

Education

Completed course

Course place terminated



**RIGHT TO
PARTICIPATE**

Useful knowledge

If the college or university decided that you couldn't continue your studies, for example because you didn't achieved sufficient credits for your particular stage of study, your place may have been terminated.

However it's important to be aware that, under the Equality Act 2010, all colleges and universities are expected to provide support for disabled students and make changes to help them learn.

You can challenge the decision if it's unfair or if the university has discriminated against you by failing to make 'reasonable adjustments'.

Useful knowledge

- Effective communication
- Negotiation skills
- Writing clearly
- Decision making
- Record-keeping
- Being able to keep track

Ways to assert your legal rights

1. If there's still time, make a formal appeal or complaint against the termination of your studies. Details of the process can usually be found in your student handbook or on the college or university website. They should make the procedures accessible and allow you to use your preferred format.

It's a good idea to engage with the staff member responsible for disability within the institution. This person is usually called the learning support adviser, inclusive learning coordinator or disability adviser.

It's important to determine exactly whether an academic appeal or formal complaint is required. We also recommend getting advice on this from a

Students' Union representative, such as the Welfare Adviser or Disabled Students' Representative.

2. Give the facts of the case, being specific and clear. Summarise your disability or health condition and describe any disadvantage, lack of support or failure to make reasonable adjustments that you've experienced. Relevant evidence could include medical documentation, details of communication you have had with student services or academic staff, copies of any needs assessment and/or Disabled Students' Allowances (DSAs) assessment in higher education.

In your submission it may be useful to reference the Equality Act.

Under the Equality Act 2010, education providers have a duty to make reasonable adjustments for disabled students. I am appealing against the termination of my studies on the basis that the university failed to take all reasonable steps to alleviate the substantial disadvantage I faced in my studies.

Reiterate all the different options for reasonable adjustments and highlight the ones which were not made.

3. If you've exhausted the complaints procedure and are unhappy with the outcome, you can take your complaint to an external body.

In further education, your Local Authority (LA) has the responsibility to consider decisions made in relation to EHC needs assessments.

The Education and Skills Funding Agency (ESFA) can deal with complaints about any post-16 training provider, college or employer funded by them. This includes providers delivering apprenticeships.

A copy of the procedure for handling complaints is available on the [gov.uk website](https://www.gov.uk).

In higher education, you can take your complaint to the Office of the Independent Adjudicator (OIA). At the end of the internal complaints

process, you university will issue you with a Completion of Procedures letter. You have 12 months from the date on this letter to submit a complain to the OIA.

In considering issues related to discrimination the OIA does not act as a court. It does not investigate or make legal findings in the same manner as a court. However, the OIA can refer to the law and guidance on discrimination to form an opinion as to good practice and to decide whether the university has acted fairly.

4. You may want to take legal action if you feel you've been discriminated against. There are strict time limits for taking legal action under the Equality Act. You will have six months minus one day from the date of discrimination to make your claim in the County Court. Where a complaint has been made to the OIA, there is an extension available under the Equality Act s.118(2) and (3) – so that the claim must be within nine months rather than six.

The court can also consider claims outside the time limit if it considers it 'just and equitable' to do so.

You should take legal advice should you wish to pursue this through the legal route.

You can have confidence in the process because

Colleges and universities have been covered by the Disability Discrimination Act since 2001 and the Equality Act since 2010. Most have a good understanding of their legal duties and well developed systems for making sure disabled students progress in their studies.

You can get more help from

The [Equality Advisory & Support Service \(EASS\)](#) runs a free helpline assisting individuals with equality and human rights issues across England, Scotland and Wales.

Telephone • 0808 800 0082
Text phone • 0808 800 0084
Email • [through websites form](#)

Disability Rights UK [student helpline](#)

Telephone • 0330 995 0414
Email • students@disabilityrightsuk.org

Disability Rights UK free factsheets on [Understanding the Equality Act](#) and [Making a complaint](#)

Disability Rights UK [Into Higher Education](#) guide

The [Office of the Independent Adjudicator \(OIA\)](#) is an independent body which investigates student complaints against higher education providers.

Telephone casework support team • 0118 959 9813
Email • [through website form](#)