The number of disabled students accessing higher education in the United Kingdom has increased substantially, but the findings detailed in Disabled Students in Welsh Higher Education: A Framework for Equality and Inclusion identify that inequality and exclusion persist.

Discussion is presented in three main sections:

Part one, Perceptions, priorities and power, provides a theoretical and legislative framework towards understanding the experiences of disabled people in society today. The significance of competing priorities of, on the one hand legislators, policymakers and higher education providers, against, on the other hand the often excluded voice of disabled people, is considered in terms of legislative change, policy processes and provision implemented. Karen Beauchamp-Pryor addresses the absence of research examining the situation of disabled students in Wales and identifies the tensions which exist due to devolved political and policymaking power. Part one concludes by providing a detailed statistical analysis of the representation of disabled students in higher education.

Part two, The case study university, explores an institutional response to disability policy and provision, academic departmental approaches and student experience. In the case study disability was perceived not as a matter of equal rights but as a welfare problem requiring measures of care, concern and compensation. Consequently, disabled students lacked power, which was reflected in restricted choice, lack of control and non-involvement.

Part three, An equality and inclusive framework, responds to the question of how a model of equality and inclusion can be advanced within institutions. The author urges for an innovative active process of deliberation and discussion within universities of those factors which promote equality and the feeling of inclusion for disabled students: a process whereby wider views and experiences are embraced amongst staff and students.
DISABLED STUDENTS IN WELSH HIGHER EDUCATION
STUDIES IN INCLUSIVE EDUCATION
Volume 21

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Scope
This series addresses the many different forms of exclusion that occur in schooling across a range of international contexts and considers strategies for increasing the inclusion and success of all students. In many school jurisdictions the most reliable predictors of educational failure include poverty, Aboriginality and disability. Traditionally schools have not been pressed to deal with exclusion and failure. Failing students were blamed for their lack of attainment and were either placed in segregated educational settings or encouraged to leave and enter the unskilled labour market. The crisis in the labor market and the call by parents for the inclusion of their children in their neighborhood school has made visible the failure of schools to include all children.

Drawing from a range of researchers and educators from around the world, Studies in Inclusive Education will demonstrate the ways in which schools contribute to the failure of different student identities on the basis of gender, race, language, sexuality, disability, socio-economic status and geographic isolation. This series differs from existing work in inclusive education by expanding the focus from a narrow consideration of what has been traditionally referred to as special educational needs to understand school failure and exclusion in all its forms. Moreover, the series will consider exclusion and inclusion across all sectors of education: early years, elementary and secondary schooling, and higher education.
Disabled Students in Welsh Higher Education

A Framework for Equality and Inclusion

By

Karen Beauchamp-Pryor
Swansea University, Wales, UK

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<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
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<tr>
<td>AM</td>
<td>Assembly Member</td>
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<td>AUT</td>
<td>Association of University Teachers</td>
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<td>BBC</td>
<td>British Broadcasting Corporation</td>
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<td>BCODP</td>
<td>British Council of Disabled People</td>
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<td>BIS</td>
<td>Department for Business, Innovation and Skills</td>
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<td>CORAD</td>
<td>Committee on Restrictions Against Disabled People</td>
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<td>CVCP</td>
<td>Committee of Vice-Chancellors and Principals</td>
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<td>DA</td>
<td>Disability Alliance</td>
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<td>DCS</td>
<td>Disability Conciliation Service</td>
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<td>Disability Discrimination Act</td>
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<td>DED</td>
<td>Disability Equality Duty</td>
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<td>DELNI</td>
<td>Department for Employment and Learning in Northern Ireland</td>
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<td>DES</td>
<td>Disability Equality Scheme</td>
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<td>DfE</td>
<td>Department for Education</td>
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<td>DfEE</td>
<td>Department for Education and Employment</td>
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<td>DfES</td>
<td>Department for Education and Skills</td>
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<td>DH</td>
<td>Department of Health</td>
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<td>DHSS</td>
<td>Department of Health and Social Security</td>
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<td>DRC</td>
<td>Disability Rights Commission</td>
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<td>DRTF</td>
<td>Disability Rights Task Force</td>
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<td>DSA</td>
<td>Disabled Student Allowance</td>
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<td>Department of Social Security</td>
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<td>DWP</td>
<td>Department for Work and Pensions</td>
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<td>EA</td>
<td>Equality Act</td>
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<td>ECU</td>
<td>Equality Challenge Unit</td>
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<td>EHRC</td>
<td>Equality and Human Rights Commission</td>
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<td>ELWa</td>
<td>Education and Learning Wales</td>
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<tr>
<td>FTE</td>
<td>Full-time Equivalent</td>
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<td>GCSE</td>
<td>General Certificate of Secondary Education</td>
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<td>GNVQ</td>
<td>General National Vocational Qualification</td>
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<tr>
<td>HEA</td>
<td>Higher Education Academy</td>
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<td>HEFCE</td>
<td>Higher Education Funding Council for England</td>
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<td>HEFCW</td>
<td>Higher Education Funding Council for Wales</td>
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<td>HESA</td>
<td>Higher Education Statistics Agency</td>
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<td>HEW</td>
<td>Higher Education Wales</td>
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<td>LEA</td>
<td>Local Education Authority</td>
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<td>LFS</td>
<td>Labour Force Survey</td>
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<td>ME</td>
<td>Myalgic Encephalomyelitis</td>
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<td>NAfW</td>
<td>National Assembly for Wales</td>
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ABBREVIATIONS

NATFHE  National Association of Teachers in Further and Higher Education
NCCSDO  National Co-ordinating Centre for NHS Service Delivery and Organisation Research and Development
NCIHE  National Committee of Inquiry into Higher Education
NCW  New College Worcester
NDT  National Disability Team
NUS  National Union of Students
ODI  Office for Disability Issues
OIA  Office of the Independent Adjudicator
OPCS  Office of Population Censuses and Surveys
QAA  Quality Assurance Agency
QAG  Quality Assurance Group
RADAR  Royal Association for Disability and Rehabilitation
REWG  Race Equality Working Group
RNIB  Royal National Institute of Blind People
RNID  Royal National Institute for Deaf People
RRAA  Race Relations Amendment Act
RSI  Repetitive Strain Injury
SAAS  Student Awards Agency for Scotland
SCIE  Social Care Institute for Excellence
SENDA  Special Educational Needs and Disability Act
SFC  Scottish Funding Council
SHEFC  Scottish Higher Education Funding Council
SJAC  Silver Jubilee Access Committee
SLC  Student Loans Company
SWD  Students with Disabilities
UCU  University and College Union
UKDPC  United Kingdom Disabled People’s Council
UPIAS  Union of Physically Impaired Against Segregation
UWIC  University Wales Institute Cardiff
VOADL  Voluntary Organisation for Anti-Discrimination Legislation
WAC  Welsh Affairs Committee
WAG  Welsh Assembly Government
WG  Wales Government
WLD  Work Limiting Disability
WO  Wales Office
In recent times the popular debate about access to higher education in Britain has been dominated by two main themes: the degree to which privilege maintains a stranglehold within the ancient universities and the deterrent effect of tuition fees on applications to university by students from poorer backgrounds. Though by no means superficial, these topics are essentially ‘of the moment’. They hide deeper questions that are perhaps more challenging and enduring. First, beyond privilege and matters of funding, there is the problem of access to higher education for groups that have hitherto faced severe barriers to entry or have been denied such opportunities at all. Second there are questions concerning the dominant role of politics in education. One such issue is the impact of devolution on higher education policy and practice. Disabled students in Welsh higher education brings these fundamental matters to centre stage.

Much investigation has already been done in England and Scotland (see for example: Tinklin et al., 2004; Riddell et al., 2005; Fuller et al., 2009). But until now there has been far less information about the situation of disabled students in higher education in Wales. Here, using her own original research, Karen Beauchamp-Pryor remedies that lack of knowledge. Only with this new contribution has it become possible to compare the situation across the United Kingdom as a whole. As a result we begin to realize the extent to which lack of access to higher education for disabled people is a common and unyielding problem. More than this, however, the devolution of political powers has produced differences in the educational landscape encountered by disabled students in various parts of Britain. In this regard, Dr. Beauchamp-Pryor offers a timely and thoroughgoing consideration of the policies of the Welsh Assembly Government (inaugurated in 1998) pertinent to the experiences of disabled people in Welsh universities.

This work is, however, neither parochial nor narrowly drawn. The findings are universally significant. To give but one example: although the devolution of powers allows for a more local approach to questions of equality, access and inclusion, Dr. Beauchamp-Pryor shows that this facility does not guarantee speedier progress. Indeed, the evidence is clear that in building on UK-wide equality legislation, there was for a considerable time in Wales a seeming lack of urgency. Time and again the author’s findings reveal a tangible distance between policy, law, operation, and outcome. Her data elucidate the ease with which staff - both academic and administrative - may act in ways which can delay, retard or even thwart policies and objectives designed to improve access and inclusion. Universities face increasing demands for high quality research, they must submit to intense scrutiny of their teaching, and they undergo detailed monitoring of administrative exactitudes ranging from admissions policies to health and safety arrangements. In these conditions, how can other pressing matters such as access for disabled students hope to command the proper attention they deserve?
FOREWORD

Another central problem has been the tokenistic role of the user in the formulation and implementation of policy (Oliver, 1990, 2009; Drake, 1999). During the late 1990s and early 2000s a phrase much used in this regard was ‘the need for empowerment’. Though the vocabulary may have changed, crucially this research demonstrates that disabled people remain absent from powerful positions through which the aims of genuine access to, and inclusion in, higher education might be advanced. Equally, beyond the meticulous and detailed academic study of policy and practice reported here, Disabled students in Welsh higher education also deals with thorny questions of definition. In the light of the findings, what is to be understood by concepts such as ‘change’, ‘disability’, ‘access’ and ‘inclusion’? Agreement in the meaning and force of such terms is needed if disabled people’s entry into, and experiences within, higher education are not to be vitiated.

