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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Disabled Students' Allowances

Date of issue: 15th November 2019
Action required: Responses by 17th February 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview This consultation seeks views on proposed changes to Disabled Students' Allowances.

How to respond Responses to this consultation should be e-mailed/posted to the address below by 17th February 2020.

Further information and related documents **Large print, Braille and alternative language versions of this document are available on request.**

York Consulting final report: <http://gov.wales/statistics-and-research/review-disabled-students-allowances/?lang=en>

Student Finance Wales Information Notices regarding DSAs policy review:

<http://www.studentfinancewales.co.uk/media/9266/proposed-changes-to-the-disabled-students-allowances-for-academic-year-2016-17.pdf>

<http://www.studentfinancewales.co.uk/media/195156/sfwin-04-2015-update-on-dsas-policy-review-ay-2016-17.pdf>

Student Finance Wales webpages:

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

Contact details

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The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

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- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
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List of acronyms

The following acronyms have been used in this document:

AT – Assistive Technology

ATSPs – Assistive Technology Service Providers

DfE – Department for Education

DSAs – Disabled Students' Allowances

DSA-QAG – Disabled Students' Allowances – Quality Assurance Group

FT – Full-time

HEI – Higher Education Institution

HEP – Higher Education Provider

Introduction

1. Welsh Ministers are committed to the promotion of social mobility and widening access to higher education. This consultation is about the continuation of financial support to disabled students domiciled in Wales undertaking undergraduate and postgraduate courses in the UK.
2. Disabled Students' Allowances (DSAs) are non-means tested, non-repayable grants. The Education (Student Support) (Wales) Regulations 2018¹ and the Education (Student Finance)(Miscellaneous Amendments)(Wales) Regulations 2019² stipulate that DSAs can be awarded to eligible students to cover in full, or as a contribution towards, the additional study-related costs they may face as a direct result of their disability, long-term health condition, mental health condition or specific learning difficulty. This includes the provision of a personalised support worker, the purchase of computers and specialised equipment, and assistance with travel costs as necessary.
3. There are currently four allowances³:
 - Non-medical helper allowance (up to £22,472 per year)
 - Specialist equipment (up to £5,657 for the whole course)
 - General allowance for other disability-related expenditure, including needs assessment fee (up to £1,894 per year)
 - Additional expenditure incurred for the purpose of attending an institution, for example travel costs.
4. A postgraduate DSA is also available to help pay the essential extra costs that an eligible student incurs as a direct result of their disability to undertake a designated full-time or part-time postgraduate course. The postgraduate DSA

¹ <http://www.legislation.gov.uk/wsi/2018/191/contents/made>

² <https://www.legislation.gov.uk/wsi/2019/235/part/6/made>

³ Maximum amounts quoted relate to full time study in academic year 2018/19 and 2019/20 and can be found in the Miscellaneous Amendment Regulations using footnote reference 2. The maximum amounts for part time study in AY 2019/20 can be found here: <https://www.studentfinancewales.co.uk/undergraduate-students/part-time-students/new-students-201920/disabled-students-allowances.aspx>

scheme, detailed in Schedule 4 of the Regulations, closely follows that for undergraduate students but provides for one single DSA of up to £20,000 for the academic year.

5. In all instances where a student is considered eligible for support, their disability must be in accordance with the definition of 'disabled' as set out within the Equality Act 2010 and they must provide medical or diagnostic evidence to support their application.
6. End-December figures for the academic year 2017/18 published by the Student Loans Company⁴ (SLC) show that £7.6m was paid in DSA support to full-time students domiciled in Wales.
7. As part of the process, the student's DSA can be paid to a range of suppliers as appropriate, for example:
 - Study Needs Assessment Centres
 - Non-medical helpers
 - Assistive Technology providers
8. Wishing to ensure that disabled students needs continue to be met through a more streamlined and simplified system for support, this consultation seeks your views on the implementation of proposed changes to DSAs.
9. The results of this consultation will help us consider how to improve and maintain the quality of support to students; give quicker access to support; achieve better value for money and determine how the support can best be provided.

If adopted, we will work with SLC to ensure the changes are applied to full-time, part-time, and postgraduate students (including distance learning), at the earliest opportunity.

