

# Handbook for Student Accommodation Providers Support and Guidance for Equality and Diversity



Equality Challenge Unit



Association for Student  
Residential Accommodation



## **Equality Challenge Unit**

Handbook for Student Accommodation Providers:  
Support and Guidance for Equality and Diversity



Equality Challenge Unit



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## Summary checklists

The following checklists provide a summary of recommendations to higher education section managers of student residential accommodation and to private and registered social landlord providers. The recommendations will help to set a standard for management agreements on issues relating to equality and diversity. They are based on the information and resources provided in the main text of this handbook. Please note that the recommendations in this handbook have been compiled by ECU based on effective practice – they are not statutory guidance or legal advice.

### Higher education institutions

Higher education institutions (HEIs) can help to ensure policies regarding all student accommodation for which they have responsibility, either directly or through agreements with private providers, are based on consistent equality and diversity principles, by addressing the following points.

	<b>Recommendations</b>	<b>Section(s) in handbook ▼</b>	<b>✓</b>
1	Ensure all student accommodation policies and practices are compliant with equality legislation, are equality impact-assessed, and aim to provide a safe, welcoming and supportive environment to all students.	2, 3.4	
2	Support regular dialogue with private providers on equality and diversity issues, and make relevant policies easily available to them.	1, 3.4	
3	Negotiate with private providers to ensure they have access to advice on appropriate equality and diversity staff training and/or in-house training.	1	

## Summary checklists

	<b>Recommendations</b>	<b>Section(s) in handbook</b> ▼	✓
4	Inform private providers about all relevant student services and encourage them to pass on information to students as required.	3	
5	Ensure students understand the contracts they enter into, by providing information that is easily understood and helps them understand the differences between university and private contracts.	2.4	
6	Ensure students have access to financial advice with regard to accommodation, and in general.	3.6	
7	Ensure staff understand issues of confidentiality and disclosure, and that these are addressed when dealing with private providers.	2.2	
8	Consider methods of sharing information about students and developing a data-sharing protocol with private and social landlords, in line with the Data Protection Act 1998 and the HEI's data protection policy.	2.6	
9	Ensure allocations processes consider students' diverse needs, and that there is sufficient range and flexibility to ensure students can be accommodated in appropriate accommodation, avoiding lifestyle clashes with other students.	5	
10	Ensure staff working with under-18s have been checked by the Criminal Records Bureau (CRB) and protocols are in place for staff contacting parents or guardians.	6, ANXs	

	<b>Recommendations</b>	<b>Section(s) in handbook ▼</b>	<b>✓</b>
11	Ensure all staff working with young people understand that they should take responsible action if physical, sexual or emotional abuse is reported or suspected.	6	
12	Provide mental health policies and ensure staff are trained to support students with mental health issues and to deal with crises. Good connections with local mental health services should also be maintained.	7	
13	Ensure that the physical environment of student accommodation is accessible for disabled students and students from all cultural backgrounds.	8	
14	HEIs should have a duty of care document and share it with private providers to ensure they are aware of requirements to make the premises safe.	2.5	
15	HEIs should have a diversity statement supported or underpinned by an equal opportunity policy. Contracts with private providers should ensure diversity issues are included in their equality action plan.	9	
16	HEIs should provide cultural awareness training to staff and make this available to private landlords.	9	
17	Code of conduct agreements should be drawn up in negotiation with all landlords and communicated to students at the beginning of their tenancy.	10	
18	If there is a possibility that unacceptable behaviour is a result of illness, disciplinary action should not proceed but should be referred to mental health services.	10	

## Summary checklists

	<b>Recommendations</b>	<b>Section(s) in handbook</b> ▼	✓
19	Disciplinary procedures should follow agreed principles and policies, and private providers should be encouraged to work with institutions to settle issues.	10.2	
20	Students should be given the opportunity to be accompanied to any disciplinary hearing, and interpreters should be provided if required.	10.2	

### Private and social landlords

Private and social landlords can help to ensure policies regarding all student accommodation for which they have responsibility are based on inclusive equality and diversity principles, by addressing the following points.

