



Royal Conservatoire *of* Scotland

Disability Policy for Students and Applicants

2021-22

1. Introduction

The treatment of all applicants and students as individuals, each with their own unique needs and potential goes to the very heart of what the Conservatoire does and stands for. On that philosophical basis, the Conservatoire strives to provide equality of opportunity for all of its applicants and students. That commitment includes offering support to those students with a disability so that they can achieve their full potential. The Conservatoire also recognises the importance of creating an environment that encourages positive and progressive attitudes so that students and applicants feel able to disclose their disability.

2. RCS and the Equality Act 2010

The member of staff responsible for supporting applicants and students with disabilities is the Conservatoire Disability Adviser. Staff with any questions or concerns regarding an applicant or a student should contact the Conservatoire Disability Adviser in the first instance. Staff should also contact the Conservatoire Disability Adviser if, for example, a student discloses a disability and gives their consent for that information to be passed on.

The Equality Act 2010 replaces the Disability Discrimination Act 1995 and the Special Educational Needs and Disability Act (SENDA, 2001); however, key points from the earlier legislation are still valid:

- If a student has disclosed a disability to any member of staff, then the Conservatoire may be deemed to have been made aware of the condition.
- If a member of staff, having been informed by a student of their impairment, does nothing to assist the individual then both the Conservatoire and the member of staff may be liable to a process of arbitration under the auspices of the Equality and Human Rights Commission (EHRC) or, at worst, legal action.
- The Conservatoire has a duty to make reasonable adjustments in relation to:
 - **(a) provision, criteria or practice.** For example, providing lecture hand-outs in alternative formats
 - **(b) physical features.** For example, providing inclusive access to lecture theatres, seminar rooms etc.
 - **(c) auxiliary aids.** For example, providing computer screen software for students with a visual impairment.
- It is permissible to treat a disabled person more favourably than a non-disabled person, for example, providing a disabled student with a

dedicated parking space when this facility is not available for non-disabled students.

However, the Equality Act 2010 does not take precedence over other legislation such as the Health and Safety at Work Act (1974). For example, in the case of a student with a condition such as epilepsy on the BA Production Arts & Design or the BA Production Management Technology course, the Conservatoire would not allow a student to keep this condition confidential due to the risk to the student and others that non-disclosure would involve. The Conservatoire has reached this position having taken legal advice on the issue.

All staff should be aware of the need to create a welcoming and accepting environment throughout the Conservatoire and should give thought to issues such as use of language and being flexible in the delivery of services or courses. Any member of staff who feels that they may have identified a disability in a student (e.g. dyslexia) should first consult the student and suggest that they speak to the Conservatoire Disability Advisor. Members of staff may also contact the Conservatoire Disability Advisor to discuss their concerns.

3. Disclosure and Confidentiality

If a student discloses a disability to a tutor and asks them to keep the disclosure confidential, the tutor should try and persuade the student to contact the Conservatoire Disability Adviser and explain that this is the best way to access support.

If the student is adamant that they do not want to do this, the tutor should contact the Conservatoire Disability Advisor and explain the situation without giving the student's name or course. The Conservatoire Disability Advisor will then support the tutor in providing support to the student, while emphasising that support can be arranged more effectively if the student themselves arranges it.

4. Awareness of disability

The definition of a disability contained in the Equality Act 2010 is as follows:

A person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

The definition uses "long-term" to mean an impairment which "has lasted at least 12 months" and includes effects of impairments which recur at intervals e.g. rheumatoid arthritis. If someone is receiving treatment for an impairment

and the treatment removes the effects (though not the impairment) the impairment is taken to have the effect it would have had without the treatment.

The definition of disability includes severe disfigurements and progressive conditions such as cancer, HIV, multiple sclerosis and muscular dystrophy. The definition does not include the wearing of spectacles or contact lenses, conditions such as hay fever or dependency on drugs, alcohol or nicotine.

5. Indirect discrimination

The Equality Act 2010 explicitly extends the concept of indirect discrimination to disability for the first time. Indirect discrimination occurs when a provision or practice appears to be neutral but its impact disadvantages disabled people (unless the person applying the provision can justify it as proportionate).

Indirect discrimination may occur, for example, if there is a rule forbidding students to eat and drink in lecture halls or classrooms, which indirectly discriminates against students with diabetes or cystic fibrosis (CF), who may need to eat at certain times for medical reasons (*EHRC, 2012*).

6. Harassment

The Act outlines harassment connected to disability as:

- Unwanted conduct that has the purpose of creating an intimidating, hostile or degrading environment for the complainant or violating a person's dignity.

The perceptions of the recipient of the harassment are very important and harassment can have been deemed to have occurred even if the intention was not present but the recipient felt that they were being harassed (*ECU Briefing, May 2010*).

7. Procedure for supporting applicants with a disability

All applicants are encouraged to declare a disability at application and to contact the Conservatoire Disability Adviser if they wish to discuss any adjustments for their audition/interview.

Examples of this are extra time to prepare sight reading (applicants with dyslexia), time out to rest or have a snack in longer auditions that may include a movement element (applicants with mobility disabilities or diabetes).