⁴ <https://www.gov.uk/government/statistics/student-support-for-higher-education-in-wales-2018-update>

The case for change

10. DSAs have been available since 1974, with the 4 separate allowances being introduced in 1990.
11. In April 2014, in response to a Government drive to rebalance responsibilities between Government funding and institutional support, DfE announced changes to the policy in England. Following their announcement there has been some debate in the higher education sector about the support provided via DSAs, in particular the overlap between the specific duty placed on institutions to make reasonable adjustments under the Equality Act 2010 and the funding provided on an individual basis through DSAs.
12. Details of the policy changes, which came into force in 2016/17 academic year in England, can be found here: <http://www.practitioners.slc.co.uk/exchange-blog/2016/march/201617-disabled-students-allowance-policy-changes-reference-guide/>.
13. In March 2015, the Welsh Government issued a Student Finance Wales Information Notice (SFWIN 01/2015⁵) proposing changes to the DSAs policy in Wales, in line with the proposed changes in England.
14. However, following consideration of the responses received, Welsh Ministers decided not to introduce any of the proposed changes for academic year 2016/17 and agreed that a wider review and a public consultation would be carried out in respect of proposals for improving the DSAs policy and process in Wales.
15. To help inform the review and direct the questions in this consultation, Welsh Government established a DSA Working Group; members included NHS Wales, Student Loans Company, National Association of Disability Practitioners, National Network of Assessment Centres, NUS Wales,

⁵ <https://www.studentfinancewales.co.uk/media/9266/proposed-changes-to-the-disabled-students-allowances-for-academic-year-2016-17.pdf>

Universities Wales, Open Universities Wales, Independent Assessors and Assistive Technology providers – ad hoc members were invited to provide a wider strategic/operational view as required.

16. In addition, in early 2017, Welsh Government also commissioned York Consulting to undertake a review of the effectiveness of the DSAs in Wales. The primary aims of the review were to;

16.1 review the provision of DSAs and the arrangements for providing financial support for students on designated HE courses who have a disability, long-term health condition, mental health condition or specific learning difficulty and,

16.2 to develop and consider options for improving current arrangements.

The full report is published here <https://gov.wales/review-disabled-students-allowances-0>

17. The York Consulting review ran from April 2017 to July 2017. The findings and recommendations in the report have been considered and have informed the proposals taken forward in this public consultation.

18. Some of the recommendations, which aim to improve the customer journey, accessibility and correspondence, are already being taken forward in partnership with the Student Loans Company (SLC) outside of this consultation. These include better communication with institutions; introducing an online element of the application process; creating a progress tracker for students; and improving the DSA2 entitlement letter. Work on these areas continues.

19. Also, since introducing changes to provision and funding in England, DfE commissioned IFF Research to evaluate the appropriateness of the current model and assess the extent to which DSAs are meeting their objectives. That report was published in January 2019⁶.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770546/Evaluation_of_DSAs_Report_IFF.pdf

20. DfE have also recently advised of their intention to tender for the Needs Assessment service and the Assistive Technology and Training service. While the Welsh Government has agreed that SFW students will be part of the tender for Assistive Technology and Training, it has confirmed that it will not be part of the tender for Needs Assessments.

21. The DSAs Working Group considered a range of proposals which would meet the principles of the review, these included:

- simplifying and improving DSA policy and process,
- maintaining the quality of service to students; and
- achieving value for money.

22. The Group agreed that a number of the ideas presented should be further considered and, with regard to the recommendations in the York report, these form the basis of the questions included in this consultation.

23. The Group also recommended applying the following principles:

23.1 Support should meet the student's needs, no more and no less. Providing greater support than is necessary goes against academic standards by hindering the development of independent learning and creates dependency issues.

23.2 Improvements to the transition process from school/FE to HE would have a positive effect on disabled students. There is a need to manage expectations so that students understand the aim of support is to work towards independent learning.

23.3 Expectations placed on HE providers should take into account the diversity of the institution's student population.

23.4 The impact of policy changes in England should be taken into account when making policy changes in Wales due to cross border issues.

23.5 HE providers should be encouraged to share best practice in the move towards more inclusive teaching and delivery of courses.

Unfortunately, due to the machinery of government changes and many other pressing student finance matters, it was not possible to prioritise this work as intended in 2018. However, the Welsh Government has continued to reflect on the work that was undertaken to support the review and the development of this consultation, and feels that the need for change is as compelling as ever and now is a much more opportune time to progress the consultation and seek further improvements to our DSA support system.

