

“Under the Disability Discrimination Act (DDA), universities and colleges must not discriminate against disabled students in areas such as admissions and the provision of student services.” (<http://www.ucas.com/students/disabledstudents/>)

Recent legislation in respect of education is influencing the structure of learning and teaching. The main legislative external influence upon education are the Standards in Scotland's Schools Act 2000 becoming law in August 2003, Special Education Needs and Disability Act 2001 which inserted additional legislation to the Disability Discrimination Act (DDA) of 1995 and as education is a devolved matter for the Scottish Parliament but discrimination is covered by Westminster additional provisions had been passed within the Education (Additional Support for Learning) (Scotland) Act 2004 which came into force on 14th November 2005, to which explanatory notes published by the Office of Public Sector Information suggest the legislation is a “new system for identifying and addressing the additional support needs of children and young people who face a barrier to learning” (www.opsi.gov.uk)

Other legislation has major implications for education, as the Scottish Further Education Unit (SFEU) website advises “Education (Additional Support Needs) (Scotland) Act 2004 secures support for young people with a very wide range of experience and needs. As such it should not be consulted only in relation to disabled students” and provides sections related to age, disability, race, religion, sexual orientation and gender. (www.sfeu.ac.uk). The University of the West of Scotland refers to additional legislation having an impact upon educators, such as the Human Rights Act 1998 which ensures the right to education and the prohibition of discrimination. (www.paisley.ac.uk).

It has been a while since education has had such a fundamental impact from legislation, with the Govan Law Centre citing the Education (Additional Support Needs) (Scotland) Act as being “the most significant and far-reaching change to education law in Scotland in over 20 years”.

Scottish Disability Team who are funded by the Scottish Funding Council confirm legislation pertaining to discrimination has an impact upon further education and report “In 2005, the Disability Discrimination Act 1995 (the DDA) was amended to place a duty, known as the Disability Equality Duty, on public authorities to adopt a proactive approach to ensuring equality for disabled people. Higher Education Institutions (HEIs) and FE colleges (colleges) are included amongst the public authorities covered” (www.sdt.ac.uk)

The Scottish Government has declared commitment to implementing equal opportunities specifically within education, as noted within the Finding Practical Solutions to Complex Needs consultation document, whereby “The Scottish Executive is committed to widening participation in further education and ensuring that everyone has the opportunity to learn regardless of their background or personal circumstances. We therefore wish to ensure that students with complex additional support needs have the same opportunities as their peers to access further education”. (www.scotland.gov.uk/Publications). Colleges are expected to be proactive with their approach and the Scottish Government publications also state “they should be continually anticipating the requirements of disabled people or students and the adjustments they could be making for them” (A Guide to Local Authorities, NHS Boards and Voluntary Organisations on Supporting Students with Additional Needs in Further Education on www.scotland.gov.uk).

Scottish colleges and universities have had to incorporate policies into their development strategies to cater and comply with the proclamation of law and government intentions. Academic institutions are required to adjust procedures for recruitment of staff and students, retention rates of staff and students, learning and teaching resources, building control, planning stratagem, as well as course delivery and improvement. Rather than merely observe legislation, educational institutions must show a practical positive stance.

The imposed change and impact upon FE has been phenomenal considering figures obtained from the Scottish Government sourced from Higher Education and Statistics Agency as well as the Scottish Funding Council shows the

amount of disabled students growing by 67% from 2000 to 2005 (www.scotland.gov.uk)

Legislation such as the DDA has imposed changes upon the James Watt College but the college itself has risen to the challenge and promoted newly adjusted courses, implemented new policy, staff awareness programs for the legislation, offered additional support to students and staff, as well as a review of accommodation within estates management.