Further, it follows that the ‘toughness’ of legislation governing questions of equality, access and inclusion is vitally important in ensuring policy realisation. While it may be true that the Equality Act, 2010 offers substantial improvements over the flimsy provisions of the Disability Discrimination Act of 2005, any measure is only as effective as the way it is implemented. From her research (completed prior to the full implementation of the 2010 Act) Dr. Beauchamp-Pryor enunciates two caveats. Any legislation is weakened where, first, practitioners are only partially aware of their duties and, second, of those who are well-informed, some have either ignored or failed to fulfil their obligations. No matter what policy may intend, outcomes depend as much on the informal realm of everyday exigencies as on the strict regimen of the law.

In sum then, this research is a most welcome contribution to the field. Grounded in personal experience and extensive empirical research, this is a diligent analysis which stands, at least in part, on the authentic voices of disabled students so that the reader may more fully apprehend the implications of continuing inequality. The book highlights different understandings of ‘inclusion’, explores the position of disabled people in higher education in Wales, considers the gap between legislation and implementation, provides an understanding of the barriers to access, realises the importance of the conceptualisation and pursuit of policy, and makes clear what is needed in future if disabled people are to enjoy those educational opportunities more readily available to other students at the HE level. As such, Disabled students in Welsh higher education deserves a wide national and international readership.

Robert F. Drake
The Open University
Swansea, 2012

REFERENCES


disabled students are accessing higher education in increasing numbers, but their experiences do not necessarily reflect inclusion. This book is based on a research project which set out to identify what it means to be included and to identify those factors that result in equality and inclusion for disabled students, namely choice, control and consultation.

The impetus for the study stemmed from my educational experiences as a disabled person. It is, therefore, important to preface this volume with a short autobiographical note, which begins to explain the influence of my previous educational experiences and the way they shaped my outlook about the inclusion of disabled people in the education system and in society today.

I grew up in the 1960s and 1970s and the educational options for a child with a visual impairment were limited. Initially I went to a private school in Cardiff: I enjoyed being at school; I developed friendships; and I am unable to recall an occasion when I was treated differently to any other pupil. However, my experiences in education were about to drastically change when the school closed and I was enrolled at the local junior school. It was during this time that I started to realise what it meant to be different to other children: a difference which I believe was reinforced by the actions of teachers in the classroom. At that young age, I remember how the teachers drew attention to my inability to participate in the lessons (to read the books and to follow the blackboard): I felt excluded. I was unable to keep-up with my peers and my parents recognising the problems I experienced, arranged for me to receive additional tuition at home.

At the age of ten I went to Chorleywood College, a grammar school for blind and visually impaired girls in London, as a boarder. The school was the only one of its type in the United Kingdom where an above average level of education was offered to visually impaired girls. I disliked being away from home and whilst my parents visited as often as they were able to, I was deeply unhappy. My elder sister, Christine, was already a pupil at Chorleywood and when I started she was in the sixth form and studying for her ‘A’ levels. Christine disliked being away from home too, but above all she wanted the opportunity to study and to do well. When choosing her ‘A’ level subjects, she was told that it was impossible for her to continue studying mathematics because she needed to be able to use a slide rule. My father, who was an engineer, designed and constructed a Braille slide rule for her and she was able to continue with her studies. She succeeded in her ambition and achieved high grades.

After 18 months, my parents decided that it would be better for me to live at home and to attend the local comprehensive school. I was placed into a remedial class and I suddenly went from receiving a high standard of education to none at all. I was later moved into a mainstream class and although I tried to do well, my abilities were hidden by dominant perceptions about disability as inability.

In the late 1990s, I decided to apply for a place at university. I was amazed at the level of provision I was being offered: books could be photocopied and
enlarged or recorded on to tape; computer software enabled scanning and reading of material; notetakers for lectures could be provided; and even transport to and from university could be arranged.

In 1998, I commenced my undergraduate studies at Swansea University and I was keen to make the most of every opportunity. Initially, however, the promised support did not materialise and in seeking help from my lecturers in the form of copies of overheads and back copies of notes, I found support proved variable. The differing response in policy, provision and practice, by individual lecturers and across departments, became evident and I began to recognise factors that impeded my inclusion. As a result of my experiences, I became intrigued to find out how other disabled students fared in higher education: How included did they feel and what were the factors that influenced their feelings?
Many disabled researchers and academics have discussed the impact the social model of disability has had in transforming their lives. I too experienced this transformation when introduced to the social model and it was the realisation that it was the barriers resulting from attitudes, the design of the environment and organisational and institutional planning, that so strongly motivated my desire to carry out disability research. My sincere thanks go to those academics and researchers whose work has pioneered change and provided so much inspiration. However, it is to my undergraduate lecturer, Dr. Robert Drake, who introduced me to the social model, that I owe most gratitude. It was through his encouragement, support and inspiration that I felt such a yearning to challenge the inequality and exclusion experienced by so many disabled people.

Many people have contributed to this study, from key informants at a national level, to the staff at the case study university. I am grateful for their advice, views and opinions, which assisted in my understanding of many of the issues involved. I am, however, most obligated to the students who participated in the research project, whose openness and willingness to share their innermost thoughts and experiences with me led to such rich data. I hope, as they so deeply hoped, that the findings will bring about change and be positively responded to.

I would like to thank Dr. Kenneth Blakemore and Dr. Tracey Sagar for their advice and support in the research design, analysis and writing-up stages of my doctoral thesis. Their encouragement and enthusiasm proved motivating and was very much appreciated.

Professor Len Barton encouraged me to apply for a postdoctoral research fellowship and I was awarded an Economic and Social Research Council grant (number PTA-026-27-2172). The funding enabled further analysis of Welsh policy and statistical data, and supported the publication and presentation of my research findings. My sincere gratitude is extended to Professor Anne Borsay, for her support and guidance in her role as ‘mentor’.

In preparing my manuscript, Disabled students in Welsh higher education: A framework for equality and inclusion, Professor Barton kindly provided valuable advice and feedback. I am grateful for his guidance and encouragement throughout the process. I would also like to thank Professor Roger Slee and his editorial board for including my monograph as part of the series Studies in Inclusive Education.

I must thank my family and friends who have offered support and encouragement. My gratitude is given most of all to my husband, Alan Pryor, who never doubted my ability to complete the project and to my mother, Margaret Beauchamp, who personally understood why the research was important and encouraged me to share its findings. Both have given up so much, whilst I have
acknowledgements

committed my time to pursuing my research. My final thoughts go to my father, John Beauchamp, and my sister, Christine Lane, who both died before I went to university and who would have been amazed that I not only managed to get into higher education, but that I coped and succeeded despite its many barriers.
PART ONE

PERCEPTIONS, PRIORITIES AND POWER
CHAPTER 1

THE CONTEXT

Equality, Rights and Inclusion

INTRODUCTION

‘I hope that things will change now, not for me, but for future students’
Paul

It was a desire to increase the experience of inclusion for disabled students in higher education that provided the impetus to write this book. The purpose of the research project, which was based on disability provision in Wales, was to identify those areas of policy and practice where change was needed, together with explanations about why change was needed: a change which was deeply wished for by Paul, a disabled student who participated in the case study research. The unfolding chapters aim to develop an understanding of why Paul, as with other students who participated in the study, believed different approaches were necessary to ensure that disabled students felt included in higher education. The study questioned what it meant to be included, what the barriers were to inclusion, and how these barriers could be overcome.

RESEARCH SIGNIFICANCE

Undertaking an evaluation of the priorities in disability policy and provision within Welsh higher education was important given: the lack of previous research examining what it means to be included in higher education; and the increased political power within Wales as a consequence of devolution.

Included, But Not Inclusion

Increasing numbers of disabled students are now accessing higher education, but prior to the 1990s few disabled students had the opportunity to study at a higher educational level. Disability policy and provision within higher education was almost non-existent and in a major review of discriminatory policy within the United Kingdom, Colin Barnes (1991) identified that the majority of higher education institutions were inaccessible and unwilling to support disabled students. During the 1990s the response of institutions significantly changed as a result of major legislative and policy development. The number of disabled students accessing higher education began to increase substantially from two per cent in 1994/95 reaching 8.63 per cent in 2011/12 (HESA, 2004, 2012). However, as
evidenced by the case study data, increased numbers did not reflect a student experience of inclusion: the feeling of ‘belonging’ and of being ‘wanted’.

We know from the writings of disabled academics and activists (see for example, Barnes, 1991; Crow, 1992; French, 1994; Morris, 1996) that although disabled people are increasingly included within society’s structures, society in many ways is not perceived as inclusive:

We receive so many messages from the non-disabled world that we are not wanted, that we are considered less than human. For those with restricted mobility or sensory disabilities, the very physical environment tells us we don’t belong. It tells us that we aren’t wanted in the places that non-disabled people spend their lives — their homes, their schools and colleges, their workplaces, their leisure venues. (Morris, 1996, p. 26)

At the heart of inclusion lie serious issues concerning: citizenship and the extent rights and responsibilities are extended to all members of society; rights and the role they play in securing inclusion; and equality in the valuing of difference.

Citizenship, rights and equality. Citizenship is about ‘belonging’ and essentially defines ‘those who are, and who are not, members of a common society’ (Barbalet, 1988, p. 1). Thomas Marshall’s well known discussion of citizenship consisted of civil, political and social rights: civil rights ‘necessary for individual freedom’, political rights ‘to participate in the exercise of political power’ and social rights reflecting ‘the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society’ (1950, pp. 10-11). The failure to secure rights leads to disadvantaged groups becoming excluded and marginalised.

Educational rights play a fundamental role in securing inclusion, as it is through education that we learn the skills necessary to be able to fully participate in society. To deny educational rights, is to deny an individual’s potential and restrict their opportunities. Moreover, where dominant ideology remains unchallenged, it is instead reinforced through values held within the education system. Children are classified into ‘able’ and ‘less able’ groups, leading to the exclusion of some children and the inclusion of others. The impact of marginalisation within education will be returned to in chapter seven and reflected upon by the students who participated in the study.

