

BPP University – University Policies and Procedures

Disability and Learning Needs Disclosure Policy



Scope	Students/Staff/External Agencies
Approved Date	July 2024
Approving Authority	Education and Standards Committee
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Purpose	Outlines the University's policy on disability disclosure for students.

Regulatory Mapping

BPP University General Academic Regulations
Section C: Registration, Engagement, Progress, and Conduct



BPP University
University Policies and Procedures
Disability and Learning Need Disclosure Policy

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1. Introduction and Context

- 1.1. This policy sets out how BPP University will deal with students who have a disability, specific learning difficulty, temporary illness/injury or require support due to pregnancy and disclose this to BPP University. If you have any queries regarding this policy please contact the Learning Support Team. Students are also advised to refer to BPP University’s Privacy Policy shown at <https://www.bpp.com/privacy>, which sets out how BPP University will process a student’s personal data.
- 1.2. When information about disability is disclosed, the person with the disability should be informed at the time the information is collected what will be done with this information and to whom it will be passed. This Policy Statement outlines these details and BPP University’s commitment to ensuring best practice.
- 1.3. BPP University is committed to promoting disclosure and supporting students with learning difficulties and disabilities; including but not restricted to sensory impairments, Autistic Spectrum, Mental Health and medical conditions. The [Equality Act 2010](#), places duties on Higher Education Institutions to actively promote, monitor and respond to disability disclosure to ensure that the academic services and facilities for students with disabilities are accessible and inclusive and that students are not disadvantaged or discriminated against.
- 1.4. Disability is a “protected characteristic” under the [Equality Act 2010](#).
- 1.5. As part of this commitment, BPP University has developed its Disability Disclosure Policy to communicate to staff and students what processes and procedures facilitate promotion, recording and responses to disability disclosure and to ensure that all

practice is sensitive to individual characteristics and provides an equitable basis for learning.

- 1.6. Applicants and students are not obliged to disclose that they have a disability therefore BPP University seeks to provide an environment and ethos which facilitate disclosure.
- 1.7. BPP University has a duty to anticipate reasonable adjustments for potential students during the applications process. This is to ensure BPP University does not treat disabled people and students less favourably, without justification, than students without a disability. It is not enough to wait for a student to use a service before considering what adjustments need to be made.
- 1.8. A disability is defined by the [Equality Act 2010](#) as ‘any 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.’ This may include physical impairments (including mobility difficulties) such as cerebral palsy; visual and hearing impairments; learning impairments such as dyslexia and dyspraxia; psychological impairments such as depression and schizophrenia; and medical conditions such as epilepsy or asthma. Severe disfigurement is also classed as a disability. A “long term” disability is one that will last for 12 months or more, and “substantial” means more than minor or trivial.
- 1.9. Best practice in the classroom is often achieved through attentive consideration of individual learning styles and abilities. In facilitating disclosure BPP University aspires to ensure that reasonable adjustments are instigated in a timely and appropriate way which in some cases will also facilitate the needs of the whole group of students.
- 1.10. In summary, BPP University actively promotes and responds to disability disclosure to:
 - (a) provide an inclusive environment for all students;
 - (b) ensure that reasonable adjustments, where applicable, are implemented;
 - (c) discourage and avert discriminatory practice;
 - (d) ascertain an individual’s suitability to practice in a professional context;
 - (e) ensure legal compliance.

2. What is Discrimination?

- 2.1. The Equality Act 2010 protects individuals from disability discrimination . A disabled person should not be treated unfavourably because of their disability, or something arising from their disability, where BPP *could reasonably be expected to know* that the person has a disability; hence the importance of the disclosure policy and practice.

There are 6 types of discrimination that apply to disability:

1. Direct discrimination - where A person (A) discriminates against another (B) if, because of their disability, A treats B less favourably than A treats or would treat others. Direct discrimination includes associative discrimination and perceptive discrimination.

2. Indirect discrimination

3. Discrimination arising from disability - A person (A) discriminates against a disabled person (B) if:

(a) A treats B unfavourably because of something arising in consequence of B's disability, and

(b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

4. Failure to make reasonable adjustments.

5. Harassment - A person (A) harasses another (B) if:

(a) A engages in unwanted conduct related to their disability, and

(b) the conduct has the purpose or effect of:

(i) violating B's dignity, or

(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

6. Victimisation - A person (A) victimises another person (B) if A subjects B to a detriment because:

(a) B does a protected act (for example complaining about lack of learning support) or

(b) A believes that B has done, or may do, a protected act.

