

Higher Education Authority

National Access Plan 2022- 2026

Introduction

The National Disability Authority (NDA) is the independent state body with a duty to provide expert advice on disability policy and practice to the Minister for Children, Equality, Disability, Integration and Youth, and to promote Universal Design in Ireland.

The Centre for Excellence in Universal Design (CEUD) is a statutory unit within the National Disability Authority. Its main areas of activity include the development and promotion of guidance, standards, education and awareness for Universal Design. Universal Design (UD) is the design of any environment, product service or information/communications technology so as to be readily accessed, understood and used by people, regardless of age, size, ability or disability.

The NDA welcomes the opportunity to submit advice to the Higher Education Authority (HEA) National Access Plan 2022 to 2026. This submission will describe in brief relevant considerations for the next access plan. Also provided, using the appendices, are statutory obligations relevant to the HEA and Higher Education Institutions (HEIs) during the 2022 to 2026 timeframe. Finally in the further reading section the NDA provides additional resource material on Universal Design (UD) and its application to learning and the built environment.

Data and statistics

The HEA reported on participation of underrepresented groups in their 'Progress Review of the National Access Plan and Priorities to 2021'.¹ This report stated that the 'data demonstrates positive findings with increases in participation rates across a number of the target groups, with particularly high increases for students with disabilities and among socio-economically disadvantaged groups²'.

¹ <https://hea.ie/assets/uploads/2019/01/HEA-Progress-Review-2021-NAP.pdf>

² Ibid page 11

An overall participation target of 8% for the participation of students with disabilities in higher education was set for the lifetime of the Plan and this had been exceeded by the Progress Review stage. At that point in the plan the overall participation rate of persons with disabilities had increased to 10%. The reported data described achievement of specific targets for students with physical mobility disabilities, students who were deaf/hard of hearing and students who were blind or visually impaired. While the increase in participation for those groups is to be welcomed, for higher education to be fully accessible the NDA maintains that targets can be more ambitious and include people across the spectrum of disability including persons with mental health difficulties, people with neuro-diverse conditions and people with intellectual disabilities and others. However, our core advice is that targets on their own are an insufficient instrument of progress. Through the lifetime of the next action plan the NDA recommends that a UD approach is used to increase access for all, including persons with disabilities.

In considering what targets to set the NDA advises that the HEA reflects on the following 2016 census data:

- The unemployment rate amongst persons with a disability was 26.3%, more than double the 12.9% rate for the population as a whole.
- Ireland's rate of youth disability benefit recipients was approximately 5% - well above the OECD average of 2% and was the highest of the OECD countries.
- The 'not in employment, education, or training' status (NEET) rate for young people with a disability, at 23 %, is over twice the rate of young people without a disability at 10%.
- 13.7% of persons with a disability aged 15-50 had completed no higher than primary level education, compared with 4.2% of the general population.

Data from a forthcoming ESRI publication commissioned by the NDA illustrates that:

- The proportion of persons with a disability with at least a post-secondary education level increased between 2004 and 2019 regardless of disability type.
- The education gap for higher education between people without a disability and those with a disability increased over time, from 13 percentage points in 2004 to 18-percentage points in 2019.

- The education gap persisted even when focussing on the younger age group of people aged 16 to 34.’³

These data suggest that encouraging persons with disabilities to access higher education must commence earlier in the education system. For persons with disabilities the gap in access to higher education can be addressed through a more structured and supported transition between secondary school and post school options, ideally through the continuation of the learner pathway established in the further education and training sector and with the provision of career guidance along that pathway. The NDA advises that the HEA examine whether there are areas where they could input into this transition period, for example, in relation to sharing experiences of successful students, and sharing information on the different routes to higher education.

NDA recommendations for the new National Access Plan

The NDA advises that the HEA reflect on how the additional €40 million allocated to higher education through the Programme for Access to Education (PATH), over the course of the previous national access plan has supported learners with disabilities. The learning should be reflected and built on in the current plan. Specifically, successes related to increased effort in outreach and recruitment of prospective students should be built upon. Learning from innovations funded through the Fund for Disabled Students such as those related to UD and UDL should also be incorporated and good practice disseminated to increase application of UD principles across the system.

The NDA recommends the following actions for inclusion in the 2022 to 2026 action plan. These actions are necessary for higher education to become a more realistic option for more students with disabilities. The recommended actions, which reflect the questions set out in the HEA background document, are derived from NDA consultations with persons with disabilities and from the work of the CEUD on UD in the further education and training and higher education sectors and are as follows:

- Develop and articulate a vision statement that promotes the inclusion of all persons with disabilities
- Develop and articulate a longer term vision for a fully universally designed higher education sector

³ Forthcoming ESRI publication Autumn 2021 ‘Identification of skill gaps among the disabled population and their employment prospects’