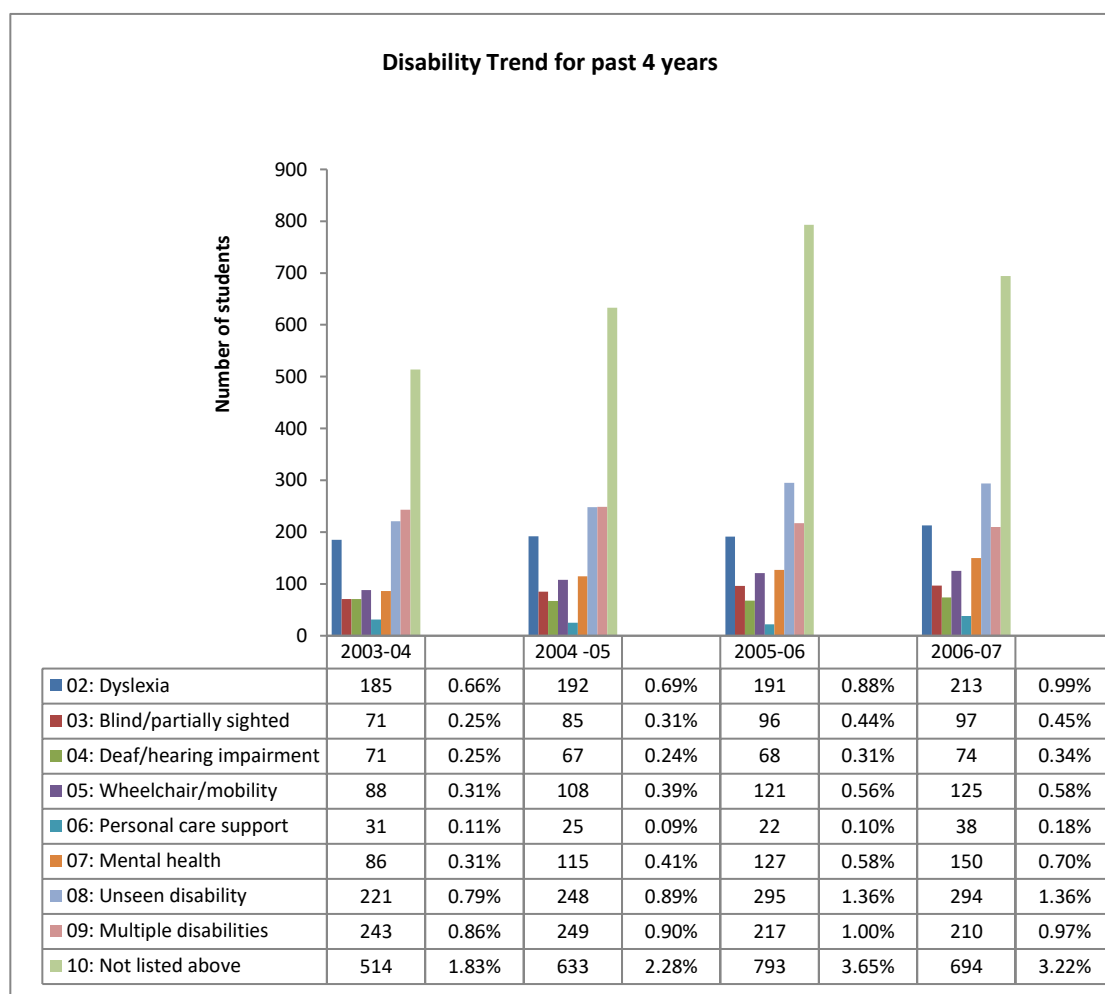


Image 1: Visual representation of disability statistics and trend – James Watt College for past 4 years (Declared student disability: <http://intranet.jameswatt.ac.uk/documents/statistics/index.html>)

The impact upon college student recruitment is illustrated within the above chart, whereby an increase year on year for the past four years, across the majority of disability groups. Recruitment and legislation in the past had not catered in the same manner; statistical information is not readily available. Retired college lecturer, John Gillan, recalls during an interview “about 40 years ago it was quite unique to have a disabled student, with recruitment based upon a lecturer’s assumption of whether the student had capability to be successful with a given course. Legislation did not dictate acceptability to a course or enforce recruitment.” (Interview with Gillan, John 10/3/08). This historical commentary is confirmed within an SFEU document stating “the process of clarifying the meaning of the term, and of understanding the practical implications of the Special Educational Needs and Disability Act and related legislation in FE will take some time, but there is unlikely to be a move back to the old ‘exclusive’ arrangements where FE was inaccessible to a wide range of social groups”. (SFEU document: The Professional FE Lecturer in 2014, via Lexicon Activity).

Positive aspects arise with the DDA impacting upon student recruitment processes. Involvement of more members of the community within education increases student numbers, possibly providing job security. Although, additional learner needs amplifies costs pertaining to organisational reformation.

James Watt College now offers a room dedicated to disability within the Adult Resource Centre, with items for loan such as mini-disc recorders, spellcheckers, coloured acetates, speaking thesaurus and laptops. Specialist computer hardware and software is available. Resources are intimated to college staff via the college intranet. (<http://intranet.jameswatt.ac.uk/support/index.htm>)