Citizenship is not only linked to rights, but is also linked to obligations, which require individuals to be ‘capable of taking on [society’s] burdens as well as enjoying [society’s] benefits’ (Plant, 1990, p. 49). Citizenship has been about being ‘fit’ and ‘able’ to contribute to these obligations, and for those unable to contribute, a lower level of citizenship was afforded. Traditionally, support for disabled people has not been viewed in terms of citizenship and rights, but in terms of care and compensation. The lack of rights by disabled people, led to their dependency on welfare support, which reinforced beliefs that they were a burden on society (Thompson, 1998). These beliefs were difficult to challenge partly because
successive governments relied on the views of traditional charities in the representation of disabled people (Oliver, 1990, 2009; Barnes, 1991; Drake, 1992, 1999; Campbell & Oliver, 1996): views which focused on welfare provision in meeting individual need. Disabled people were excluded from the political process and their views overlooked: views, which focused on the importance of rights.

Rights secure equality, and without rights, the inequality experienced by disabled people persisted. Equality, according to John Baker:

Stands for a democratic society, not a bureaucratic one. And it stands for a society in which genuine differences of sex, religion, and culture are respected, not despised. These principles of equality need and reinforce each other. Inequalities of wealth restrict democracy and mutual respect. Inequalities of power sustain economic advantage and social prestige. Inequalities of status imply that the rich and powerful deserve their privileges. (1987, p. 149)

Arguably those groups with sufficient wealth and power are able to influence governmental, educational and judicial practices and in chapters two and three, the influence of those with power (politicians, policymakers, higher education providers, business and charities) will be considered in terms of whose views dominated the development of legislation and policy, and why.

Equality is about recognising and respecting individual difference. Individuals are entitled to respect and support in achieving their full potential and maximum fulfilment in life. In higher education, the historic failure to educate disabled people (Barnes, 1991; Hurst, 1993) meant that many disabled people lacked the fulfilment of an academic life and the rewards stemming from academic achievement. More recently, whilst disabled people have experienced increased opportunities to study at a higher educational level, the policy and provision implemented predominantly failed to recognise disability as an equality issue and instead focused on caring for and compensating disabled students. As a consequence, disabled students felt they did not ‘belong’, and these feelings will be explored in detail in part two which focuses on the case study research.

The importance of citizenship, rights and equality will be explored throughout the research, but underpinning these serious issues are theoretical accounts which explain the influence of power and the way power operates to include some and exclude others.

*Power, oppression and empowerment.* It is argued that the political, economic and social response towards disabled people has been influenced by those with power (Oliver, 2009; Oliver & Barnes, 2012). Theories of power provide an explanation about the process of power and how those with the most power are able to dominate and shape values and interests within society. Antonio Gramsci’s doctrine of ‘hegemony’, rests on the ‘domination’ by the ‘intellectual and moral leadership’ (Femia, 1988, p. 24). It is through this ‘leadership’ that ‘hegemony’ is exercised:
Hegemony is attained through the myriad ways in which the institutions of civil society operate to shape, directly or indirectly, the cognitive and affective structures whereby men perceive and evaluate problematic social reality. (Femia, 1988, p. 24)

The exercise of power is theorised by Steven Lukes in his ‘three dimensional’ analysis of power. The analysis provides an explanation of the way power works to shape values and interests within society:

Is it not the supreme and most insidious exercise of power to prevent people, to whatever degree, from having grievances by shaping their perceptions, cognitions and preferences in such a way that they accept their role in the existing order of things because they can see or imagine no alternative to it, or because they see it as natural and unchangeable, or because they value it as divinely ordained and beneficial. (1974, p. 24)

The underpinning influence and exercise of power is, therefore, central to understanding why particular approaches are adopted within disability policy and provision. As the chapters unfold, the importance of power and the exercise of power, will be discussed in terms of the meaning of disability, which has underpinned the political, economic and social response towards disabled people:

Certain disabilities become defined as social problems through the successful efforts of powerful groups to market their own self-interests. Consequently, the so-called ‘objective’ criteria of disability, reflects the biases, self-interests and moral evaluations of those in a position to influence policy. (Albrecht & Levy, 1981, p. 14)

Perceptions and assumptions were made about the value of disabled peoples’ lives:

That our lives are a burden to us, barely worth living … That we crave to be ‘normal’ and ‘whole’ … That we don’t have, and never have had, any real or significant experiences in the way that non-disabled people do … That we desire to emulate and achieve normal behaviour and appearance in all things. That we are ashamed of our inadequacies, our ‘abnormalities’ … That we should put up with any inconvenience, discomfort or indignity in order to participate in ‘normal’ activities and events. And this will somehow ‘do us good’. (Morris, 1996, pp. 19-21)

These views are located within a medical model of disability (Finkelstein, 1980; Barnes, 1991; French, 1994; Crow, 1996; Morris, 1996; Oliver, 2009; Oliver & Barnes, 2012). From this understanding, disability is viewed as a direct result of individual impairment and functional limitation resulting in individual inadequacy, inability and abnormality. During the 1960s and early 1970s, this dominant individualised model was contested by disabled people and an alternative definition based on a social model discourse put forward:

In our view it is society which disables physically impaired people. Disability is something imposed on top of our impairments by the way we are
unnecessarily isolated and excluded from full participation in society. Disabled people are therefore an oppressed group in society. To understand this it is necessary to grasp the distinction between the physical impairment and the social situation, called ‘disability’, of people with such impairment. (UPIAS, 1976, p. 14)

From this perspective the cause of disability stems directly from institutional, environmental and attitudinal barriers within society, and not from an individual’s impairment:

It wasn’t my body that was responsible for all my difficulties, it was external factors, the barriers constructed by the society in which I live. I was being dis-abled – my capabilities and opportunities were being restricted – by prejudice, discrimination, inaccessible environments and inadequate support. Even more important, if all my problems had been created by society, then surely society could uncreate them. (Crow, 1996, p. 56)

Criticism has been made of the two extreme positions of the medical and social model (Low, 2001; Shakespeare, 2006). Lord Low argued against the principles behind the social model in his controversial lecture Have disability rights gone too far?:

One-dimensional analyses and prescriptions are inherently unable to do justice to the complexities of the phenomenon that is disability. … it throws whole orphanages out with the bath-water, and its excoriation of alternative perspectives leads to error in its policy prescriptions. (2001, p. 4)

The social model is criticised for neglecting the physical or psychological effects stemming from impairment and illness. However, these effects have not been ignored within disability studies:

There is a tendency within the social model of disability to deny the experience of our own bodies, insisting that our physical differences and restrictions are entirely socially created. While environmental barriers and social attitudes are a crucial part of our experience of disability – and do indeed disable us – to suggest that this is all there is to it is to deny the personal experience of physical and intellectual restrictions, of illness, of the fear of dying. (Morris, 1996, p. 10)

Carol Thomas (2007) whose work is firmly grounded in the social model, addressed these issues, discussing ‘impairment effects’. In her discussions, Thomas contends that disability and impairment can not be polarised between the conflicting positions of biological/social or the natural-cultural and that it is important to engage with the relationship between ‘the impaired body’ and ‘disablism’ (p. 137). Fears within disability studies are evident, because as Tom Shakespeare suggests ‘to mention biology, to admit pain, to confront our impairments, has been to risk the oppressors seizing on evidence that disability is “really” about physical limitations after all’ (1992, p. 40): fears, which were not
unfounded as evidenced in the policy and practice adopted within the case study university, which focused on disability as a welfare issue.

Addressing the criticisms from within a social model discourse has triggered debate and ultimately led to an emerging multi-faceted view of disability:

A good model can enable us to see something which we do not understand because in the model it can be seen from different viewpoints … It is this multi-dimensional replica of reality that can trigger insights that we might not otherwise develop. (Finkelstein, 2001, p. 3)

Consequently, it is important to assess the competing viewpoints in determining factors which influence the experience of inclusion and to question whether a concentration on one model or another is in itself an exclusionary process.

It is interesting to consider Martha Minow’s ‘dilemma of difference’ in which she argues that the process of categorising difference perpetuates difference and hence increases power between groups (1990). Arguably it is from a position which embraces difference, an equality standpoint, that a multi-faceted view of disability can be embraced (Beauchamp-Pryor, 2012a). The debates that inform the competing viewpoints (society/individual; disability/impairment; and political/personal) are important and are ultimately reflected in the experience of equality/inequality and inclusion/exclusion.

The lack of power and inequality experienced by disabled people is evident at all levels: from legislation, through to policy and everyday practice and provision. Disabled people have been excluded from these processes and have lacked a voice in those decisions which impacted on their lives. As bell hooks argued, the exclusion and oppression of certain voices has been achieved through the ‘mechanisms of silencing, suppressing and censoring’ (1989, p. 16). Including the voice of disabled people provides an opportunity to confront those who traditionally hold power and to challenge dominant perceptions held by politicians, policymakers and professionals. Martin Thomas and John Pierson discussed this process as being:

Concerned with how people may gain collective control over their lives, so as to achieve their interests as a group, and a method by which … to enhance the power of people who lack it. (1995, p. 134)

Politicians have begun to recognise the benefit of increased participation by disabled people, with improved provision, increased rights and greater accountability: a recognition which is evident in legislation (DWP, 2005, 2010). However, whilst the benefits of participation have been recognised, the effectiveness of participation is dependent upon the genuineness of the process. As Sherry Arnstein (1969) in her discussion of citizen participation reasoned, there are various degrees of involvement from ritual participation to having real power to affect the outcome. The level of involvement by disabled people in the decisions which impacted on their lives will be examined in the forthcoming chapters, questioning why certain voices were heard and viewed as significant and others
excluded, and importantly, the outcome or consequences of listening or failing to listen.