	<b>Recommendations</b>	<b>Section(s) in handbook</b> ▼	✓
1	Ensure all student accommodation policies and practices are compliant with equality legislation, are equality impact-assessed, and aim to provide a safe, welcoming, supportive environment to all students.	2, 3.4	
2	Have regular dialogue with HEIs on equality and diversity issues, and consult relevant policies.	1.1	
3	Negotiate with HEIs to ensure advice is obtained on appropriate equality and diversity staff training, or undertake in-house training.	1.1	
4	Ensure staff are informed about all relevant HEI student services and encourage them to pass on information to students as and when required.	3.2	

	<b>Recommendations</b>	<b>Section(s) in handbook ▼</b>	<b>✓</b>
5	Ensure students understand the contracts they enter into, by providing information that is easily understood and helps them understand the differences between university and private contracts.	2.4	
6	Ensure students have information on how to obtain financial advice from the HEI if required.	3.2	
7	Ensure staff understand issues of confidentiality and disability disclosure with regard to students.	2.2	
8	Consider methods of sharing information about students and developing a data-sharing protocol with institutions, in line with the Data Protection Act 1998 and the HEI's data protection policy.	2.6	
9	Ensure allocation processes consider students' diverse needs, and that there is sufficient range and flexibility to ensure students can be accommodated in appropriate accommodation, avoiding lifestyle clashes with other students.	5	
10	Ensure staff working with under-18s are CRB-checked and protocols are in place for staff contacting parents or guardians.	6, ANXs	
11	Ensure all staff working with young people understand that they should take responsible action if physical, sexual or emotional abuse is reported or suspected.	6	
12	Provide mental health policies or refer to the HEI's mental health policies, and ensure staff are adequately trained to support students with mental health issues and to deal with crises.	7	

## Summary checklists

	<b>Recommendations</b>	<b>Section(s) in handbook ▼</b>	<b>✓</b>
13	Ensure the environment of student accommodation is accessible for disabled students with different types of impairments, and for students from all cultural backgrounds.	8	
14	HEIs should have a duty of care document and share it with private providers to ensure they are aware of requirements to make the premises safe.	2.5	
15	Landlords should be aware of the HEI's diversity statement and ensure diversity issues are included in their equality action plan.	9	
16	Landlords should provide cultural awareness training to staff if possible, through negotiation with institutions.	9	
17	Code of conduct agreements should be drawn up by HEIs in negotiation with all landlords, and communicated to students at the beginning of their tenancy.	10	
18	If there is a possibility that unacceptable behaviour is a result of illness, disciplinary action should not proceed but should be referred to student services.	10	
19	Disciplinary procedures should follow agreed principles and policies, and private providers should be encouraged to work with institutions to settle issues.	10.2	
20	Students should be given the opportunity to be accompanied to any disciplinary hearing, and interpreters should be provided if required.	10.2	

# 1 Introduction

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# 1 Introduction

## 1.1 Purpose of the handbook

This handbook is the result of a collaborative project between the Association for Student Residential Accommodation (ASRA) and Equality Challenge Unit (ECU). It aims to provide a practical resource containing information, advice, educational materials and templates that can help set a standard for agreements between higher education institutions (HEIs) and student accommodation providers on issues relating to equality and diversity. It has been produced in response to the increasing number of agreements taking place between the higher education sector and private and social accommodation landlords, which lack a consistent approach to equality advice. It is intended to be used, by all providers of student accommodation, as a reference guide, a checklist for equality compliance and inclusive practice, and a training resource. The recommendations in this handbook have been compiled by ECU based on effective practice – they are not statutory guidance or legal advice.

The handbook has been written to follow up the ECU guidance publication *Inclusive Campus: Accommodation and Social Space* ([www.ecu.ac.uk/publications/inclusive-campus](http://www.ecu.ac.uk/publications/inclusive-campus)), produced in 2008 in collaboration with ASRA. These publications support the provision of a positive, safe, accessible and welcoming environment for all students, whatever their age, disability, race, religion and belief, gender or sexual orientation, and include consideration of students who have come from local authority care.

One of the main recommendations by accommodation staff interviewed during research for the earlier guidance was the urgent

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need to safeguard the welfare of students through management agreements with accommodation providers. It was suggested that ECU should work with the relevant professional bodies to develop a document to form the basis for agreements complying with equality legislation and principles of good practice. As a result, ECU has worked with representatives and networks of ASRA, the National Union of Students (NUS) and the Student Services Organisation (AMOSSHE) to set up a working group to develop this handbook and for consultation on the material provided. The working group has also consulted with the Association of College & University Business Officers (CUBO), Accreditation Network UK (ANUK) and Universities UK (UUK), organisations that manage the housing codes relating to student accommodation (see Section 2. 7). It has also consulted with private companies and registered social landlords (RSLs) providing student accommodation, to ensure the information is relevant and useful to them. It is estimated that approximately 326,000 student bedspaces are provided by HEIs and 133,000 are provided by the private sector (*2007 Student Housing Report*, [www.savills.co.uk/research/Report.aspx?nodeID=8531](http://www.savills.co.uk/research/Report.aspx?nodeID=8531), Savills Research).