The changes within the college at various levels have incurred some disruption, supplementary expenditure and modernisation of culture throughout academic staff, support staff and all students. The legislation is in place to protect and encourage students as well as staff who might otherwise have been victims of discrimination whether intentional or unintentional, with additional benefits of

extra funding, increased consciousness of needs in conjunction with a busier and more robust college. The student intranet pages confirm “five on-street parking lots are reserved for disabled persons”, “the ARC is also designed and equipped to meet the needs of students with a visual impairment, physical disability or mental health problem” and “the college Health & Safety Policy contains special arrangements for students with a disability or learning difficulty in the event of evacuation”, with the installation of a deaf unit and many other policies pertaining to new legislation has encouraged the college to adapt to change associated with disabilities, especially pertaining to students/learners. (http://intranet.jameswatt.ac.uk/students/mystudies/supported_learning.html)

Change is always thorny, with my colleagues citing the new DDA legislation and the resultant diversification within the classroom causing supplementary stress, “since the inception of the Disability Discrimination Act, we have larger class sizes with so many new disabilities to consider and learn about, greater complications with attainment levels and more stress than ever due to the law”. The legislation impacts across the academic structure within the college, with one colleague stating “we are all having to adapt to the changes, the pressure of attainment with varying standard of students, with senior lecturers having less knowledge of the law than lower grades” (Extracts from record of colleague discussion within reflective journal, March 2008)

Course Team Meetings discuss individual needs of learners; we are able to assist colleagues with issues surrounding resources, challenging situations and the implementation of legislation within each class group. As previously indicated, there has been an increase of students with various learning needs, both mentally and physically, whereby lecturers have endeavoured to adapt course material, delivery, assessment and general methodology considering individual learners in concurrence with legislation. Relationships can be strained due to some academic staff being more knowledgeable and sensitive to current legislation. Occasionally embarrassment can be a human trait as opposed to avoidance, whereby it is suggested “when we aren’t aware or unsure of handling some situations, we all get embarrassed at times and it is good to discuss approaches to individual situations, this is where team

meetings are helpful, experience and sharing of knowledge is essential in time of embarrassing situations". (Extracts from collaborative investigation meeting, March 2008). Clearly, lack of legislative familiarity or insecurity surrounding the management of sensitive situations arising from new legislation can cause hostility between colleagues and require additional support within teams.

Colleague support is indispensable when considering the DDA legislation within classroom situations to ensure everyone abides by the law. Similar to colleagues, I am learning how to adjust to recent legal changes and I am very conscious of an increase in learning support workers within the classroom, greater demand from students, sensitivity to additional needs, and modification of my approach to classroom situations, noting "the scribe, translator, technician and signor within the room was very distracting, especially considering the quantity of students all requiring my individual attention" (Extract from reflective journal 2008). The increase in legal responsibilities has increased stress in various directions, with students fully aware of the new legislation and introduction of contemporary situations such as "I need extra help because I think I am dyslexic" or "the deaf student seems to get more help than everyone else", along with comments of "they are slowing down the speed of the lesson and asking silly questions". I find myself questioning "what students are genuinely within the DDA?" and "did I spend too much time with students needing learning support and insufficient time with others?" (Extracts from reflective journal 2008) Possibly it is age old issues surrounding teaching but re-invented due to newly imposed external influences.

This possibly exasperates the predicament of when I should consider the legislation for individual students, to the point whereby every learner and every situation is possibly within the remit of the DDA, as not all disabilities are evident, in fact the NUS comment "for many students they feel that the foremost discrimination anyone faces is to be disbelieved" reminding us of many unseen disabilities and figures suggest "around 70% of people who have a disability in this country have a hidden disability". (NUS Hidden Disabilities Briefing document) Other major challenges arise with the need to identify hidden learner

needs, avoid discrimination, pro-active in approach, consult experts, and acclimatise my teaching role.

All preparation, peer discussion and knowledge of the DDA still presents me with situations where “I feel like a lawyer, a doctor, a social worker, a teacher and a supervisor all thrown into one” and “when I am in the classroom, I am alone with the legalities, the empathy, peer advice, college standards and quality” (Extracts from reflective journal 2008). It has been predicted a lecturer will need “an understanding of legal requirements relating to the role of a lecturer in particular in relation to inclusiveness, disability and diversity” (SFEU document: The Professional FE Lecturer in 2014, via Lexicon Activity). As with all lecturers, we must rise to the challenges of modern day teaching, adapt to the changes through continual personal and professional development and understanding.

Identification of challenges, learner needs and my own professional and personal development plan all co-exist. It is important for all lecturers to view themselves as learners within the field of education for the benefit of their career and essentially the benefit of their students. The college define their learning and teaching strategy as “A systematic and integrated approach to learning which develops, maintains and broadens the key skills, knowledge, personal qualities and experience required of people working within today's College sector and which therefore contributes to an improving experience for learners and customers.” (JWC learning and teaching strategy, 2005-08), as a direct result of a request from Scottish Government to improve the effectiveness and continuum of staff learning in synchronisation with sector changes, legislation, policy, social progression and student needs.

