

# NOTTING HILL ACADEMY OF MUSIC

## DISCLOSURE POLICY

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|---------------------------------------|---|
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| Policy owner                          | Head of Quality   |
| Reference points                      | <a href="https://www.esc.ac.uk/about-esc/policies-and-procedures">https://www.esc.ac.uk/about-esc/policies-and-procedures</a> , <a href="https://www.bruford.ac.uk/about/who-we-are/policies-and-procedures/">https://www.bruford.ac.uk/about/who-we-are/policies-and-procedures/</a> , <a href="https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/admissions-recruitment-and-widening-access">https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/admissions-recruitment-and-widening-access</a> , <a href="https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/assessment">https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/assessment</a> , <a href="https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/student-engagement">https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/student-engagement</a> , <a href="https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/learning-and-teaching">https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/learning-and-teaching</a> |
| Audience/handling notes               | Public  |
| Dissemination and implementation plan | <p>This Disclosure Policy will be published on the NHAM website and student portal for reference by students, staff, and all other relevant stakeholders.</p> <p>Lecturers will receive training in how to apply this policy and its procedures. They will also be directed to where it is published. The Administration Manager will be responsible for the dissemination of the policy and procedures to academic staff; the Administration Manager will be responsible for the dissemination of the policy and procedures to support staff.</p> <p>Students will be informed by email that this information is available on the student portal and NHAM website.</p>   |
| Date approved                         | September 2021  |

## 1 INTRODUCTION

### 1.1 STATUTORY REQUIREMENT

The Equality Act 2010 requires that the Academy makes reasonable adjustments to ensure that disabled applicants or students are not placed at a disadvantage as a result of their disability. Some adjustments can only be put in place if the Academy knows about a student's disability and are able to pass relevant information to the members of staff who will make the adjustment. In order to meet the legislative requirements, the Academy must take reasonable steps to find out if a student has a disability.

### 1.2 DISCLOSURE

For some students, disclosing a disability is straightforward or their disability may be obvious. Other students may be reluctant to disclose their disability because:

- It is hidden
- It is newly acquired or identified
- The student does not think of themselves as disabled
- Of fear of discrimination.

Although students and applicants are not obliged to disclose their disability, it is important to foster an environment and culture which encourages disclosure. It is strongly recommended that applicants and students disclose their disabilities as early as possible in order that discussions can take place about reasonable adjustments, if appropriate.

## **1.3 DEFINITIONS**

Detailed definitions are provided in Appendix 1 about the type of conditions covered by the Act, but it is important to note that in addition to physical and mobility difficulties, sensory impairments and mental health issues, the Act also covers specific learning difficulties such as dyslexia or dyspraxia and long term medical conditions such as epilepsy and asthma.

## **1.4 IMPLICATIONS OF DISCLOSURE**

Students and applicants could disclose their disability at various points throughout their contact with Notting Hill Academy of Music staff. This could be at the application stage, at interview or audition, when they are made an offer or when they are fully enrolled on a course. The disclosure can be verbal or written. Disclosure to any member of staff at the Academy could mean that the Academy as a whole could be deemed to know that the applicant or student is disabled unless the applicant/student has asked for this information to be kept confidential. At the point of disclosure, whether this is disclosed to a member of academic staff, administrative staff or first aider, the applicant or student will be asked to complete a Disability Disclosure Form (Appendix 2).

## **1.5 PURPOSE**

The purpose of this policy is to provide guidance to staff in the Academy on appropriate management of disability disclosures. A separate guidance document is available for staff (Appendix 3). It is also to inform potential students, applicants and current students of the management of disability data within the Academy.

## **2 REASONABLE ADJUSTMENTS**

Notting Hill Academy welcomes disabled students and aims to provide appropriate support, where possible. Under the Equality Act 2010, the Academy is required not to discriminate against disabled students and to make 'reasonable adjustments' to ensure that disabled students are not placed at a 'substantial disadvantage'.

Reasonable adjustments are changes to the environment or to how activities are undertaken which aim to ensure that a disabled person is not substantially disadvantaged as a result of disability. They might involve altering or making exceptions to policies or criteria, providing additional services or equipment, or making changes to the physical environment. Evidence of disability/medical condition/specific learning difficulty will be required in order to make individual adjustments. A Support and Equality Officer from one of our collaborative providers can offer advice about this evidence.