The information in this handbook is intended to support HEI accommodation managers and frontline residential staff, large and small private providers, and RSL providers of student accommodation. It is also intended to support student services by providing guidance that has been developed with wide consensus from across the sector and from private providers.

The consultation process on this handbook has highlighted that the key to successful progress in raising equality and diversity standards, in all provision of student accommodation, is the

readiness of both HEIs and private and social landlords to maintain ongoing communications with each other. This should include discussing issues of concern, sharing information on available services, supporting each other over allocation issues and disciplinary matters, and being willing to provide advice and access to equality and diversity training. If a private or social landlord does not have direct links with a university, it is hoped that they will use this handbook as source of relevant equality and diversity information and use the links to effective practice. Ultimately this handbook is intended to benefit students in ensuring that well informed and consistent policies and practices address equality and diversity issues in all student accommodation.

### **1.2 HEI context**

This handbook is currently particularly relevant to providers of student accommodation because there is government support for increasing student numbers and the number of campus locations in the UK, which is likely to lead to increased demand for accommodation.

Government initiatives to drive up student numbers include a plan to attract 50 per cent of young people into higher education, as well as to encourage more students of all ages through links with industry and local employers. In the past few years, new HEIs have been developed in areas where residents did not previously have easy local access to higher education. The government is now accelerating the pace of these developments and plans to have more HEIs opening in new locations.

The blurring of some previous distinctions between further and higher education is likely to alter the context in which

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accommodation is provided. Although some students using these new HEIs will be locally based and will not necessarily require accommodation to be provided, some students, including part-time students, may have accommodation and student support needs. Employers may be requesting short-term accommodation provision of a month or three months.

Demographic changes to student populations, in which the number of 18-year-olds is set to fall over the next few years, suggest that if universities are to maintain or increase student numbers, students of tomorrow will become increasingly diverse in terms of their economic, social and cultural background, age and ability, and they will have different expectations of their living environments. Providers of accommodation will need to ensure financial support and advice is given increased attention as the numbers of students from poorer economic backgrounds increase.

The drop-out rate for students finishing their courses is currently high, at 22 per cent, and universities are keen to decrease this number. A student survey undertaken by Sodexho in association with *The Times Higher Education Supplement* in 2006 indicated that accommodation is increasingly contributing to the overall satisfaction of the student experience (24 per cent of students considered quality of accommodation important in 2006, compared with 10 per cent in 2004 (*The Sodexho University Lifestyle Survey 2006*, [www.sodexho.co.uk/media/uls06-summary.pdf](http://www.sodexho.co.uk/media/uls06-summary.pdf)). There is therefore a positive incentive for both universities and private providers to understand and provide a good environment for a wide range of students.

Equality issues in terms of accommodation can be understood as providing an environment in which no-one is discriminated against

because of their age, gender, sexual orientation, race, religion and belief, or disability, and that a positive residential environment is provided that helps the student to fulfil their potential through their HEI experience.

Over the past few years, there has been a trend towards increasing numbers of private providers to cater for increased demand for units and to replace older HEI stock. This has raised issues of parity between students in private and HEI accommodation. If this trend is to continue with the new wave of HEI campuses being expanded, these issues will need to be understood in terms of the legal requirements and the moral and social incentives to provide a positive and fair experience for all students.

### **1.3 Student context**

Over the past 15 years, higher education has expanded and diversified significantly, meaning that students in halls of residence may be mature (over 21 on their first day of study), international, postgraduate, have a disability, be from an ethnic minority or from a family that has no tradition in higher education.

Regardless of background, all students are making the transition into student life, where they will need to familiarise themselves with self-directed learning and independent living, which is quite different from compulsory education. Students have to organise their own time and finances as well as establish new social networks, and in many cases work part-time to finance their studies. Many students are doing this for the first time. It is therefore important that accommodation providers have well trained staff who know how to spot students in difficulty, but also a sound knowledge of what support is available at the student's institution of study.

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It is good practice for residence managers employed by all forms of university and private provider to meet on a regular basis to discuss issues of concern or new developments with student services staff in the HEI. Student services may also be able to deliver training on supporting students, particularly international students and disabled students (see Support services, Section 3).

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## 2 Legal context

The following information provides a summary of the legislation and regulations relevant to student accommodation. More detailed information is available through the links provided in the text and at the end of this section – these should be referred to for a fuller understanding of the legal position.

### 2.1 Procurement

All public sector organisations, including HEIs, must ensure their procurement policies and practices comply with the equality duties (see below). An institution cannot abdicate responsibility for meeting the duties by contracting out its functions. Where functions are carried out by an external supplier, the institution retains responsibility for meeting the duties.