Research Data and Findings

There has been a growing number of studies detailing the experiences of disabled students in higher education. Notably, the first major study to address the experience of disabled students was Alan Hurst’s *Steps towards Graduation*, published in 1993. Hurst’s early study recognised the need to incorporate the ‘lived’ experience of disability in research and this was reflected in a number of future projects (Preece, 1995; Hall & Tinklin, 1998; Borland & James, 1999; O’Connor & Robinson, 1999; Holloway, 2001; Hall & Healey, 2004; Riddell, Tinklin & Wilson, 2005). Incorporating the ‘lived’ experience provided a valuable insight into the experiences of students and this was particularly evident in John Hall and Teresa Tinklin’s (1998) in-depth study of twelve disabled students attending nine different institutions of higher education in Scotland. The authors encouraged each of the students to tell their story of what it was like being a disabled student in higher education. The students discussed the routes they had taken to get into higher education; the support, guidance, encouragement and discouragement encountered; academic and social experiences; and their hopes for the future. Similarly, Sue Borland and John James’ (1999) in-depth study of 22 students based at one university revealed a range of issues concerning: disclosure of a disability; access to facilities and support; and lack of feedback systems. Conclusive evidence about the inconsistency of provision for disabled students emerged.

Such inconsistencies within provision and practice directly resulted from the underpinning ideology held within institutions about disability:

> It is one thing for institutions to provide improved access for people from non-traditional groups such as those with disabilities, but if there is no change in the ideology of the institution, its staff and its curriculum then the problems will remain. This is the difference between rhetoric and reality, between the policies as set out in institutional plans etc., and the practices as experienced by applicants and students on courses. (Hurst, 1993, pp. 355-356)

Research continued to identify that dominant ideological values persisted within institutions towards disabled students (Hall & Tinklin, 1998; Borland & James, 1999; O’Connor & Robinson, 1999; Holloway, 2001). For example, Borland and James noted that the actions of both staff and students were deeply entrenched within a medical model approach. In a study of equal opportunity practices, Mal Leicester and Tessa Lovell argued that disability was not understood in terms of oppression as with other groups experiencing inequality within institutions:

> The discourse used was of care and concern rather than of discrimination and rights. In other words, there was a lack of a general recognition of disability as a form of oppression, with structural and curricular implications for each
department’s practice in its provision for all students. Rather, disability tends to be seen only in terms of meeting ‘special needs’. (1994, p. 47)

Studies also revealed that disabled students were rarely involved, or even consulted, about policy and practice development and implementation (Hurst, 1993; Hall & Tinklin, 1998; Borland & James, 1999; O'Connor & Robinson, 1999; Riddell, Tinklin, & Wilson, 2005). Hurst, in his 1990s study, asserted that institutions ‘need[ed] to involve more students with disabilities in the movement to improve current levels of provision’ (1993, p. 369) and since, researchers continue to identify that consultative systems remain unaddressed. Consequently, as Teresa Tinklin, Sheila Riddell and Alastair Wilson claimed:

{[Institutions] will remain ignorant of the difficulties and barriers faced by disabled students as they go about their daily business. They will not know which areas need particular attention or development and members of staff remain unaccountable for their practice. (2004, p. 655)}

The failure to involve disabled students has significant implications when considering the process of challenging inequality and exclusion.

In health and social care, participation by underrepresented groups in the development and implementation of services has been firmly established. Involvement has become integral to government health and social care policy with the expectation that service users become involved. However, despite the increased focus by government on user involvement, a number of researchers have remained critical of the attempts to involve users in planning and delivery due to a lack of progress and power issues (Carr, 2004; Hodge, 2005; Simmons & Birchall, 2005). The evidence stemming, for example from: research commissioned by the Social Care Institute for Excellence (SCIE) which focused on older people (Janzon & Law, 2003), children and young people (Dansco et al., 2003), people with learning difficulties (Williams, 2003) and disabled people (Barnes, Mercer, & Din, 2003); and reviews commissioned by the National Co-ordinating Centre for NHS Service Delivery and Organisation Research and Development (NCCSDO), which discussed mental health service user participation (Rose et al., 2003) and general user/consumer involvement (Crawford, Rutter, & Thelwell, 2003); found that power sharing remained difficult within established structures, formal consultation mechanisms and traditional ideologies. More specifically, evidence highlighted barriers based on notions of expertise, dominant professional perspectives and attitudes towards the capability of service users in decision-making processes.

Although barriers exist in the way power is exercised within participation, it is clear that there are important benefits in challenging dominant views, values and perceptions. For instance, Richard Khoo, Andrew McVicar and David Brandon’s (2004) project identified that by including service users in mental health training: professional views and approaches can be challenged; partnerships can be encouraged; awareness can be raised about pertinent issues and user perspectives; practice can be grounded in reality and thus improved; and participants’ confidence in practitioners can grow.
To date, research examining the experiences of disabled students in higher education has concentrated on policy and provision in England and Scotland (Hurst, 1993; Preece, 1995; Hall & Tinklin, 1998; O’Connor & Robinson, 1999; Holloway, 2001; Hall & Healey, 2004; Riddell, Tinklin, & Wilson, 2005; Fuller et al., 2009). The study by Riddell, Tinklin and Wilson was based on eight institutions and 48 disabled students and was more extensive than any other research previously undertaken. The researchers discussed issues about widening access and multiple policy innovations, analysed policy across England and Scotland identifying differences, assessed participation rates and provided direct recommendations. The research project by Mary Fuller, Jan Georgeson, Mick Healey, Alan Hurst, Katie Kelly, Sheila Riddell, Hazel Roberts and Elisabet Weedon also focused on England and Scotland, and sought to ascertain those factors that worked towards inclusion in teaching, learning and assessment processes. However, no research had been undertaken detailing the variations in disability policy and provision between disabled students studying in Wales and the rest of the UK. The absence of data is concerning, particularly given the changing political position within Wales.

The Government of Wales Act 1998 devolved power from the UK Parliament to the National Assembly for Wales (NAfW). Although the Assembly’s powers were limited, Assembly Members (AMs) were in a position to directly respond to Welsh needs and interests. Ron Davies, the Secretary of State for Wales at that time, was commonly viewed as the ‘architect of devolution’ and when he presented the Government of Wales Act to Parliament, he firmly believed that the Assembly would be:

A new institution that will both herald a new style of more inclusive politics that better fits the needs and character of Wales and open to public scrutiny and accountability the machinery of government in Wales. (Hansard, May 22, col. 876, 1997)

Later when Davies gave evidence to the Richard Commission, he declared that the new institution was one of power sharing and partnerships (Richard, 2002).

In 2006, following the report of the Richard Commission (Richard, 2004) and the UK government’s White Paper Better governance for Wales (WO, 2005), the Government of Wales Act was enacted. The Act reformed the Assembly, creating the National Assembly Government, and increased its powers enabling legislation across 20 devolved ‘fields’, one of which was education. Legislation remained subject to the veto of the Secretary of State for Wales, House of Commons or House of Lords. In 2011 the Assembly Government’s powers were further extended following a Welsh referendum ‘yes’ vote supported by 63.5% of voters (BBC, 2011), enabling the Welsh government to make laws in the areas it was already responsible for without needing the permission of the UK government (WG, 2011). First Minister Carwyn Jones, welcomed the result asserting ‘today an old nation came of age’ (Carter & Waldram, 2011).
Politicians in Wales are now in a position to develop long term and wide ranging policy (setting the priorities and objectives) and a strong focus on policy formulation has emerged. But where does this strong focus lie? And what will happen when the priorities and objectives conflict with those held by central government?

In terms of education policy, the Education and Lifelong Learning Committee undertook a review and in its ten year strategy *The learning country* (NAfW, 2001a) broke away from the approach taken in England and instead moved closer to Scottish, Irish and wider European models and cultures: the strategy remained committed to state education and the principles of comprehensive education and distanced itself from the ‘third way’ approach to public service provision.

Davies’ vision of power sharing and partnerships became increasingly observable and in Cardiff, a Welsh policy focus emerged within a range of organisations: for instance, prior to the closure of Skill: National Bureau for Students with Disabilities, a Welsh branch was set up to directly lobby the Welsh government on policies, strategies and plans. But where do these partnerships start and finish, and whose voices are listened to? In a devolved political system will disabled students fair better or worse? These questions will be returned to in chapter three when considering the political and policy response in Wales and the differing priorities that exist between Wales and the rest of the UK.

**METHODOLOGY**

The book’s analysis is based upon four methodological stages:

The first analytical stage considered the developments in UK legislative and policy. The main purpose of the approach was to develop an understanding of the priorities and objectives of policymakers and to identify the competing tensions that existed between policymakers, higher education providers, traditional charities and organisations of disabled people: What were the dominant discourses? Were disabled people included in the debates? Whose voices were listened to? Key informants were interviewed: a leading disability academic; a disability activist who was a member of the Disability Rights Task Force (DRTF); and two disabled student representatives who were participating in policy consultation. Archival materials were reviewed, which included reports and minutes of meetings. Observation methods employed towards evaluating the role of traditional organisations for disabled people (controlled and run by non-disabled people) and organisations of disabled people (controlled and run by disabled people) in determining the involvement of disabled people in legislative and policy developments. Regular contact was maintained with senior policy staff at the Department for Education and Skills (DfES), the Disability Rights Commission (DRC), and Skill.

Evaluating Welsh policy and provision formed the second methodological step. In order to ascertain the priorities of policymakers in Wales, a review of Welsh government documentation was undertaken. Archival material tracing policy back to the early 1990s was also scrutinised to identify, and compare, the early policy
approaches taken by the Funding Councils for Wales, Scotland, England and Northern Ireland. Finally, to determine existing policy and levels of provision within Welsh higher education a questionnaire was sent to each of the 13 higher education institutions in Wales and eight were completed and returned by disability support staff.

The third methodological strand included the analysis of statistical data. A number of Higher Education Statistics Agency (HESA) datasets were analysed, which included a research pack on disability for 1995/96, comprehensive tables for 2001/02 and 2007/08, and a summary of the participation rates for disabled students between 1994/95 and 2002/03. Statistical analysis provided the opportunity to explore patterns of participation by disabled students in higher education and to identify potential areas of policy and provision, which resulted in student inequality and exclusion.