3. Disclosure and Confidentiality

- 3.1. General Principle: Special Category personal data and disclosure should be treated as confidential in the sense that it is not to be discussed or shared more widely than is necessary *for the purpose with which it was shared i.e. to provide learning support.*
- 3.2. Special Category Personal Data is defined under the UK General Data Protection Regulations and includes personal data about a person's disability, racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, . Special Category Personal Data can only be processed under strict conditions and will usually require the express consent of the person concerned.
- 3.3. The Act protects an individual's Special Category Personal Data. The Act is not a barrier to sharing personal data but provides a framework to ensure that special category Personal Data is shared lawfully.
- 3.4. BPP University gathers disability related information from two initial sources; the information students provide through, standard application routes and direct applications and during registration at the start of their programme. This information is available to the Learning Support team through the management information systems, and will be used to ensure that reasonable adjustments can be implemented for the student and the Team can provide any necessary advice or support for the student. Disability information may also be passed from a student directly to members of BPP University staff (e.g. in tutorials) throughout the duration of a programme. If a disclosure is made to a member of staff, the staff member should ensure, upon learning that a student wishes to disclose health information, that the environment in which the disclosure takes place is suitably private to ensure confidentiality. This disclosure is recorded formally in writing and sent to the Learning Support Team. In all cases students will be given the opportunity to restrict the sharing of this information (see below).
- 3.5. The [Equality Act 2010](#) also includes the individual's right to "a confidentiality request", namely "that the nature or existence of a disabled person's disability be treated as confidential."
- 3.6. Students are therefore provided with three options; (1) to allow their disability information to be passed to staff that *reasonably need to know* (information passed on a "needs to know basis") to ensure that reasonable adjustment can be implemented,

or (2) students can decide to withhold or restrict the information from specific groups of staff or teams in situations where it is reasonable to do so or (3) a student can decide to restrict the processing of all disability related information (Complete Confidentiality) throughout the whole organisation

- 3.7. In all instances students must be asked to complete the Disclosure Agreement Form. If consent to share is provided the form should then be passed on to the Learning Support Team for noting and action. In cases of restricted (limited) consent to share, the information and the form should not be forwarded to the named parties.
- 3.8. The applicant or student may decide to restrict or withhold permission to share the information with specific teams or the whole organisation. Withholding or restricting permission may impede the process of implementing reasonable adjustments and this should be discussed with the applicant/student, if this course of action is preferred. There may also be circumstances where disability information may not be possible to withhold for reasons related to Health and Safety (for example, when creating building fire evacuation plans).
- 3.9. If the applicant or student decides to restrict or withhold information sharing about their disability, staff should state to the student that they will need to consult with the Learning Support Team to seek further advice. Although in such instances the information sharing should be minimal, not mention the student's name unless necessary and should be sensitive to the individual's request.
- 3.10. When a disability disclosure is made to a member of staff at BPP University other staff may only be made aware of this to enable Learning Support staff and/or other relevant staff to make the requisite, reasonable adjustments. This is important during the applications process. For example, an applicant may disclose a hearing impairment and so require a BSL communicator to attend an interview to assist them. Information would then need to be shared on a "needs to know" basis, with the Learning Support Team to make necessary arrangements.
- 3.11. Information may also be shared on a *needs to know* basis (and only with the student's express consent) with a partner staffing agency for the sole purpose of organising appropriate specialist support staff for the student during their time at BPP University. An example of this would be when a student has entitlement to the Disabled Students' Allowances, or where an agency invigilator may need to know specified information for the purposes of implementing reasonable adjustments in examinations. Partner staffing agencies are carefully chosen by BPP University and are independent staffing providers who provide specialist staff for (in this instance) educational support.

- 3.12. Students studying at BPP University as part of an Apprenticeship or Traineeship programme are encouraged to discuss their disability with their employer to ensure that they receive reasonable adjustments in the workplace. It is noted that BPP University has no influence over the implementation of reasonable adjustments by third party employers.
- 3.13. BPP University will not disclose any disability related information to the employer of a student on an Apprenticeship or Traineeship without the student's consent.
- 3.14. Staff will only break confidentiality agreements in the following circumstances:
 - (a) If a student is in danger of harming themselves or anyone else;
 - (b) If there is a legal requirement to do so or at the direction of a regulatory body; and,
 - (c) Where professional fitness to practise may be compromised (this will apply to a limited number of jobs where the disclosure of personal data is necessary to assess fitness to practise).

4. Responding to Disability or Learning Need Disclosure

- 4.1. On receipt of the initial disability information and providing that the student has not already decided to limit consent to share the information, the student will be sent information from the Learning Support Team inviting the student to sign a Disclosure Agreement, providing information about the Learning Support Team and providing information about making applications for the Disabled Students Allowances where applicable.
- 4.2. The student will be invited to discuss any support requirements in more detail; with a member of the Learning Support Team. During the discussion evidence will be requested from the student regarding their disability to ensure that BPP University complies with applicable law, regulations and internal and external audit requirements.
- 4.3. Information will be drawn together in the form of a Learning Support Agreement. This will form the basis of the reasonable adjustments provided for the student to ensure that they can access their chosen programme of study and enjoy their time at BPP University.
- 4.4. In rare instances the recommended reasonable adjustments may be in conflict with the academic or professional standards required to achieve the learning outcomes of a chosen course of study or for progression into a professional body. In these cases this

will be discussed with the student and recommendations and alternatives will be offered.

Policy Revision History

Version Number	Description	Author	Reviewed by	Date
1.0	Movement of Policy to stand-alone section for ease of referencing	Director of Academic Governance & Proctor	Dean of Academic Quality & Policy	July 2024
1.1	Updating of terminology to ensure this reflects current University services, and adjustment of terminology to support recent changes in legislation.	Head of Welfare and Student Support	Director of Academic Governance & Proctor/Dean of Academic Quality & Policy	March 2025