OUR QUESTIONS

Welsh Government proposes to amend the Student Support (Wales) Regulations and policy guidance relating to Disabled Students' Allowances.

Please note that whilst we appreciate some proposed changes may have financial and other implications for HEPs, suppliers and other DSA stakeholders, we request that comments should focus on the impact on students.

Q1

Do you agree that one allowance would be better than four separate allowances?

We are questioning the need for four separate allowances and would welcome views on whether one overall allowance would work. This would not lead to a reduction in support; support would still be available based on what the student needs to complete the course but up to the maximum value of the combined allowance thresholds.

This change would simplify the process for students when applying for support and for Student Finance Wales (SFW) when allocating support.

The four allowances (FT student) are:

- Non-medical helper allowance (up to £22,472 per year)
- Specialist equipment (up to £5,657 for the whole course)
- General allowance for other disability-related expenditure (up to £1,894 per year)
- Additional expenditure incurred for the purpose of attending an institution, for example travel costs.

Apart from the general allowance, students are not allowed to use funding from one allowance towards costs incurred under another allowance. This restricts the support a student can access in certain areas.

We are proposing greater flexibility for those students who reach the maximum support available in a certain category of allowance while at the same time not accessing or maximising the support available from other allowances. These students either have to cover the cost of the support themselves, find alternative sources of funding (usually HE provider discretionary funds) or manage without the additional support they require.

Instead of four separate allowances, we would provide eligible students with one disability allowance/package up to a maximum overall amount. This maximum would be based on the highest amounts currently being provided to students via the four DSA allowances.

The same package would be available to eligible postgraduate students recognising that a student's disability does not change between undergraduate and post graduate status. The overall maximum amount would also be pro-rated for part-time students.

The York Research report questioned the relevancy of having an upper limit of entitlement for non-medical help support.

York Recommendation: “to ensure no students are disadvantaged, the Welsh Government should review the relevancy of having an upper limit of entitlement for NMH provision for those students with certain disabilities for whom the upper limit is not sufficient, [Most students only use a fraction of the total entitlement.]”

The report states that “general comments were made by practitioners of an unnecessary funding ceiling for non-medical help provision. Most students are recommended well under the maximum and so do not need the full amount available for non-medical help support. However, for a very small number of students with visual or hearing impairments and other higher-level needs, funds ran out and HE providers contributed additional funding.”

Rather than removing the upper limit for non-medical help support, we are instead suggesting that it would be better to introduce one overall allowance. This will in effect remove the current maximum limit for non-medical help support as recommended by York. The entire DSA allowance amount could be available to a student to use on non-medical helper support if the need is evidenced for that particular support. Where needs exceed the maximum combined value of allowances available, the HEP and student will need to review priorities or seek supplementary funding from other sources where available.

Consideration will also be given as to whether disability-related travel should be kept as a separate discretionary fund, or whether it should be given a limit and included in the overall support thresholds.

All support will still need to be justified fully before SFW can approve the funding.

Q2	Could a DSA ‘package of support’ be awarded rather than requiring every disabled student to undergo a study needs assessment?
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Every student eligible for DSAs undergoes a study needs assessment. A study needs assessment costs the taxpayer up to £660 plus VAT per student. We are considering whether this is necessary in all cases and are exploring the potential to put in place ‘off the shelf’ packages of support for some disabled students.

A study needs assessment is where a specialist advisor discusses the student’s disability and the impact it has/is likely to have on their studies. This study needs assessment is conducted regardless of the student’s disability or condition.

During a study needs assessment, the specialist advisor evaluates what additional support a student requires to assist them during their studies. The advisor produces a report recommending specialist equipment and/or other additional support that will help the student with their studies.

Despite reports being specific to the individual's assessment, SFW has suggested that it can often predict what support will be recommended for students with certain or specific disabilities and have sighted that it is often the same support in each example. To some extent the recommendations can often become a copy and paste exercise.

In certain circumstances, due to the nature of the disability and circumstances of the course they are studying, a student may not need any support. For some students all that is needed is one piece of equipment. For example, a diabetic student may only require a fridge and doesn't therefore need to undergo a costly study needs assessment.

According to unofficial figures, the study needs assessment process currently takes on average around 7 weeks to complete, from the time the student is told by SFW to book the appointment to when SFW receives the final report. Data shows that the process can take up to a year.