The fourth stage focused on an in-depth study of one institution in Wales. The chosen case study was a traditional university, which attracted a large number of disabled students and was well known within Wales for the high level of provision offered to disabled students. Focusing the research on a single case study facilitated detailed analysis, which enabled a wider range of experiences to be explored in the process of identifying factors that were likely to influence the equality and inclusion of disabled students. Extensive interviewing of staff members was carried out during 2003 at a managerial, administrative and support level across a range of departments, such as planning, estates, admission and marketing, equal opportunities, widening participation, staff development, disability services, examination support, the international office and accommodation. Six disability coordinators in academic departments were also interviewed as part of the process. Student Union sabbatical officers were interviewed, together with disabled members. Questionnaires were distributed to 491 disabled students registered with Disability Services and 116 were completed and returned. The questionnaire identified those students who were willing to participate further in the project and 23 were chosen to represent a range of backgrounds and characteristics such as gender, ethnicity, age, experience of different courses and subject areas, and levels of study (a summary of each student is provided in the appendix). The interviews were largely unstructured allowing students the opportunity to discuss the issues that were important to them. This flexible approach led to many aspects of university life being reviewed. Four students (Carol, David, Sophie and James) were re-interviewed in their following academic year.

A priority throughout the research was given to the anonymity of those involved and this anonymity is maintained throughout the volume: the identities of key informants are hidden; the questionnaire responses returned by Welsh institutions are anonymised; and the identity of the case study university is concealed. Within the case study, members of staff are identified by managerial, administrative and academic role; university departments involved in policy and provision are named, but academic departments are anonymised (with the exception of the discussion about the appropriateness in student choice of subject of study in which a comparison is made in chapter four between the subject areas of English and
engineering); the identity of Student Union staff, sabbatical officers and student members is protected; and fictitious names are assigned to all students who participated in the project.

THE STRUCTURE OF THE VOLUME

The volume consists of three parts: part one, *Perceptions, priorities and power* (chapters one to four), provides a legislative and policy background towards evaluating the experiences of disabled students studying in Welsh higher education in terms of equality and inclusion; part two, *The case study university* (chapters five, six and seven), details the findings stemming from the study of a higher education institution in Wales and evaluates institutional policy and provision, academic departmental understanding, and student experience; and the final part, *An equality and inclusive framework* (chapter eight), looks to the future and questions how a model of equality and inclusion can be advanced within institutions.

In this opening chapter, theoretical discussion about those factors that determine inclusion for marginalised groups was introduced: citizenship, rights and equality; and power, oppression and empowerment. The importance of participation and involvement by marginalised groups in securing inclusion was also considered as central to confronting dominant ideology. These issues are expanded in chapter two, which analyses the development of disability legislation and policy within the UK and evaluates the representation and involvement of disabled people. The discussion draws on the competing tensions that existed between those who held power, those who were prepared to relinquish power and those seeking to equalise power. Chapters one and two provide a theoretical and legislative framework towards evaluating and understanding the experiences of disabled people in society today.

In chapter three, policy and provision in Wales is focused upon: understanding the political approach from within Wales is fundamental in determining implications for disabled students within Welsh higher education. The evidence introduced documents the major initiatives that have taken place in Wales towards tackling inequality of access to higher education for disabled students and compares the data with that of England, Northern Ireland and Scotland. The analysis leads to a questioning of priorities in Welsh policy and the influence of competing tensions between Parliament, the Welsh government and institutions of higher education in Wales.

Chapter four is based on a statistical analysis of the patterns of participation by disabled students in higher education. The difficulties associated with the interpretation of statistical data are considered in terms of categorising impairment and severity levels of disability. However, despite the problematic nature of the statistical data, comparative analysis of disabled students with non-disabled students by age, gender, ethnicity and social class, as well as choice of institution, subject and mode of study, and student achievement, facilitates discussion about
those areas of policy and provision that are likely to result in greater equality and inclusion and those aspects likely to cause inequality and exclusion.

Part two presents the findings from the case study university and in chapter five institutional policy, provision and practice are reflected upon in terms of legislative and policy development, together with identifying those factors that determined equality and inclusion for disabled students. Initially, the strategic response of senior management towards disability is considered within a changing legislative framework. The chapter explores policy approaches and questions the way they impact on student inclusion. In promoting inclusion, the benefits of consultation are detailed reflecting on the views of those participating in the research. The importance of listening to student voices is illustrated further in terms of the university’s feedback and complaint procedures. As well as the importance of consultation, the significance of choice and control is also explored focusing on disability provision. The chapter concludes by presenting examples of policy that result in an oppressive practice or an inclusive approach.

The overall influence of university policy on academic departmental policy and practice is discussed in chapter six. Discussion includes the guidance, direction and information received by academic departments about legislative and institutional requirements and the extent to which departments were compliant with these requisites. Analysis includes the importance of communication, dissemination of information, senior management support, and the knowledge and understanding of department staff. The differing responses across departments are considered and how these impacted upon student experience. The process includes assessing and analysing dominant approaches within academic departments and determining how far these reflected a welfare position or equality perspective, together with evaluating the impact stemming from such approaches on the level of dependency or independency experienced by disabled students.

The final chapter of part two focuses on student experience and two important issues are addressed. The first explores the impact of past experience on independence, confidence and self-esteem, and reflects on student accounts of previous education, friendships, social participation and family support. The second considers the representation and involvement of disabled students within the case study university in achieving inclusion. The views of disabled students are directly drawn upon concerning their participation and contribution to disability policy and provision. These views include the reluctance of some students to participate in consultative exercises due to issues of disability identity and stigma, and concerns about the genuineness and effectiveness of consultation. The benefits of participating in a disability forum are also explored in relation to sharing experience, providing support and in strengthening the interests of a disadvantaged group. Discussion provides an insight into the opinions of disabled students about the meaning of disability and discrimination, and the effectiveness of legislation in securing greater inclusion.

In the final part of the volume, the importance of opening up discussion and debating the issues identified in the research (which include: the meaning of disability, inclusion, and student involvement; the use of appropriate language; the
knowledge of staff about legislative requirements and responsibility; and the process of monitoring and evaluation in addressing and promoting equality) is stressed in terms of securing an equality and inclusive framework. It is argued that all staff within higher education (at every level) need to be engaged in the process of questioning and deliberating factors which result in student inequality.

Importantly areas of policy, provision and practice that worked to secure equality, inclusion and empowerment, were identified as:

- Achieving continuity and consistency in policy approaches within the UK and Wales.
- Understanding disability in terms of oppression.
- Challenging dominant institutional perceptions.
- Adopting a participatory approach in policy and practice.

NOTE

1 Skill: National Bureau for Students with Disabilities closed in 2011 due to financial difficulties, and Disability Rights UK (formerly Disability Alliance) through an agreement with the Department for Business, Innovation and Skills (BIS) is now providing support and information for disabled students.
CHAPTER 2

COMPETING TENSIONS

Legislative Steps towards Inclusion

INTRODUCTION

During the last two decades the political and policy response towards disabled people in the UK radically changed (Beauchamp-Pryor, 2012b). Initial tentative legislative steps provided some protection for disabled people against discrimination, but did not extend to the protection of disabled students in higher education (DfEE, 1995). In 2001, the Special Educational Needs and Disability Act (SENDA) (DfEE, 2001) dealt with this omission and amended the Disability Discrimination Act (DDA) (DfEE, 1995). Four years later the Disability Discrimination Act (DDA) addressed weaknesses identified in legislation and importantly recognised the inequality experienced by disabled people within society (DWP, 2005). Subsequent equality legislation streamlined and further strengthened legislative protection (DWP, 2006, 2010). Within these changes, the importance of including the views of disabled people in public policy became fundamentally accepted as part of the process of ensuring equality and inclusion. These progressive steps are now under scrutiny by the Coalition Government (Conservative and Liberal Democratic partnership) who have reverted to a medicalised gaze, and specifically in education policy back to traditional ideas of segregation (DfE, 2011).

Chapter two provides a valuable insight into the competing tensions that existed between politicians, policymakers, business and industry, charitable organisations, higher education providers and disabled people, and questions the influence and impact of these tensions on policy approaches. The analytic process identifies principles of citizenship and equality; concepts of oppression and power; and issues surrounding the representation and participation of marginalised groups within society. Importantly, understanding the inequality that stemmed from past decisions facilitates an awareness of barriers to inclusion today.

COMPETING TENSIONS

Prior to the DDA (DfEE, 1995) no legislative protection existed to safeguard disabled people from discrimination in the UK, although much evidence had been documented as to the need for legislation: for example, in 1979 the Silver Jubilee Access Committee, under the Chairmanship of Peter Large (a disabled person), published its report *Can disabled people go where you go?* (SJAC, 1979), which drew attention to the number of blatant acts of discrimination against disabled people. In response, the then Labour Government set up the Committee on
Restrictions Against Disabled People (CORAD), again under the Chairmanship of Peter Large, to examine the barriers experienced by disabled people and to make recommendations (1982). The committee recommended that anti-discrimination legislation was necessary to combat the exclusion of disabled people in society. The Institute for Public Policy Research (Bynoe, Oliver, & Barnes, 1990) also detailed the arguments for anti-discrimination legislation. Notably, the government remained reluctant to legislate as Nicholas Scott, the Minister for Disabled People, reasoned:

[I wouldn’t] deny that discrimination exists – of course it does. We have to battle against it, but, rather than legislating, the most constructive and productive way forward is through raising awareness of the community as a whole. (Hansard, 1991, March 28, col. 1143-1149)

Regardless of such assertions, in 1995 the government legislated and the DDA was passed. This was a watershed in legislation and as Alistair Burt (the Minister of State for Disabled People) argued, the legislation was ‘a fundamental advance for disabled people … upon which we can build to achieve the end of discrimination’ (DSS, 1995, p. 1). However, the DDA was viewed as an inadequate compromise and Lord Lester stated in the House of Lords that the legislation was ‘riddled with vague, slippery and elusive exceptions, making it so full of holes that it is more like a colander than a binding code’ (Hansard, 1995a, May 22, col. 807). Politicians (SJAC, 1979; All Party Disablement Group established in 1980; CORAD, 1982), academics (Bynoe, Oliver, & Barnes, 1990; Barnes, 1991) and the disability movement had sought stringent civil rights legislation to secure the equality and inclusion of disabled people within society.