- Include Universal Design (UD) and Universal Design for Learning (UDL) as the core methodologies that underpin the design and delivery of higher education to the benefit of all learners, including persons with disabilities, as well as people whose first language is not English, have low literacy levels, older / younger people and people of a wide range of abilities. The Centre for Excellence in Universal design (CEUD) promotes UD and UDL as a benefit for all rather than an additional cost to support “the few”.
- Promote realisation of an accessible built environment such as ‘a whole of campus approach’ that ensures the built environment can be accessed, understood and used, to the greatest extent possible by all people, regardless of age, size, ability or disability. Without accessible buildings and campuses, people with disabilities will not have the opportunity to exercise their right to education. Applying universal design principles in the design of new buildings and their environs, as well as during improvement works to existing buildings should be included in the HEA access plan as an essential element of embedding mainstreaming within HEIs.
- Give consideration to the particular requirements of mature students with disabilities seeking to access higher education⁴. Using an approach that responds to the diverse needs of learners is important to achieve full inclusion. Things that may specifically benefit this group may include more access to part-time or evening courses.
- Develop more ambitious targets to increase the proportion of persons with disabilities in higher education, to include students with other disability types beyond the current physical and sensory disabilities currently included. There is learning that could be applied more widely in the sector such as through the autism friendly university initiative in DCU, and specific programmes for students with intellectual disabilities in TCD and NUIM.
- Incorporate the lived experience of persons with disabilities into the planning, implementation and monitoring of this access plan for example, commencing a process of consultation with the 200 plus students with disabilities that have received the 1916 bursaries. These students have unique insights into the participation journey. A co-designed approach with these students with disabilities, would be in line with obligations in the UN Convention on the Rights of Persons with Disabilities (UNCRPD)
- The Learner Pathway concept is already in place in the Further Education and Training sector and is a welcome mechanism to ensure prospective students with disabilities can identify a pathway to higher education for themselves. Such a pathway can address the nonlinear routes through

⁴ <https://hea.ie/2021/06/14/study-of-mature-student-participation-in-higher-education/>

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education for some people with disabilities. This is where additional supports such as career guidance and clear sign-posting of transitioning points are valuable.

The NDA, as the statutory advisory body on disability policy and practice, welcomes the opportunity to submit these recommendations for the HEA 2022 to 2026 national access plan. We would also welcome an opportunity for further engagement and discussion with the Higher Education Authority.

Appendix One

The NDA recommends that the following statutory obligations and actions plans are considered in the development of the HEA access plan.

UN Convention on the Rights of Persons with Disabilities

Ireland ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in March 2018. Article 24 of the Convention specifically protects the right to inclusive education. The National Access Plan 2022 to 2026 can drive this commitment and reference the UNCRPD.

The National Disability Inclusion Strategy

The National Disability Inclusion Strategy 2017–2021 (NDIS), seeks to ensure that a whole-of-government approach is taken to disability issues. There are two actions that are relevant to higher education:

Action 31: We will consider how best to build on and progress work completed to date to facilitate smooth transitions into, within and out of education on a cross departmental and agency basis.

The HEA through agency collaboration with SOLAS can form part of the transitions solution. This can be achieved through the adoption of the learner pathway already underway in the further education and training sector.

Action 42: We will promote participation in third level education by persons with disabilities.

As recommended earlier the NDA advises that targets are set that are more ambitious, include students with a variety of disabilities and that these targets are monitored.

Compliance with Part M 2010 of the Building Regulations

Taking a proactive approach to improving the accessibility of public buildings, including educational buildings, in the ownership, management or control of public bodies, is a requirement under Section 25 of the Disability Act, which states that ‘a public body shall ensure that its public buildings, are as far as practicable, accessible to persons with disabilities’. Section 25 requires the upgrading of older public buildings so that they comply with Part M of the

Building Regulations. Under Section 25, public bodies are required to bring their public buildings into compliance with Part M 2010 by 1st January 2022.⁵

Section 25 applies to Department buildings, schools and colleges operated by Solas, HEA, Education Training Boards, and schools owned by the Department which are leased to operating bodies.⁶

Compliance with Part 5 of the Disability Act 2005

Part 5 of the Disability Act 2005 requires public bodies to have a minimum target of 3% of their workforce be persons with a disability. The NDA recognises that the past Part 5 returns for the higher education sector were submitted under the Department of Education. The NDA advise that it will be important for the HEA to continue maintaining compliance with Part 5 of the Disability Act 2005 and to note that the minimum target is set to increase to 6% by 2024.

Compliance with the European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020

This Directive was [transposed into Irish law](#) on September 23rd 2020 and requires public sector bodies, including higher education institutions, to take necessary measures to ensure their website and mobile applications comply with the [Web Content Accessibility Guidelines](#). The Directive also requires that public bodies publish and maintain an [Accessibility Statement](#) that provides detailed information on the accessibility their websites, steps taken to ensure compliance and contact details for website users to report issues and request assistance. The NDA advice that the HEA reviews its website, produce an accessibility statement and takes steps to ensure it meets the necessary requirements. The scope of the Directive also covers Learning Management Systems and their content. The NDA will be the official monitoring body for this Directive and Regulations and is due to submit its first report in this regard to the Department of Communications, Climate Change and Environment by 23rd December 2021.

