDA
Durham County Council	PG Cert in Teaching Pupils with SpLD/Dyslexia within the School Context	AMBDA
Dyslexia Action (formerly Dyslexia Institute)	PG Dip in Dyslexia and Literacy	AMBDA & AMBDA FE/HE

Institution	Course Title	Level
East Sussex County Council	Meeting the Needs of Pupils with Dyslexia (SpLD)	AMBDA
Edge Hill College of HE	Postgraduate Certificate in SpLD	AMBDA
University of Gloucestershire	Postgraduate Certificate in SpLD	AMBDA
Leicester University	Postgraduate Certificate in Education Studies	AMBDA
Liverpool John Moores University	PG Cert in SEN (Dyslexia) (with upgrade to AMBDA)	AMBDA
London Metropolitan University	PG Dip: Assessment for Specific Learning Difficulties (Dyslexia)/PG Cert Teaching Adult Dyslexic Learners in Higher Education (PGC: TADHLE)	AMBDA FE/HE & AMBDA
Manchester Metropolitan University	"i) PG Dip/Cert in SpLD ii) PG Cert in SpLD (FE/HE)"	i) AMBDA ii) FE/HE
Newport, University of Wales	MA (SEN), Dip SEN (SpLD)/CFPS (SpLD) (modules G101444, G101511, G101512 & G105688)	AMBDA
OCR (previously RSA)	SpLD Diploma	AMBDA
Open University	E801: Difficulties with Literacy Development	AMBDA
Oxford Brookes University – Reaccreditation in progress	Working with Children and Young People with Literacy Difficulties: Postgraduate Certificate in Advanced Professional Practice (Level M)	AMBDA
Somerset LEA	PG Dip in Complex Specific Learning Difficulties (Dyslexia)	AMBDA
Southampton University	PCES: Specific Learning Difficulties (Dyslexia): Identification and Assessment	AMBDA
Swansea LEA	Teaching Pupils with SpLD (Dyslexia) (with upgrade to AMBDA)	AMBDA

Institution	Course Title	Level
University of Teesside	University Certificate in Advanced Professional Development Dyslexia in Post Compulsory Education Settings	AMBDA

Courses Leading to SpLD Assessment Practising Certificate

Institution	Course Title	Level
University College London	Certificate in the Diagnostic Assessment & Management of Literacy Difficulties	
Evesham & Malvern Hills College	Postgraduate Certificate in the Assessment of Specific Learning Difficulties	
London South Bank University	LLU+ Postgraduate Diploma in Adult Dyslexia, Diagnosis and Support M Level (7)	
Oxford Cambridge and RSA Examinations	OCR Level 7 Certificate in Assessing and Teaching Learners with Specific Learning Difficulties (Dyslexia)	