Decisions about whether an adjustments can reasonably be made will depend on individual circumstances and will be taken in the context of the resources of the Academy, the cost of the adjustment, the practicality of the changes and the potential benefit to other staff, students and visitors. Decisions about reasonable adjustments may be referred to the Academy's Teaching, Learning, Assessment, Quality Assurance and Enhancement Committee.

## **3 HOW DISCLOSURE CAN BE MADE**

### **3.1 PRE-APPLICATION AND OPEN DAY**

It is recommended that discussions take place before application if it is anticipated that adjustments may be needed. It may be possible to make an appointment to seek advice from our collaborative partner's Support and Equality Officer before visiting the Academy for an Open Day or contact can be made via telephone or email.

## **3.2 APPLICATION**

There is a section on the NHAM application form where information about disability is requested. It is recommended that this section is completed and contact made with the Registrar, which can inform the collaborative partner's Support and Equality Officer to discuss any adjustments that may be needed for your programme as appropriate. An email is sent to all applicants coming for interview. The email will also inform you that disabled applicants may be able to have a remote appointment with a Support and Equality Officer from our collaborative partner to help support decision-making on application.

## **3.3 INDUCTION**

An induction event takes place in September of each year. Those students who have declared disability on their application will be given a disability registration form. This form should be completed (and returned). If contact has not already been made with a Support and Equality Officer from our collaborative partner and adjustments or additional support will be needed, contact must be made with them. The Academy does not employ support workers directly and has to arrange support through external agencies. This can take some time to arrange.

At the induction session during the first week at Academy, key support staff will introduce themselves and it is recommended that students make contact with student services staff as soon as possible.

## **3.4. On-course**

Students can make contact with a Support and Equality Officer from the relevant collaborative partner at any point in their studies.

## **3.5 MITIGATING CIRCUMSTANCES**

Students who present a case of mitigating circumstances and have an ongoing disability or illness which will require support throughout their studies should be referred to the Registrar. They, together with the relevant Programme Leader (or designated member of academic staff), will ensure the development of a Learning Agreement. If the student does not wish to have a Learning Agreement they will be asked to sign a form indicating that they do not need reasonable adjustment and that as a consequence they will not be able to present any further cases for mitigation on the same grounds as their original request.

## **3.6 EVIDENCE**

Evidence of disability, medical condition or dyslexia will be required in order for the Academy to make specific reasonable adjustments, other than general anticipatory adjustments. This would usually be in the form of a letter from a GP or other medical practitioner (a clinic appointment letter is not sufficient), or if dyslexic, a diagnostic assessment report. If there is any doubt about the type of evidence required, contact the Registrar for advice.

## **4 LEARNING AGREEMENTS**

It is important that teaching staff are given information about the specific support that may be needed by an individual applicant or student. Where possible we will encourage students to disclose at the earliest stage to allow sufficient time to ensure that support is in place on arrival.

A Learning Agreement will be drawn up, if appropriate. This is a written statement which describes the type of support that is required and the way in which it is provided. It will be necessary for the Programme Leader (or a representative) to be present at this meeting as they will have specialist knowledge of the particular programme requirements and assessments. With the student's agreement, signed copies of this document will be circulated to all members of staff named on the agreement. There will be regular review meetings to review the agreement and make adjustments if needed. If the student subsequently feels that the support is not sufficient or appropriate they should contact their Programme Leader or the Registrar to discuss this further.

A Learning Agreement can be drawn up at any point in the student's studies but to ensure that students receive the necessary support, this should be drawn up as near to the start of the programme as possible.

If the applicant/student feels that they will not need any reasonable adjustments, they will be asked to sign a form (Appendix 5) indicating that they do not need any reasonable adjustments and stating that should this situation change they will contact the Programme Leader or Registrar.

## **Appendix 1 LEGISLATIVE CONTEXT AND DEFINITIONS OF DISABILITY**

The definition of disability under the Equality Act 2010 is if someone has a physical or mental impairment that has a 'substantial' and 'long-term' adverse effect on your ability to carry out normal day to day activities.

In this context:

- a 'substantial' effect is any effect whose impact is more than minor or trivial;
- 'long-term' means that it has lasted for, or is likely to last for, at least 12 months or for the rest of the life of the person;
- effects which are fluctuating or recurring are treated as 'long-term' if they
- are likely to recur over more than 12 months;
- normal day-to-day activities include things people do on a regular basis, for
- example, preparing and eating food, walking and travelling by various forms of transport, reading and writing, taking part in social activities or using the telephone.