Challenges arising for myself include the requirement to further understand the individual needs of students relevant to DDA legislation, accommodation of legislation within class groups and environmental adjustment to overcome the pressures identified.

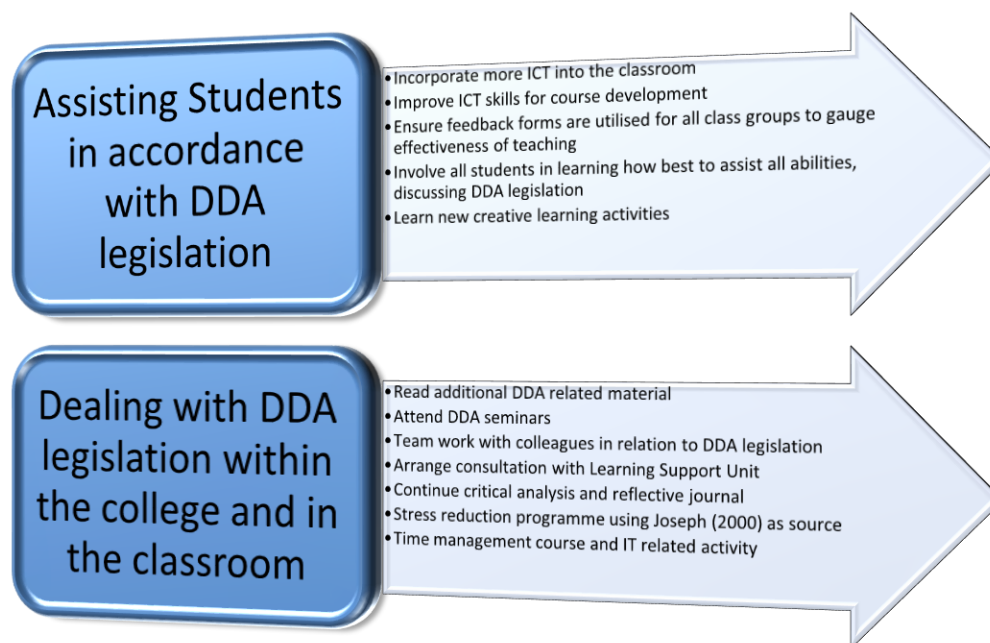


Image 2: Illustration of two-pronged professional development needs, designed by Gillan 2008.

Following the completion of a Lexicon activity and within our collaborative investigation group, we identified “the concept of professionalism as certainly not static but changing over time” (Collaborative investigation meeting notes, 2008). This is most evident when referring to legislation which is evolving through time, with acknowledged challenges providing momentum and motivation to continue applicable professional development. Furthermore, as mentioned within a lexicon activity “The General Teaching Council for Scotland is an option for those with a TQ(FE)”, with their codes and values stipulating a requirement for CPD through reading, seminars, courses and conferences to “address development needs, maximise strengths” and to “meet the challenges of teaching in the 21st century” (www.gtcs.org.uk)

TQFE provides us with a necessary knowledge, qualification, experience and a solid springboard, helping to continue the growth of professionalism but Continued Professional Development (CPD) is recognised as being of utmost

importance, with Armitage et al (2003) reminding us “the acquisition of an initial teaching training qualification is just the first step towards becoming a ‘professional’ teacher” and students wish for their lecturers to have the desired skills, knowledge and experience, “they want to know that there is a plan behind what the educator is doing” (Brookfield 1995).

Although legislation is undoubtedly an extrinsic motivational factor, Alan Rogers (2002) considers if converted “internalised” it may “create an intention to engage in the learning programme”. With legislation causing pressures, it is in my best interests to personally and professionally mature, thus generating intrinsically enthused forces.

College initiated annual personal plans assist identification of my training requirements, assisting a “career planning and development and may also lead to increased job satisfaction, reduced stress and higher levels of motivation” (Joseph 2000), to which timescales are recorded and reviewed.

ICT greatly assists students with disabilities as well as providing many other benefits for all students, as previously identified within the TQFE facilitating learning essay.

Therefore, a course for using ICT for learning and teaching will allow for flexibility of time management. Managing time and stress acknowledged as weaknesses, it must form the most important factor for my personal development plan, during the next academic year. A fresh development plan must be considered for each academic year thereafter, reviewing every 3 months.

As demonstrated, recent legislative introductions confront everyone’s professional identity and the requirement to review professional development. The college standing within the community is being further solidified; all academic staff are constantly learning and developing in accordance with their professional duty. Legislation will continue to evolve within society causing further transformation within education, as education is an integral part of society.