During the 1970s and 1980s a growing collective consciousness amongst disabled people was evident:

The move towards self-organisation prompted increasing numbers of disabled people to adopt a shared political identity, which in turn helped build a new model of confidence. (Bynoe, Oliver, & Barnes, 1990, p. 12)

In 1976 the Union of Physically Impaired Against Segregation (UPIAS) was founded, reformulating itself in 1981 as the British Council of Disabled People (BCODP) and is today known as the United Kingdom Disabled People’s Council (UKDPC) representing over eighty groups run by disabled people. In 1985 the Voluntary Organisations for Anti-Discrimination Legislation (VOADL) was set up, which later became the Rights Now Campaign: VOADL had over 50 member groups and was demanding political change.

As a result of political pressure, between 1982 and 1994, seventeen attempts were made to introduce comprehensive anti-discrimination legislation. The All Party Disablement Group mobilised cross party support and by 1994 threatened to overturn the Conservative Government’s fragile majority. The government, however, continued to make a case for change based on persuasion. An alternative approach, based on equal rights for disabled people had been included in the Civil
COMPETING TENSIONS


The government continued to reason that whilst it shared the aim of enabling disabled people to participate fully in the life of the community, it did not believe ‘sweeping legislation would succeed’ (DfEE, 1994, p. 12). The Civil Rights (Disabled Persons) Bill was viewed by government as lacking consultation with business interests, despite Rights Now arguing that they had consulted extensively.

The government decided to undertake its own three month consultation during the summer of 1994 (DHSS, 1994), but the process was critically viewed by the Rights Now Campaign as a ‘non-consultative’ exercise (1994a). Disabled people experienced delays in obtaining the consultation paper and were unable to respond within the stringent time limit. The cost compliance section set out in the document calculated the cost to business, but these costs were disputed by the disability movement who asserted that there had been gross miscalculations made (Rights Now Campaign, 1994b). The government consulted with the ‘big seven’ charities (RNIB; The Spastics Society; Mencap; RNID; Mind; Leonard Cheshire; and RADAR): traditional charities who supported the government’s approach of persuasion. Historically the charities had similarly responded to disability as a welfare and care issue, failing to understand disability in terms of rights and equality (Oliver, 1990; 2009; Drake, 1992, 1996a, 1999; Campbell & Oliver, 1996). The divergence between the views of non-disabled people and disabled people was clearly evident in a study by Robert Drake of welfare organisations in Wales: disabled people were more likely to focus ‘their efforts upon lobbying, campaigning and empowerment’ and ‘of direct and immediate concern were actions necessary to enhance the status, rights and powers of disabled people’ (1992, p. 10). Moreover, comprehensive legislation was likely to challenge and weaken the long term position of the traditional charities.

The government went ahead with the DDA (DfEE, 1995) and it soon became clear that the legislation was weak. The government’s stance represented the interests of those who held the most power (business and industry; and the traditional charities): a process whereby the position of those with power is legitimised (Burr, 1995). However, without the collaboration of those with power, the state would arguably be largely powerless: for a government to secure successful implementation of legislation reliance on the powerful sectors of society is consequently necessary (Miller, 1999).

The most controversial issue concerned the way disability was defined:

One of the grounds for lack of support is that the definition of disability contained in the Bill is based on an individual rather than a social model of disability. It is my contention that if the Act is implemented with its individual model of disability unchallenged disabled people could remain figures of intrinsic limitation and restriction; and this negative perception will itself limit or further restrict attempts to achieve equality in any meaningful sense. (Chadwick, 1996, p. 25)

The Act defined disability as:
A physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities. (DfEE, 1995)

A person is disabled if the ‘effect’ is ‘substantial’, more than minor or trivial; ‘adverse’; ‘long-term’; and affects ‘normal day-to-day activities’. The focus of the definition was based on an individual’s impairment and not the impact of barriers within society. Consequently, stereotypical views held about disability were reinforced in terms of ‘abnormality’. Categories which are built upon difference (the ‘normal’ and the ‘abnormal’) as discussed by Martha Minow (1990) are perpetuated by disparities in power. Since 2005 the legislative response towards disabled people has started to tackle the inequality experienced by disabled people and in challenging discrimination drawn upon the social model of disability; however, the medical definition remains at the heart of legislation (DWP, 2005, 2010).

The limitations of the definition were recognised by the Disability Rights Task Force (DRTF, 1999), which had been set up by the 1997 newly elected Labour Government to address their manifesto commitment to provide comprehensive and enforceable civil rights for disabled people. Whilst the DRTF debated various definitions of disability the focus on impairment persisted. The battle of definitions was described by a disabled member of the task force ‘as a lost cause’. Within the task force membership the lack of voice by disabled people was evident with only five disabled members, out of the 27 members, representing the disability movement. A wide range of stakeholders were represented, which included organisations of (controlled and run by disabled people) and for (controlled and run by non-disabled people) disabled people; professional organisations such as the Small Business Federation, Institute of Directors, Confederation of Business and Industry, and Trade Union Council; health and social services sector; and civil servants. A divide not only existed between the views of disabled and non-disabled representatives, but also between the views of disabled people themselves: for instance, Lord Low representing the Royal National Institute of Blind People (RNIB) backed a medicalised and individualised approach. Ultimately, as Drake (2002) reminds us, it is the government who decides and who chooses who it wishes to include and exclude from consultative exercises. Whilst it is important to evaluate views from differing perspectives, it is also important to ensure that underrepresented voices are valued and are not excluded in the process (Arnstein, 1969).

An alternative social model definition of disability was proposed and campaigned for by The Northern Officers Group (an organisation of disabled people in local government):

A disabled person is a person with an impairment who experiences disability. Disability is the result of negative interactions that take place between a person with an impairment and her or his social environment. Impairment is thus part of a negative interaction, but it is not the cause of, nor does it justify, disability. (2003, p. 1)
The Civil Rights (Disabled Persons) Bill embraced the definition of disability set out in the Americans with Disabilities Act (ADA) (United States Department of Justice, 1990). The American definition was broader in scope and included those people perceived as being disabled, which meant that the focus moved away from the discriminated to the discriminator (Gooding, 1996). As Rights Now asserted ‘what a discrimination law should focus on is discrimination; not how disabled a person is, but how much they are discriminated against’ (1995, p. 8).

Protection from direct and indirect discrimination had been included in the Civil Rights (Disabled Persons) Bill (DHSS, 1994), along with the concept of ‘reasonable accommodation’, which addressed the barriers experienced by disabled people. The DDA defined direct discrimination as ‘less favourable treatment’ which cannot be justified (1995, section 28s). Unlike other equality legislation (Sex Discrimination Act 1975; Race Relations Act 1976), the government was concerned that discrimination may in certain circumstances be justified: for example, in higher education discrimination may be determined as justified in maintaining academic standards. The concept of indirect discrimination was omitted and would have applied to the removal of institutional barriers, benefiting not just individual cases, but all disabled people. Although the DDA adopted the concept of ‘reasonable adjustment’, Caroline Gooding argued that it was in a more restrictive form and likely to result in mainly individualised solutions.

Consequently, the DDA addressed individualised cases of discrimination, but not indirect discrimination encountered by disabled people within institutional practice. The government failed to recognise that it was the practices and policies within institutions that were disabling people. The resulting dismay was expressed by a disability campaigner: ‘let’s face it, they just wanted to produce something that would, hopefully, keep us quiet, but not make any radical change’ (personal communiqué).

During the next decade a number of important amendments to the DDA addressed the weaknesses detailed above. Successive governments recognised that persuasion alone had proved inadequate in challenging the inequality experienced by disabled people: most notably, the inequality and exclusion experienced by disabled students in higher education.

The protection of disabled students in higher education had initially been omitted from the DDA. Skill: National Bureau for Students with Disabilities, which represented the interests of disabled students in post 16 education, appeared to support the government’s line of persuasion, stating in a government briefing:

There is no sound reason why the increase in equality for one group should be made to threaten the existing rights of another, the universities. More specific policy statements on provision for disabled students would be welcome and useful, but the amendment needs to be framed in another way if it is to be welcome to the institutions who are to respond to it. (Hansard, 1995b, May 22, col. 876)
Skill has since claimed that their objection to legislating for the provision of policy statements was because they believed the proposal was weak. Moreover, as evident in Lord Beloff’s account, Skill was seeking a line of collaboration:

Those who represent disabled students believe that the way forward is through co-operation between such organisations and the institutions of higher education. They deplore the interjection of an unnecessary compulsory power. (Hansard, 1995c, May 22, col. 876)

It was in the interests of Skill to collaborate with government because they not only represented disabled students, but also a range of powerful professional groupings. In addition, as will become clearer later in the chapter, collaboration with government arguably led to the procurement of consultative and contractual work.

Concerns from within institutions about the loss of academic freedom and autonomy were evident. An amendment to the Further and Higher Education Act (DfE, 1992) prevented the Secretary of State from giving directions to the Funding Councils that might impinge on academic freedom. Section 68(3) reflected this stipulation in the provision of grants to the Funding Councils:

Such terms and conditions may not be framed by reference to particular courses of study or programmes of research (including the contents of such courses or programmes and the manner in which they are taught, supervised or assessed) or to the criteria for the selection and appointment of academic staff and for the admission of students.

The Department for Education (DfE) proposed the publication of disability statements by institutions specifying their policy, provision and future plans for disabled students. But vehement objection was expressed by the vice-chancellors who claimed:

WHAT THE DFE ARE PROPOSING WILL NOT FURTHER THE ASPIRATIONS OF THOSE WISHING TO IMPROVE THE SITUATION FOR DISABLED STUDENTS. IT IS A DIVERSION WHICH WILL DO NOTHING FOR DISABLED STUDENTS, BUT COULD UNDERMINE AND DAMAGE UNIVERSITIES’ AUTONOMY. [original emphasis] (CVCP, 1995; quoted in Hurst, 1995, p. 10)

In hindsight, these early tentative legislative steps although full of compromises, were steps in which the discrimination experienced by disabled students started to be recognised.