Disability Awareness Training

The NDIS contains a commitment to “provide disability awareness training for all staff”. The NDA advises that disability awareness training is carried out among all

⁵ <http://nda.ie/Publications/Environment-Housing/Environment-Publications/An-Operational-Review-of-the-Effectiveness-of-Section-25-of-the-Disability-Act-2005.html>

⁶ NDA (2012) ‘Improving the Accessibility of School Buildings’

staff in the HEA. The NDA has a disability awareness training e-learning module which is available to all public sector bodies.⁷

Irish Sign Language Act

All public bodies have obligations under the Irish Sign Language (ISL) Act. The Act was signed into law in December 2017. Irish Sign Language (ISL) is now a recognised language. Under the Act, public bodies are required to provide free ISL interpretation to people using, or seeking access to, statutory entitlements and services. The Act is fully commenced since December 2020. The National Disability Authority advises that the HEA and constituent HEIs take steps to ensure that access to services⁸ are provided through ISL as required by implementation of this Act.

⁷<http://nda.ie/Resoures/eLearning/>

⁸ Section 6.1 “services provided by or under statute by that public body”

Further reading

Adopting Universal design in higher education

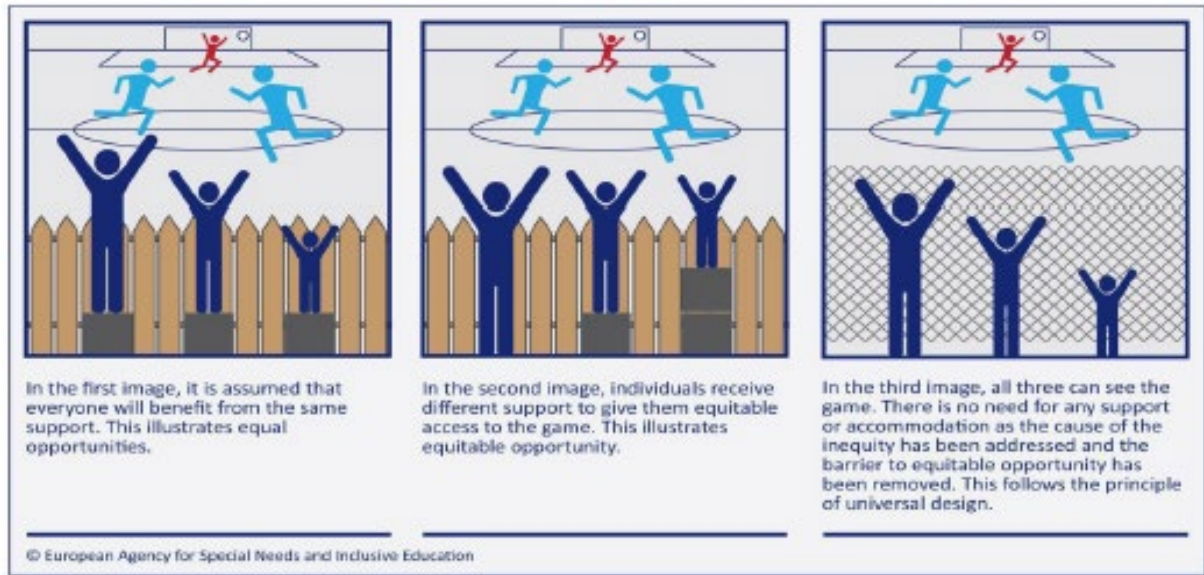
The NDA participated on the SOLAS National Advisory Committee for the development of the recently launched - [UDL for FET Practitioners: Guidance for Implementing Universal Design for Learning in Irish Further Education and Training](#) - and can recommend that a similar approach be considered for HE. As part of the UDL for FET suite of guidance, it hosts a NDA paper about a systems approach to transforming education and training through Universal Design, titled [Universal Design in Education and Training – policy landscape in Ireland](#).

Part of strategic change toward optimising inclusion and accessibility can involve ensuring best practice in all communications. The NDA publication about design guidance for communications that is used across the public sector and in many educational environments. It was co-developed with the Department of Public Expenditure and Reform, titled [Customer Communications Toolkit for the Public Service - A Universal Design Approach](#).

The NDA chaired the development of a new European Standard applicable in education that aims to help organisations align with a consistent approach to address accessibility for persons with disabilities. This standard is titled, [EN 17161:2019 'Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users](#). The standard specifies requirements that can enable an organisation to design, develop and provide products, goods and services that can be accessed, understood and used, by the widest range of users, including persons with disabilities. Its requirements can assist an organisation in meeting its statutory and regulatory requirements in terms of accessibility to its products, goods and services. This standard is available in Ireland through the [National Standards Authority Ireland](#).

Universal Design in the Built Environment

The diagram below from research carried out by the European Agency for Special Needs and Inclusive Education in 2018 best summarises the paradigm shift required for a Universal Design approach to deliver a fully inclusive education for all students. The image shows the transformation required in moving from an inaccessible environment to a proactive UD approach – a process of creating opportunities and environments that can be accessed, understood and used by all from the start.



The NDA's publication [Building for Everyone: A Universal Design Approach](#) offers comprehensive good practice guidance on how to design, build and manage buildings and spaces so that they can be readily accessed and used by everyone, regardless of age, size ability or disability.