When determining whether a person is disabled, the effects of any medication, treatment or aid are disregarded. This means that someone will still be protected even if the effects are controlled by medication or treatment.

People with the following kinds of conditions are likely to be covered by the Act:

- Vision and hearing impairments;
- Long-term mental health difficulties;
- Specific learning difficulties, for example, dyslexia and dyspraxia;
- Physical conditions, for example, cerebral palsy, repetitive strain injury (RSI), arthritis;
- Hidden disabilities and long term medical conditions, for example, epilepsy, diabetes, heart disease and asthma.

In addition, the Act automatically protects people with cancer, HIV, multiple sclerosis and severe disfigurements from all forms of disability discrimination.

The definition of 'disability' is broader than the every-day usage of the term: many people who are protected by the Act would not choose to call themselves 'disabled' and/or may not recognise that they are protected.

**The Equality Act 2010** gives students the right to ask that information about their disability is kept confidential. This data is also considered sensitive data under the Data Protection Act 1998.

Applicants and students will be asked to sign to agree for information to be passed on the Disability Registration Form at enrolment and on the Disability Disclosure Form at the first meeting with the Registrar. This form will also be completed if a student discloses to a member of academic staff, a member of administrative staff or a First Aider. This information will then be passed on to appropriate staff: academic and student services staff as appropriate.

If a request is made for the information to be kept confidential it may be difficult for the Academy to make reasonable adjustments. There may be circumstances in which even if a request has been made for the information to be kept confidential, this matter may need to be discussed with their Head of Department or other members of staff.

### **Data Protection Act 1998**

Information about disability is also sensitive personal data under the Data Protection Act 1998, and such information is subject to additional safeguards. In these circumstances, there are implications for the Academy in terms of how it records and stores such information, how it disseminates the information and what happens should a student ask that the disclosure be kept completely confidential.

## **Appendix 2 (Sample) DISABILITY DISCLOSURE FORM**

### **DISABILITY DISCLOSURE CONFIDENTIALITY AGREEMENT FORM**

This form should be completed if a student is disclosing his/her disability to the Academy for the first time; or a student has already disclosed a disability but wishes to change the level of confidentiality assigned to the disclosure. Staff should ensure they are familiar with the Student Disability Disclosure Policy and the 'Guidance for Staff on Completing the Disability Disclosure Confidentiality Agreement Form' document before completing this form available.

#### **1 PURPOSE**

The purpose of this form is to:

- a. Ensure that members of staff and students who need to know about a student's disability in order to make reasonable adjustments are passed relevant information. The Academy is obliged, under the Equality Act 2010, to make reasonable adjustments to ensure that disabled students are not placed at a disadvantage as a result of their disability. Some adjustments can only be put in place if the Academy knows about a student's disability.
- b. Provide written confirmation from a student about the level of confidentiality he/she wishes to be assigned to the disclosure of a disability, in accordance with the Data Protection Act 1998.

#### **2. LEVELS OF CONFIDENTIALITY**

The levels are:

- Consent to share: Staff: the staff who reasonably need to know, for instance to teach or support the student effectively, can be given the information necessary to perform their role. The information will be kept confidential to those staff.
- Consent to share: Staff and Students: in addition to the above it may often be necessary for information to be shared with other students when working on collaborative projects or productions. The information will be kept confidential to these staff and students.
- Confidential: access is restricted to the person to whom the student disclosed their disability but it has been explained to the student that the member of staff to whom they have disclosed may need to discuss their disclosure with their manager. This may limit the adjustments which can be made and some adjustments may be impossible. Alternative adjustments may be possible that ensure the disclosure remains private while still meeting the needs of the student as far as reasonably possible.

If a student wishes to discuss confidentiality with a Support and Equality Officer before completing this form, please contact the Registrar who will request this support from our collaborative provider.

#### **STUDENT DECLARATION STUDENT DETAILS**

**Name:**  
**Student Number:**  
**School :**  
**Programme of study:**  
**Nature of Disability/disabilities:**

Please tick next to the level of confidentiality you require.

**Consent to share: staff (TICK IF THIS IS THE LEVEL YOU CHOOSE)**

I agree that the information in this form can be made available to relevant Academy personnel or other related professionals who need to know for the purpose of (a) making appropriate provision for me to study at Notting Hill Academy of Music and or (b) equality and diversity monitoring.