The proposal is that once SFW receives an application for DSAs, the HE provider Disability Advisers would be expected to perform a screening process (taking into account the type of course). The screening process would flag to SFW whether or not a formal needs assessment is necessary or if an agreed package of support could be offered. Following the screening process, and where appropriate, SFW would seek the student's agreement to waive the full study needs assessment and accept the package of support that SFW and the HEP deem to be suitable to meet the student's needs.

Packages would reflect the average needs of students depending on their disability. Students with certain disabilities often have similar needs and are very often allocated the same DSA support, therefore the full needs assessment may be an unnecessary cost and delay for these students.

A student will retain the right to refuse a standard package and undergo a full formal study needs assessment. Students accepting an agreed package would also be able to request an individual needs assessment at a later date if circumstances change or needs are not being met.

As part of this consultation we would welcome comments on whether this change would be beneficial to students, which disabilities could be considered as having their needs met by an agreed suitable package of support, and suggestions of what those suitable packages of support would look like..

Q3

Should the student's HE provider be responsible for arranging DSA funded support?

HEPs have an overarching duty of care to their students, particularly vulnerable groups of students. It would be reasonable to anticipate that all support a student needs to undertake their chosen course should be provided by the student's university. Furthermore, it would be reasonable to assume that any relationship built between the HEP student support service and the student will increase their confidence while on campus and provide for a more enjoyable learning experience, improving opportunities for achieving their goals.

For this proposal, DSA funded support includes:

- (i) Study Needs Assessments; and
- (ii) Non-Medical Help

(i) Study Needs Assessments

Currently in Wales, any DSA-Quality Assurance Group (DSA-QAG)⁷ registered assessment centre can carry out a DSA-funded study needs assessment for Welsh students. A student can select any of these registered centres to carry out their assessment. The requirement was formalised for Wales in March 2015⁸.

A recent announcement by DfE advising that they are intending to procure Needs Assessment Centres in England has prompted the DSA-QAG to review their position.

⁷<https://dsa-qag.org.uk/about-us/history-dsa-qag>, <https://dsa-qag.org.uk/students/find-assessment-centre> and <https://dsa-qag.org.uk/practitioner/registering-dsa-qag>

⁸ <https://www.studentfinancewales.co.uk/media/9266/proposed-changes-to-the-disabled-students-allowances-for-academic-year-2016-17.pdf>

DSA-QAG will close at the end of December 2019. No new registrations are being accepted.

Extract from the York report: '4.56 According to heads of disability services, students, both SFE and SFW-funded whose assessments are not undertaken within their HEP can be disadvantaged. Assessors do not always fully understand the learning context and tried to make their best assumptions regarding the demands of the course on a student.

York Recommendation: “the Welsh Government should resist the proliferation of needs assessment and outreach centres that has occurred in England by remodelling the current system along the Scottish model. Needs assessment centres should be affiliated with HEPs and support students applying to that HEP who are entitled to DSAs. This will limit marketisation of assessments and will help ensure assessors take the student’s learning environment and course demands in to account.

We are proposing that in future, study needs assessments will be provided via the student’s HEP only. HEPs, under their duty of care, will be responsible for ensuring the quality of DSA-funded services provided to their students. Each HEP would be expected to adopt its own service standards.

An affiliated centre could reach an agreement with the HEP to carry out assessments. An affiliated centre means a needs assessment centre that is legally bound to the HEP. The centre would enter a service level agreement (SLA) with the HEP. The SLA will set out the process and establish service standards. Responsibility for monitoring and managing quality of service will rest with the HEP. If a student has any concerns over the quality of their service, they will be able to follow the HEP’s complaints process. Existing HEP auditing processes will apply to the provision of all DSA funded services. Unresolved complaints would be referred to the Independent Adjudicator.

The student can either travel to the HE campus for their assessment or, subject to agreement, the assessment could be carried out remotely. This could include an assessment via Skype or similar method. Open University students would also have the option of attending the nearest HE campus or undergoing the assessment remotely. Consideration can also be given to using affiliated outreach facilities where rurality may be an issue.

(ii) Non-Medical Help

The Welsh Government is of the strong opinion that the provision of support to vulnerable students should not be viewed as a commercial opportunity.

We propose to place responsibility on HEPs for arranging and ensuring the quality of non-medical helper provision for their students. External or third party non-medical help providers will have to bid for contracts with the HEP and commit to meeting the HEP's service standards through agreed terms and conditions. The HEP will be responsible for ensuring a proper procurement process is followed and for ensuring value for money is achieved.