The need for legislative protection for disabled students in higher education was highlighted by the DRTF in its report published in December 1999, From exclusion to inclusion: Final report of the Disability Rights Task Force. The government indicated its intention to legislate on most of the recommendations made by the DRTF and subsequently created The Disability Rights Commission (DRC). Legislative steps proceeded over the following decade with: the Special Educational Needs and Disability Act (SENDA) (DfEE, 2001); the Disability Discrimination Act (Amendment) Regulations (DfES, 2003); the Disability
Discrimination Act (DWP, 2005); the Equality Act (DWP, 2006); and the Equality Act (DWP, 2010).

A radical change in the response towards disabled people was underway with a new focus on achieving equality and inclusion. The government had importantly responded to the DRTF recommendation to introduce a public sector duty to promote equal opportunities for disabled people: a recommendation instrumental in tackling institutional discrimination (DWP, 2005). The provision reflected the Race Relations Amendment Act (RRAA) (DWP, 2000), which included the duty to promote equality. For the first time disability was acknowledged in terms of equality and the social model recognised in policy. The onus for tackling inequality was placed on public services to ensure that any systematic bias was removed from the way in which services were delivered. Moreover, the Disability Equality Duty (DED) (DWP, 2005) recognised that a key principle in promoting disability equality within public services was by the meaningful involvement of disabled people. The importance of these changes will be returned to in part two of the volume when evaluating the way in which the case study university responded to legislative developments.

The advancements witnessed in developing policy are currently being subjected to a new scrutiny by the Coalition Government. The case study data will identify why a relapse or a retreat in policy will lead to inequality and exclusion.

In the next part of the chapter the competing interests surrounding SENDA are considered, questioning whose views were included or excluded in the process.

SENDA aimed to address the exemption of higher education from the DDA. The implementation process consisted of three stages commencing on 1st September 2002. From this date it became unlawful to discriminate against disabled applicants and students without justification and institutions were required to provide ‘reasonable adjustments’ where disabled students might be substantially disadvantaged. The second stage (from 1st September 2003) required institutions to make adjustments involving the provision of auxiliary aids and services: adjustments such as the supply of equipment (for example, tape records and laptop computers) and/or human support (for example, British Sign Language interpreters and study skil tutors) (Davies, Doyle, & Robson, 2004). The final stage (from 1st September 2005) dealt with the adjustments required to the physical features of the premises, where these would place disabled students at a substantial disadvantage. These stages will be drawn upon throughout the volume in terms of understanding national policy strategies; the response by the case study institution to legislative requirements; and the outcome for disabled students.

A consultation exercise was held prior to SENDA, but the responses from the consultation no longer exist in the Department for Education and Skills (DfES) archives and no formal report summarising the responses was published. The lack of DfES records or a formal report is surprising and concerning as the request for this public information was made within a five year period of the consultative
exercise. Perhaps the process of consultation lacked importance and was not perceived as a priority by Whitehall. However, records were available detailing the consultation that followed SENDA in constructing the Code of practice: Post 16 education and related services (2002a), which was drafted by the DRC at the request of the Secretary of State for Education and Skills. Those invited to contribute to the working party included: DRC commissioners; DfES officials (including lawyers); DRC staff; Skill staff who were employed as consultants in the drafting and re-drafting process; and other experts in the field. Whilst recognising the proficiency and expertise within the working party, the group lacked input from the expertise of disabled people and their organisations, even though Skill (representing disabled students) played a significant role. Skills validity in its representation of disabled students will be returned to in the next section, which draws upon student accounts in policy development. The dominance of professional groupings was likely to reinforce prevalent views about impairment and disability and hence the outcome in policy: concerns identified by Sally French in her edited volume On equal terms: Working with disabled people (1994).

Two wider reference groups were also established to advise the working party and to comment on the written drafts prior to formal consultation. The first group represented England and Wales with a membership of 30 and included representatives from organisations of educational professionals, higher education institutions and traditional charities. Campaigning organisations such as Disability Equality in Education were not present and it appears that no organisations of disabled people were included. The second group represented Scotland with a membership of 44 and again was dominated by organisations of educational professionals and traditional charities. In this instance, a number of voluntary disability organisations were included, two of which were organisations of disabled people: Access Ability Lothian; and Lothian Coalition of Disabled People. Throughout the process the voices of disabled people were barely heard. At interview a leading academic expressed his thoughts on the composition of the two reference groups:

It should not be surprising that they go to these safe organisations that are not going to cause problems. Disappointing and depressing, but that’s the way it is, that’s the way it always has been.

It was the interests of those who held the most power that were included within these groups, with the views of those who lacked power excluded. The reliance by government on the views of professionals and the traditional charities was plain. Consequently, the way in which disability was perceived and responded to reflected such views (French, 1994; Drake, 1996a, 1996b). Moreover, as Oliver strongly argued:

The ‘lack of fit’ between able-bodied and disabled people’s definitions is more than just a semantic quibble for it has important implications, both for the provision of services and the ability to control one’s life. (1993, p. 61, quoted in French 1994, p. 3)
‘Implications’ that are linked to issues of citizenship, equality and rights.

In Wales, as part of the formal consultation process, the DRC held a number of seminars. According to the DRC these were promotional as opposed to consultative. Seminars were attended by groups of and for disabled people, local education authorities (LEAs), college and university representatives, Education and Learning Wales (ELWa) and the National Assembly for Wales (NAfW). However, no official records were kept of attendance or the feedback received. Once again it appeared that the professional groups formed the majority in attendance, with a low representation from disabled people.

During the consultation period the DRC issued almost twenty thousand consultative packs. Packs were sent directly to key stakeholders and included: local authorities; politicians; assessment, accrediting and examining bodies; school inspectors; career services; providers of adult education/lifelong learning; further education; higher education; teacher training establishments; those with a responsibility for health and safety; equal opportunity bodies; national training organisations; research/advisory groups; library, information and broadcasting bodies; student bodies; voluntary organisations with an interest in education; disability organisations; youth services; and trade unions (DRC, 2001). Of these, 249 questionnaires and 17 written responses were returned, representing less than 1.5 per cent of the total sent out. From Wales, 23 replies were received, but no breakdown was available concerning who the responses were from. Across the UK, 11 replies were received from individuals who identified as disabled, three from voluntary organisations of disabled people and five from organisations for disabled people. The most significant number of replies were received from educational institutions, with 70 from further education and 48 from higher education. Whilst a large number of responses were to be expected from educational institutions, it is concerning that only three were received from organisations of disabled people. The failure to target specific organisations led to the lack of inclusion of disabled peoples’ views: an oversight which ensured that the most powerful and influential voices were heard. The DRC addressed these concerns arguing:

If we adopted a strategy of developing such things with only the interests of one group in mind (which we would not legally be able to do anyway) it is far more likely that the good intent of the law will be opposed by those who feel they have no chance to discuss and iron out issues beforehand. (Policy Officer, personal communiqué)

The interests of the one group in which the legislation was aimed at protecting were ignored and when a leading academic assessed the process he commented that it was: ‘an exercise in publicity’; ‘an exercise in saying we’ve done all this, and this is what we’ve come up with’ (Interview). Whilst the consultative process was unrepresentative, it is important to recognise the difficulties experienced by the DRC. The DRC required the Code to be sanctioned by the Secretary of State and Parliament, and DfES officials and lawyers were involved at all stages. Ultimately, it was the DfES and officials who set out the details of the Code.
Much of the drafting process involved debating the exact meaning of legislation in order to ensure that the Code interprets the legislation to the satisfaction of DfES officials and lawyers, otherwise the Secretary of State will not sign it off. (Policy Officer, personal communiqué)

Arguably then, although the legal officers and policy staff at the DRC were able to debate issues and concerns with the DfES their influence was limited.

The contracting of Skill by the DRC in the drafting of the Code is also significant. Skill as an organisation had a wealth of expertise about disability policy and provision within post 16 education. However, Skill’s credibility as an organisation representing the interests of disabled students was questioned by disabled student representatives:

Disabled students perceive Skill as having become part of the establishment as opposed to an active body campaigning and representing disabled students best interests at all times. (NUS Officer, Interview)

Why the mistrust? No doubt, the representation of disabled people within the organisation was a contributory factor. The Skill Council, for instance, consisted of a membership of 60, with categories representing educational bodies; employers, unions and professional groups; organisations of and for disabled people; local authorities and public bodies; individuals; education and career guidance, and support services; student organisations; and individual disabled students, trainees and job seekers. During the research period there was no representation from student organisations on the Council and only four individual disabled members representing students, trainees and job seekers. Of the organisations representing disabled people, three of the four members were from traditional charities for disabled people. Moreover, Low who helped found Skill in the 1970s and who was subsequently elected as President was viewed as a controversial figure amongst organisations of disabled people, due to his anti social model position. Significant progress by Skill in the appointment of disabled people to their Council was evident during the period of the research, with almost a third of its membership disclosing a disability. A conflict between the priorities voiced by the powerful professional groups and those of disabled students was apparent. A position whereby professionals ‘articulate their own assumptions about the needs of disabled people rather than the needs of disabled people as they themselves express them’ (Oliver, 1990, p. 105).

The securing of government contracts by Skill protected the employment and careers of those within that organisation. During the project, there were no disabled people employed in research or policy positions at Skill: a position which was consistent with the control and organisation of many traditional charities (Oliver, 1990; Drake, 2002). It is questionable how far Skill was willing to deliberate policy issues with government and its representatives, because of concerns over potentially jeopardising the procurement of future contracts.

