

Secure the Right to Remote Access for Disabled and Neurodivergent People

Y Pwyllgor Deisebau | 7 Mawrth 2022
Petitions Committee | 7 March 2022

Reference: SR22/2201/6

Petition Number: P-06-1251

Petition title: Secure the Right to Remote Access for Disabled and Neurodivergent People.

Text of petition: I am a student with fibromyalgia and C-PTSD. Having the ability to access my course remotely greatly benefitted both my physical and mental health. Other disabled and neurodivergent people have had similar experiences and would like the option to continue accessing their courses in this manner.

The Senedd should ensure the right to remote access to education, and further should enshrine in law the responsibility of educational institutions to dedicate complete commitment to creating an accessible, inclusive environment. Refusal of this robs disabled and neurodivergent people of the life and liberty we deserve.



1. Background

1.1. Decisions about higher education provision

Welsh universities are primarily autonomous institutions with considerable independence and control over their education provision. Each university has a 'governing body' which is intended to be 'collectively responsible and accountable for all institutional activities and which approves all final decisions on matters of fundamental concern within its remit'.

However the Higher Education Funding Council for Wales ([HEFCW](#)) is the public body operating between the Welsh Government and higher education providers. It regulates fee levels and provides funding teaching, research and innovation. HEFCW's remit includes supporting the delivery of Welsh Government priorities for higher education that have societal and economic benefits. This includes a role to 'promote effective and inclusive practices in higher education'. Its first objective in its [Strategic Equality Plan: March 2020 - April 2024](#) is to 'ensure higher education in Wales is sustainable and accessible for all who could benefit from it and/or work in it'

HEIs must also comply with equality and diversity legislation. Governing bodies are legally responsible for ensuring the institution's compliance. Under the [Equality Act 2010](#), education and training providers and other related services have a duty to make **reasonable adjustments** for disabled students so they are not placed at a substantial disadvantage compared to non-disabled students.

1.2. Impact of the Pandemic

The pandemic saw most learners, including disabled and neurodivergent students, being unable to attend education settings during periods of closure. Evidence from a range of sources, including the [Coronavirus and Me](#) survey, highlighted the barriers to home learning and challenges around access to electronic devices, pressures in the home environment and other challenges faced by people with additional learning needs.

While digital solutions were not suitable for all, the increased use of technological and digital solutions led to some learners benefitting from increased accessibility and participation. The Welsh Government's enquiry into disabled people's

experiences found there is a fear among disabled people that these opportunities could diminish once education settings can reopen fully.

2. Welsh Government action

In correspondence to the Committee on 9 February 2022, the Minister for Education and Welsh Language recognised the challenges faced by students with disabilities but stated that, as autonomous bodies, it is a matter for individual colleges and universities to ensure they meet their responsibilities under the Equality Act 2010 and make reasonable adjustments. The Minister goes on to say that the Welsh Government does however work with the Higher Education Funding Council for Wales (HEFCW) to ensure universities have compliant widening access and inclusion plans.

To ensure students with Additional Learning Needs (ALN) are supported to overcome barriers the Additional Learning Needs and Education Tribunal (Wales) Act 2018 established a new statutory framework to support children and young people aged between 0-25. Under the new system every learner with ALN will be given a statutory 'Individual Development Plan'. The Act commenced on a phased basis from September 2021 but the Welsh Government has not yet said when this will apply to learners in Year 11, sixth forms or further education colleges.

Digital 30 sets out the Welsh Government's ten year strategic framework for digital learning in the post-16 sector and aims to ensure:

Post-16 learning providers will seamlessly integrate digital technology into delivery; and encourage innovation in using inclusive, accessible and bilingual approaches to enhance the learner's experience.

Referring to the Additional Learning Needs and Education Tribunal (Wales) Act 2018, the Minister says that the new framework aims to ensure all students with ALN in schools and colleges are 'supported to overcome barriers to learning and can achieve their full potential'. As part of the Digital 30 strategy the Welsh Government is also working with further education, work-based learning and adult learning providers on:

how digital technology can be integrated and embedded into delivery to enhance the learner's experience; and how learners and staff can be equipped with digital capabilities and confidence, under our existing ten year strategic framework for digital learning in the Post-16 sector

The Minister highlights the financial support the Welsh Government provides to ensure students can access higher education and explained that the level of funding is the same for those unable to attend 'in attendance' courses due to their disability. Eligible students can also receive a Disabled Students' Allowance for a designated higher education course for 'in attendance' and distance learning courses. In terms of accessing funding for further education, students who need to study remotely can also still access the Educational Maintenance Allowance or the Welsh Government Learning Grant Support.

The Minister notes colleges and universities' commitment to widen access and participation through the provision of dedicated disability and wellbeing teams who can offer support, including: making reasonable adjustments and promoting inclusivity and accessibility. Since the pandemic, the Minister said that colleges have significantly expanded their distance and digital learning delivery and highlighted over £21 million investment made by the Welsh Government to support students who are digitally-excluded and/or have accessibility needs. Building on research and reviews taken since the pandemic, the Minister confirmed that the Welsh Government are:

continuing discussions with learning providers and key stakeholders to help develop a more planned, sustainable and strategic approach to blended learning.

The Minister did note however that for some courses in engineering and construction and for the health and social care sector, awarding bodies will require mandatory workshop or placement hours.

Responding to the petitioner, the Minister says:

We understand that for some students attending college can cause anxiety and that this might particularly be the case for some neurodivergent students. Improving provision and support for neurodivergent learners is a priority for the Welsh Government and we are providing additional funding for colleges to pilot new curriculum approaches and for college staff to undertake training in order to develop specialist teaching and support approaches appropriate for engaging with neurodivergent learners.

3. Welsh Parliament action

The Children, Young People and Education Committee examined the impact of the pandemic on children and young people, including students in further and higher education between March 2020 and April 2021. The Welsh Government accepted the Committee's **recommendation** to give consideration to the benefits of digital and blended learning across the post-16 education sector to improve the learning experience and educational outcomes of learners.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.