

Education

Current student

Termination of course place



**RIGHT TO
PARTICIPATE**

Useful knowledge

If you've reached the point where the college or university has decided you cannot continue your studies, for example because you haven't achieved sufficient credits for your particular stage of study, your place may be terminated.

However, under the Equality Act 2010, all colleges and universities are expected to provide support for disabled students and make changes to help them learn. It's important to 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. Depending on the provider, there may be two routes whereby you can have your course termination investigated – either by academic appeal or following the complaints procedures. Higher education providers normally distinguish between these two different procedures. If you are unsure which process to follow, check with student services.
2. Details of the relevant 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. We also recommend getting advice from a Students' Union representative, such as the Welfare Adviser or Disabled Students' Representative.

3. 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 have faced in my studies.

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

4. 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, your university will issue you with a Completion of Procedures letter. You have 12 months from the date on this letter to submit a complaint 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.

5. 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 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](#)