8. Guidelines for audition/interview staff

Staff who are involved in auditioning and/or interviewing disabled applicants should review their criteria to ensure they do not create any barriers in their audition/interview techniques. The Conservatoire is committed to creating an atmosphere in which applicants and students can declare a disability without judgements or assumptions being made. Members of staff involved in the selection process need to be ready to make adjustments to ensure talented applicants and students with disabilities can demonstrate their potential at the same level as those who are non-disabled.

Staff should not make judgements on whether or not a candidate's state of health is sufficient for the course, nor on a candidate's potential employability in their chosen field, as this is likely to be discriminatory (EHRC, 2012). Equally, staff should not spend a large part of the audition/interview focusing questions on a candidate's disability or medical condition, as this is likely to be discriminatory. Staff need to ensure that the time given, and questions asked, to explore a candidate's background, experience and motivation for applying for a course are the same as they would be for a non-disabled candidate.

Guidance has been drawn up by the Conservatoire Equality & Diversity Officer and must be studied by all staff involved in auditions/interviews. Training may also be arranged on request.

9. Procedure for supporting students with a disability

When a disabled applicant has been accepted onto a course of study, the Conservatoire Disability Advisor will contact the student to discuss support needs for the course. For example, in the case of a dyslexic student it may be necessary to arrange an up-to-date assessment and apply to the appropriate funding body for a Disabled Students' Allowance (DSA) to purchase equipment or funding for non-medical personal help e.g. a study support tutor. (The Conservatoire funds dyslexia assessments.)

Once a student has matriculated at the Conservatoire, the Disability Adviser will arrange a meeting for the student and the Conservatoire Disability Advisor. The purpose of the meeting is to draw up a Learning Agreement (LA) that states the adjustments that the Conservatoire undertakes to provide.

For example, this may consist of extra time for assessments, handouts printed on coloured paper in large print, extra time for short-loan books, permission to use a score in technical exams or recitals etc. The support will be based upon the recommendations of either an Educational Psychologist (for students with dyslexia/dyspraxia) or the student's GP or consultant (for medical conditions).

The student signs a disclosure statement agreeing that their adjustments may be discussed by appropriate staff with regard to support.

The student may not wish to attend the meeting (and during the pandemic it is not possible to arrange face to face meetings) to draw up a Learning Agreement, and may choose to email adjustments instead, in which case the

Conservatoire Disability Advisor will add the adjustments to the student's record, as described below.

The Disclosure Agreement is signed by the student and the agreed adjustments are uploaded by the Counsellor to the dedicated page on the Student Records System. The link from the web page to the adjustments is then emailed by the Disability Advisor to the Head of Programme/Department or the year co-ordinator of the programme. In order to remain compliant with GDPR legislation, the student's disability/medical condition is not communicated to the Head of Programme or Department unless the student gives written permission for this information to be made available.

It is the Head of Programme's responsibility to ensure that all of the student's tutors are made aware of adjustments. However, individual staff members also have a responsibility to check which of their students require additional support. By following the on-line link, teaching staff may view year groups of courses and modules and access student adjustments.

The LA is reviewed at least every year and the student is encouraged to discuss any support needs that may arise during the year with the Conservatoire Disability Adviser.

In the case of a student being assessed for dyslexia or disclosing a medical condition during the academic year, the same procedure will be followed.

Tutors who feel that a student is struggling with aspects of the course such as organisation, written work, memorising music or text, or reading aloud should first discuss the matter with the student and suggest that they contact the Conservatoire Disability Adviser for a confidential discussion.

For applicants and students who have a Guide Dog or Assistance Dog, the RCS has drawn up specific guidance: RCS Animals on Campus Policy, available on the Portal.

10. Curricular issues

Admission to the Conservatoire is by audition and/or interview and depends upon an individual's artistic and academic merit and potential. Each of the Conservatoire's courses has its own core requirements and competence standards, which students have to be able to satisfy in order to reach the standard required and to achieve the appropriate learning outcomes. However, it may well be possible to make reasonable adjustments to course content, delivery or assessment methodologies, which could involve substituting equivalencies for parts of courses in order to make the courses more accessible.

The Equality Act 2010 neither asks nor requires the Conservatoire (or any other institution) to lower academic or any other prescribed competence standards when considering reasonable adjustments. However, staff need to be aware of barriers that may make courses less accessible to students than

they need to be, and be alert to the possibility of making reasonable adjustments in order to accommodate the specific needs of a student with a disability – without either compromising standards or making fundamental adjustments to learning outcomes.

A tutor who has concerns about the learning implications of a disability of a student in their class should consult the Head of Department/Programme and the Conservatoire Disability Adviser.

11. Further advice and support

The Conservatoire recognises that the consideration of the needs of individual applicants and students may well raise complex issues which require careful and informed consideration. Accordingly support is available to staff in their roles as selectors of students, teachers and assessors. The Conservatoire Disability Adviser should be contacted for advice in the first instance and, if considered necessary, external advice may also be sought.

References

Equality and Human Rights Commission (October 2012) *What equality law means for you as a student in further or higher education.*

Equality Challenge Unit (May 2010) *Briefing paper on the Equality Act 2010: Implications for higher education institutions.*