The position of the National Union of Students, Students with Disabilities Committee (NUS, SWD) when compared with the work of Skill, was at a
substantial disadvantage: the NUS elected officer and committee members lacked Skill’s experience and continuity of representation, due to the shortness of time elected; the committee lacked the expertise of research or support staff; and committee members took on additional responsibilities voluntarily, balancing their duties with their commitments in education (with the exception of the elected NUS Disabled Student Officer who was employed full-time). Nevertheless, committee members had a direct understanding and experience of the causes of inequality and exclusion, and were arguably, a lone voice in the representation of disabled students. In the few instances where consultation had taken place, their involvement was perceived as weak and tokenistic:

I have come to the conclusion that we are sitting there to actually say in some report that goes to a minister, ‘students were consulted’. We sit there, I wouldn’t say we are consulted, as I actually think we are treated with benign neutrality. (SWD Committee Member, Interview)

CONSULTATION AND INVOLVEMENT

Given the thoughts expressed by the NUS Officer and the SWD Committee about their experiences of involvement, it is important to consider in more detail the steps taken to involve disabled student representation in policy development (Beauchamp-Pryor, 2012c).

During the period of the research, the process and effectiveness of student consultation and representation was observable in the investigation initiated by the DfES into the efficiency and effectiveness of the Disabled Student Allowance (DSA) funding. DSA funding was originally an income assessed allowance introduced in 1974/75 to provide disability related support for students. In 1990/91 the funding was no longer income assessed and was extended to cover three separate allowances for special equipment; non medical help; and a general disabled student allowance. The allowance was further extended in 2000/01 to cover part-time students and postgraduate students. During the ten year period from 1990/91 to 2000/01, the number of awards escalated from 710 with an expenditure of £0.9 million to 29,451 with an expenditure of £47 million (Joseph, 2003). Over the next decade the number of awards continued to grow reaching 63,085 in 2010/11 with an expenditure of £144.6 million. The number of awards and expenditure for each of the UK nations totalled: England 53,920 awards with an expenditure of £125.7 million; Wales 3,040 awards with an expenditure of £7.3 million; Northern Ireland 1,690 awards with an expenditure of £3.2 million; and Scotland 4,435 awards with an expenditure of £8.4 million (SAAS 2013; SLC, 2013).

Initially the DfES commissioned Skill to carry out a review of the funding scheme in order to determine its effectiveness and to suggest appropriate recommendations. The report was not released because of ‘confidentiality issues’ (DfES representative, personal communiqué) and although confidentiality was an issue, the lack of transparency of action is concerning. Questionnaires were utilised by Skill and sent to LEAs, disability officers and disabled students. According to
CHAPTER 2

Skill approximately eight students completed questionnaires, although their representative was unable to be specific about this number (personal communiqué). Skill was also unable to provide any information about the number of disabled students approached, because the organisation no longer held this information. In comparison, 64 questionnaires were returned from higher education institutions. Consequently, it was the experiences of LEAs, disability officers and assessors, which were highlighted, as opposed to the direct experiences of disabled students. Following the review, the DfES set up the Quality Assurance Group (QAG) to address the issues identified. The group comprised of DfES officials, representatives from LEAs, assessment centres, disability officers, one Skill representative and one NUS representative. Concerns over the structure and membership of the group were raised by a SWD Officer at the NUS SWD Conference:

It is clear that many of the parties involved in these meetings have a vested interest in ensuring the system is reorganised in a manner which is favourable to themselves rather than best for students. (NUS, 2004, p.1)

Discussion at the Conference focused on the weakness of student representation and the failure to secure the perspective of disabled students. Moreover, it was argued from the student viewpoint, that it was the individual careers and interests of members of the group that were being furthered to the detriment of disabled students.

The NUS decided to seek greater representation on the group, but were informed that membership would not be reviewed for a further 18 months. Furthermore, the lack of representation and the effectiveness of representation was evident in the decisions reached by QAG in the structuring and membership of the teams appointed to audit assessment centres and assessors. The audit teams were to be drawn from the various interest groups: assessment centre managers; disability officers; and LEA support staff. The NUS put forward a request for the inclusion of a disabled student representative and, although the appointment of one individual on a team of 12 was initially agreed, at a later meeting apprehension was raised by QAG members and the concession withdrawn:

QAG has concerns about the assessment process itself. The auditors will be recruited and appointed to assess a centre and to view how that centre operates against set criteria. Within the audit process, there will be absolutely no way for auditors themselves to speak out on an individual basis against what has happened to them and to input into the process what their experiences have been. (Anonymised, personal communiqué)

Whilst recognising the apprehension of QAG members, their argument was equally applicable in the appointment of other members of the team, all of whom offered a particular stance based on their working experience of DSA. The application process and training offered provided an opportunity to eliminate their anxieties about the appointment of a disabled student or individual.
The NUS viewed their involvement as ‘tokenistic’ and argued ‘they want us there but don’t listen and take on board the student viewpoint’ (Officer, personal communiqué). There was a feeling of being manipulated and ignored:

If we don’t get our, the student, point across at these meetings they win, they close ranks and cover up the cracks in the system, because it is their system, they control. … They are approaching it from an administration and what’s best for assessors/LEAs prospect, their own interests. As opposed to this is a system for disabled students and what’s best for the students. (Officer, Interview)

The difference in meaningful consultation and tokenistic involvement was apparent, and consequently, dominant professional viewpoints persisted. Such a failure reinforced policy centred on individual care, concern and compensation, as opposed to recognising the importance of policy centred on equality and rights. Meaningful consultation and meaningful involvement provides an opportunity to challenge dominant beliefs held by professionals about the experience of disability (French, 1994). Research, examining the influence of service user involvement in professional practice, has similarly identified that professional viewpoints are challenged resulting in change (Felton & Stickley, 2004; Khoo, McVicar, & Brandon, 2004; Molyneux & Irvine, 2004; Humphreys, 2005). However, unless those with power are prepared to recognise the inequality that exists within consultative processes, the views of those traditionally excluded will continue to be silenced.

By just concentrating on the professional viewpoint this was a missed opportunity in the review of funding. Analysis of the student questionnaire and interview transcripts revealed that disabled students had much to say and to contribute about their experience of applying for and the receiving of DSA. These findings are discussed more fully in the analysis of consultation, choice and control in chapter five. However, it was clear that disabled students lacked a voice and lacked control within the system and as a result, the professional perspective dominated policy and practice. Numerous examples were provided by students detailing the way in which their opinions were dismissed and not viewed as valid: Stephen, a student defined as dyslexic, discussed how his assessor had said to him ‘you need this, this and this, because your symptoms say’ (Interview). Stephen found it difficult to challenge the assessors fixed preconceptions. Consequently, students became passive recipients of services, which as Colin Barnes and Geof Mercer (2006) asserted does not empower the individual or facilitate independence.

The issues surrounding student representation and participation are complex and are considered in detail in chapter seven when discussing the pathway towards equality and inclusion. Analysis of the student questionnaire and interview transcripts highlighted barriers to student involvement based on: dominant discourses; defined power relations; validity of involvement; timing of
consultation; and disability identity and stigma (Beauchamp-Pryor, 2012c). The role of the Student Union in its representation of disabled students is also complex and in many ways reflected dominant perceptions held about disability in their discussions. However, the Student Union was anxious to secure the involvement of disabled students in its plans and decisions reached. The difference in approach between the steps taken by the Student Union to involve disabled students and those taken by senior management at the university is drawn upon in chapter five when considering the benefits of consultation.

Meaningful involvement has since been recognised by government as key to tackling the inequality and exclusion experienced by disabled people. The Disability Discrimination Act (DWP, 2005) introduced a Disability Equality Duty (DED), which required the active involvement of disabled people in producing disability equality schemes (DESs) in the public sector. This ‘involvement’ was viewed in terms of a ‘more active engagement’ than traditional consultative processes (DRC, 2005, 3.13).

However, the most recent findings from 2009 identified that whilst some higher education institutions were actively taking steps to involve disabled people in the development of their DES, and examples of good practice were evident, others had yet to fully comply with the legislative requirement (HEFCE, 2009; HEFCW, 2009). Similarly at the case study university, whilst their DES in 2006/07 stated that disabled students had been actively involved, student participation was questionable and appeared non-existent (Beauchamp-Pryor, 2012c). Notably, by 2010 the involvement of disabled students had become more visible at the university and active steps by management had been initiated to involve disabled students.

Interestingly, and arguably in response to legislation, QAG is also visibly taking steps to secure the involvement of disabled people and in their recent appointment of trustees, specifically invited disabled people to apply (Disability Now, 2011). A recent DSA survey also sought feedback from students about the usefulness of equipment and support. In February 2012, 724 students had completed the survey and it was hoped that the total number of responses would reach a 1000 target. Disappointingly, however, the survey questions represented a dominant medical approach, for instance ‘What aspect(s) of your studies/course do you struggle with most as a result of your impairments?’. Re-framing the questions to reflect the cause of disability, for instance ‘Does the way in which your course is delivered impact on your ability to study?’, moves the blame away from the individual and ‘their own personal inadequacies or functional limitations’ (Oliver, 1990, p. 8). The importance of sharing experience based on both impairment and disability is important and is discussed further in part two when exploring student accounts: but a dual approach can only exist within an equality framework (Beauchamp-Pryor, 2012a).
A NEW FOCUS

The shifting direction by government in its political response towards disabled people is built upon a new understanding of barriers based on inequality and exclusion, which stem from the lack of power experienced by disabled people. In challenging practices of inequality and exclusion the government endorsed the social model of disability in *The duty to promote disability equality: Statutory code of practice*:

The poverty, disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairments or medical conditions, but rather stems from attitudinal and environmental barriers. This is known as ‘the social model of disability’, and provides a basis for the successful implementation of the duty to promote disability equality. (DRC, 2005, 1.6)

The new focus was observable in the strengthening and streamlining of legislation, with the combining of equality strands (age, disability, gender reassignment, race, religion or belief, and sexual orientation) in the Equality Act (DWP, 2010). As a consequence, a new dialogue consistent with a new understanding of disability as a form of oppression has emerged. In part two, the change in direction is explored and the way in which legislation has shaped the response towards disabled students at the case study institution analysed. Disappointingly, the definition of disability within the Equality Act (DWP, 2010) continued to reflect impairment and, subsequently, the tensions identified persisted.

In the next chapter the analysis focuses on the political approach in Wales and seeks to identify the priorities and objectives in policy.