**Consent to share: staff and student: (TICK IF THIS IS THE LEVEL YOU CHOOSE)**

I agree that in addition to staff as detailed above, the information can also be made available to students with whom I am working on collaborative projects or productions. I understand that the Programme Leader will raise this matter with me if they feel it is appropriate and necessary.

OR

**Complete confidentiality: (TICK IF THIS IS THE LEVEL YOU CHOOSE)**

I do not wish the information in this form to be passed on to anyone else but understand that the person to whom I have disclosed may need to discuss my disclosure with their manager. I understand that this may limit the adjustments which can be made for me.

I understand that there may be circumstances in which a member of staff may ignore my request for confidentiality if they have a concern over my safety or that of another student or member of staff.

**Student Signature:**

**Date:**

**For staff completion**

Possible adjustments identified and/or actions agreed:

Please use this space to indicate any specific needs or adjustments that have been identified, and any action agreed, regardless of the level of confidentiality required:

**Staff Name:**

**Staff Signature:**

**Date:**

**WHAT HAPPENS TO THIS FORM?**

- Where a student has given consent to share, forward the form to the Registrar who will contact the student to assess the student's needs.
- Where a student requests complete confidentiality, the member of staff may discuss the disclosure with their manager and if appropriate discuss further with the student. If no further action is required the form will be forwarded in a sealed envelope to the Registrar.
- Email the Registrar to inform them that the envelope has been sent and the Specialist Support and Registrar will confirm receipt of the form.
- A copy should be given to the student for their records.
- A copy of the form should be retained by the member of staff until the confirmation email is received. No forms should be kept in the email software once the confirmation email is received.

Note: All personal data is processed in accordance with the Data Protection Act 1998.

## Appendix 3 NHAM Guidance for Staff

### DISABILITY DISCLOSURE CONFIDENTIALITY AGREEMENT FORM

This guidance accompanies the Student Disability Disclosure Policy. You should make sure you are familiar with the policy before completing the form.

#### **Why is it important for students to disclose information about disability to the Academy?**

The Academy is obliged, under the Equality Act 2010, to make reasonable adjustments to ensure that disabled students are not placed at a disadvantage as a result of their disability. Some adjustments can only be put in place if we know about a student's disability and are able to pass relevant information to the members of staff who will make the adjustment.

#### **Why is the student's written consent regarding confidentiality necessary?**

Information about health or disability is classed as Sensitive Personal Data under the Data Protection Act 1998, which means the Academy requires written confirmation from students about the level of confidentiality they wish to be assigned to the information.

#### **When should staff complete the Disability Disclosure Confidentiality Agreement Form?**

The form should be completed if:

- a student is disclosing his/her disability to the Academy for the first time; or
- a student has already disclosed a disability but wishes to change the level of confidentiality assigned to the disclosure.

#### **When should the form not be used?**

The form should not be used if:

- a student has already disclosed a disability to the Academy; or
- a student is not disabled, for example, a student who has a broken leg or is suffering from flu (however, you may still wish to make a note of your discussions with the student and record any advice you offered).

#### **Discussing a student's disability**

- Using the same language or terminology that the student uses to describe his/her impairment or disability will help to keep the discussion both positive and practical.
- If you are completing the form on the student's behalf, make sure you agree the terminology that will be used to describe the disability with the student.
- The discussions should focus on the ways the student's studies are affected and on their support requirements, rather than on medical or diagnostic issues.

#### **What are the levels of confidentiality?**

- **Consent to share:** the people who reasonably need to know, for instance to teach or support the student effectively, can be given the information necessary to perform their role. The information will be kept confidential to those people.
- **Completely confidential:** access is restricted to the person to whom the student disclosed their disability but it has been explained to the student that the member of staff to whom they have disclosed may need to discuss their disclosure with their manager. This may limit the adjustments which can be made and some adjustments may be impossible. Alternative adjustments may be possible that ensure the disclosure remains private while still meeting the needs of the student as far as reasonably possible.

#### **Points to discuss when deciding on the level of confidentiality**

- Explain to the student the benefits of disclosing a disability and make sure they know what support is available.