York Recommendation: to minimise the potential impact on availability of NMH providers, Welsh Government should resist adopting DSA-QAG's NMH professional requirements on professionals working within Welsh HEPs. HEPs should be responsible for ensuring the quality of provision.

HEPs are autonomous bodies and have their own duty of care policies. Non-medical help provision is a key part of the support system that HEPs have in place for their students and they have a duty to ensure quality of provision. Internally sourced non-medical helper support will be provided at cost.

Currently, HEPs are unable to meet their duty of care if non-medical help is provided by a third party outside the HEP's control. The proposal is that external non-medical help providers funded via SFW DSA will have to sign an agreement with the HEP

regarding the standard of service expected. Non-medical help support should not be charged at a rate that makes the service profitable.

DSAs funding will not be provided for anyone to carry out non-medical help support who is not suitably qualified and/or experienced and does not have appropriate employment status i.e. they must be registered with HMRC to pay tax and national insurance on their earnings. This also applies to DSA funded support provided by family members or friends. Assessment Centres are expected to ensure that all non-medical help support workers they recommend have an appropriate employment status and are suitably qualified and/or experienced.

Q4 **Would improving the awareness of DSA's, particularly within schools and the medical profession, increase their uptake ,?**

The York research report found a lack of understanding among schools and colleges and possibly a lack of willingness to support students to access DSAs due to capacity. In addition, low level awareness within the health profession (GPs) was reported by some students who had difficulties in accessing medical evidence.

We are inviting suggestions on how awareness and understanding of DSAs can be raised within schools/colleges and the medical profession.

Schools/Colleges

York Recommendation: to encourage take-up and smooth transition of students with disabilities from schools and colleges, the DSAs policy lead should liaise with policy leads for pre-16 and post-16 education to raise awareness of DSAs for pupils with a recognised need in school.

Many HEPs reported undertaking considerable work with schools to improve awareness of DSAs. This included visits and presentations in schools, sending out leaflets and encouraging school staff to contact the disability teams with any queries. However, evidence shows there is still a need to improve awareness. An interview held with a special educational needs (SEN) teacher corroborated the lack of awareness among teaching staff.

The SLC's Customer Insight team conducts an annual DSA survey for SFW. SLC has found that customer awareness of DSAs is usually low or non-existent until they get to university.

Data from the 2016/17 SLC survey found that only 11.5 per cent of students found out about DSAs through their schools or colleges.

'I had heard of DSAs but did not know what it was or how students apply...we also don't have the capacity to support students like universities do, so schools tend to leave it to staff in universities.' (SEN teacher, York research report)

There is anecdotal evidence that people don't see the product as relevant to them and only available for students with physical disabilities. Some students don't view other conditions covered by DSA (as per the Equality Act definition) as 'disabilities' e.g. dyslexia. The York research report quoted a student who said "I just thought this was something I had to cope with, I didn't have a clue that I could get help for this, it's been amazing." (student with bi-polar disorder).

Provision of Medical Evidence

DSA applicants must meet the definition of 'disabled' within the Equality Act 2010 and provide medical or diagnostic evidence to support their application to Student Finance Wales for DSAs.

HESA data for 2015/16 show a gap of 7.4 per cent between those students that declared a disability and those that received DSAs for 2015/16.

All students with a physical or mental condition need to provide medical evidence from GPs to prove their eligibility for DSAs. However, students, parents and practitioners regularly report that obtaining medical evidence is very difficult and expensive. There seems to be a lack of understanding from GPs about how the disability affects the student's ability to study at higher education level from day to day.

Extract from the York report - 'He (the GP) originally said to me that my illness was not a disability and refused to complete the form. I then went back with more information and eventually he realised what it was for, but it was very upsetting.' (Student with dyslexia and depression).

It is agreed that messaging and awareness around DSAs needs to be improved. Eligibility for DSAs needs to be seen as making a positive contribution towards supporting the student through their course, and not about the process of evidencing disadvantage or inability. Focus needs to be placed on how Student Finance Wales can help and encourage applications and while a number of practical measures are being taken forward from the York review, for example, helpful videos on how to apply for DSAs and what is acceptable evidence, we welcome suggestions on how to not only raise awareness of DSAs but also your views on targeted campaigns and tailored messaging.