- Explain how the information would be stored and managed if the student does consent to sharing it.
- Discuss with the student the likely consequences of withholding consent, including the fact that some adjustments may not be possible.
- Reassure the student that all information, even with permission to share, is still managed in accordance with the Data Protection Act 1998.

### **Recording any possible adjustments**

- A student may have disclosed because they are asking for an adjustment and/or some support and these should be recorded on the form.
- Where it is possible for staff to agree to make such an adjustment this should also be noted on the form. It is not expected that staff would agree to anything outside of their area of responsibility, which required additional resources or needed to be supported by documentary evidence.

Example: If a student discloses a disability to a tutor because of an upcoming assessment and requires a number of adjustments it might not be possible for the staff member to make an adjustment without first discussing this with the Programme Leader or Registrar. This adjustment would need to be supported by documentary evidence, e.g. a GPs letter or Educational Psychologist report.

Example: If a student discloses a hearing impairment to a tutor because they could have difficulty hearing a lecture it may be possible for the lecturer to arrange to go over the main points again or give the student a copy of detailed notes they use to deliver the lecture. In the long term it would not be possible for the lecturer to commit to making this adjustment or to provide an alternative adjustment such as a note taker as these involve additional resource, and as such need to be supported by documentary evidence.

- Students do not have to supply evidence when disclosing that they have a disability. Supporting documentation is required if it is necessary to justify or inform reasonable adjustments and/or support.
- It is the role of the Registrar to request any supporting documentary evidence.

### **What to do with the completed Disability Disclosure Confidentiality Agreement Form?**

Where a student has given consent to share, forward the form to the Registrar, who will contact the student to assess the student's needs.

Where a student requests complete confidentiality, the member of staff may discuss the disclosure with their manager and if appropriate discuss further with the student. If no further action is required the form will be forwarded in a sealed envelope to the Registrar to be stored securely in the student's disability file in the Registrar's office.

Email the Registrar to inform them that the envelope has been sent and the Registrar will confirm receipt of the form.

A copy should be given to the student for their records.

A copy of the form should be retained by the member of staff until the confirmation email is received. No forms should be kept in the email software once the confirmation email is received.

## **Appendix 4 (Sample) Learning Agreement**

**Name of Student:**

**Course:**

**Date course starts/finishes:**

Description of identified areas requiring support.

It has been agreed that the following adjustments would assist their learning and well being.



|   |  |
|---|--|
| <b>Adjustments</b> (please tick) This relates to the support or adjustments that will be arranged by programme staff delivering the course. |  |
|   |  |
|   |  |
|   |  |
|   |  |

|  |  |
|--|--|
| <b>Disability support.</b> This relates to the support that will be arranged by the Registrar at NHAM. |  |
|  |  |
|  |  |
|  |  |
|  |  |

|                                  |                |
|----------------------------------|----------------|
| <b>Members of staff informed</b> |                |
| NAME                             | RESPONSIBILITY |
|                                  |                |
|                                  |                |
|                                  |                |

These are the adjustments that it is considered reasonable for the college to make and these changes have been fully discussed.

- I understand that should my needs change at any time, then I will make an appointment to see the Specialist Support and Equality Officer/ Programme Leader to negotiate changes.
- I agree with the recommendations made within this Learning Agreement
- Confidentiality
- I understand that the information contained within this document will be shared with relevant staff in order that support may be put in place for me.

This Learning Agreement Plan has been agreed and signed by:

**Signature of student:**  
**(Date)**

**Signature of staff:**  
**(Date)**

**Agreed date and time of review meeting:**

## **Appendix 5 (Sample) No Adjustments Needed Form**

**Name of Student:**  
**Course or programme:**

I have discussed my disability/medical condition with the Registrar at the Notting Hill Academy of Music and **do not think** that I will need any reasonable adjustments to be made for me whilst I am a student at Notting Hill Academy of Music.

I understand that should my needs change at any time, then I will make an appointment to see the Registrar/Programme Leader to negotiate changes.

I understand that all decisions on adjustments will need to be taken in the context of what the college believes is 'reasonable' (refer to Disclosure Policy).

I understand that I may not request mitigation for an assessment on more than one occasion for an ongoing illness or disability.

I understand that it can take some time to arrange reasonable adjustments and that if I require additional support, this will be arranged through an external agency and may take some time to organise.

**Signed:**

**Student:**

**Date:**

**Signed:**

**Registrar/Programme Leader:**

**Date:**