The growing trend to outsource the supply of student accommodation to private contractors means that HEIs should ensure the following.

- = A service delivery choice is made that complies most fully with the equality duty requirements. This may mean choosing the option to keep services in house.
- = Contractors are asked detailed questions about their equality policies and practices, and tangible evidence that they promote equality in their employment practices should be obtained.
- = Equality and diversity training is provided to all contracted staff.
- = Equality criteria are included when contract compliance indicators are drafted.
- = Procurement contracts are monitored regularly to ensure they are fulfilling equality duties, and relevant action is taken if this is not happening.

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- = The contractor is clear that they are responsible for meeting the public sector duties when they outsource delivery of services.
- = Equality groups should be involved in the development and monitoring of procurement policies and strategies.

For government guidance on public sector procurement, see Office of Government Commerce publications at [www.ogc.gov.uk](http://www.ogc.gov.uk)

OGC (2006) *Social Issues in Purchasing* ([www.ogc.gov.uk/documents/Social\\_Issues\\_in\\_Purchasing.pdf](http://www.ogc.gov.uk/documents/Social_Issues_in_Purchasing.pdf)), Office of Government Commerce, London.

OGC (2008) *Buy and Make a Difference: How to Address Social Issues in Public Procurement* ([www.ogc.gov.uk/documents/Social\\_Issues\\_in\\_Public\\_Procurement.pdf](http://www.ogc.gov.uk/documents/Social_Issues_in_Public_Procurement.pdf)), Office of Government Commerce, London.

OGC (2008) *Introduction to Public Procurement* ([www.ogc.gov.uk/documents/Introduction\\_to\\_Public\\_Procurement.pdf](http://www.ogc.gov.uk/documents/Introduction_to_Public_Procurement.pdf)), Office of Government Commerce, London.

## 2.2 Equality legislation and public sector duties

There is a range of equality legislation that affects the provision of student accommodation. Accommodation managers will need to provide services that comply with the general and specific public sector duties for race, gender and disability, as well as the equality legislation for all the equality groups.

### *Public sector duties*

#### **General duties:**

The general duties state that public authorities, when carrying out their functions, must have 'due regard' to the need to:

- = eliminate unlawful discrimination
- = promote equal opportunities.

Then each duty builds on this in a different way.

The **Race Duty** requires:

- = the promotion of good relations between people in different racial groups.

[Part I, Commission for Racial Equality's (CRE) *Statutory Code of Practice on the Duty to Promote Race Equality*, [www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/raceequalityduty/Pages/Raceequalitydutydocuments.aspx](http://www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/raceequalityduty/Pages/Raceequalitydutydocuments.aspx) (for England and Wales; there is a separate code for Scotland).]

The **Disability Duty** requires:

- = the elimination of harassment of disabled people that is related to their disabilities
- = taking into account people's impairments, even where that involves treating disabled people more favourably than non-disabled people
- = promoting positive attitudes to disabled people
- = encouraging participation by disabled people in public life.

[Chapter 2, Disability Rights Commission's (DRC) *Statutory Code of Practice on the Duty to Promote Disability Equality*, [www.equalityhumanrights.com/Documents/Disability/Public\\_sector/Disability\\_equality\\_duty/Codes\\_of\\_practice/DED\\_code\\_EnglandWales.pdf](http://www.equalityhumanrights.com/Documents/Disability/Public_sector/Disability_equality_duty/Codes_of_practice/DED_code_EnglandWales.pdf) (for England and Wales; there is a separate code for Scotland).]

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The **Gender Duty** requires:

= the elimination of unlawful harassment (specifically includes transsexual people).

[Chapter 2, Equal Opportunities Commission's *Gender Equality Duty Code of Practice*, [http://83.137.212.42/sitearchive/eoc/PDF/GED\\_CoP\\_Draft.pdf?page=19765](http://83.137.212.42/sitearchive/eoc/PDF/GED_CoP_Draft.pdf?page=19765) (for England and Wales; there is a separate code for Scotland); see equalities legislation for further information relating to trans students.]

Because the duties are statutory requirements, it would not be acceptable for an institution to claim it does not have enough resources to change – it may need to redeploy existing resources. Even if the best course of action cannot be followed, the institution must still have 'due regard' to the requirement to promote equality alongside other competing requirements.

### *Specific duties*

The specific duties give a framework for achieving the general duties. Generally speaking, these build on existing law and good practice, but then go further by requiring action to prevent inequalities. Institutions must legally fulfil every element of each general and specific duty.

The three sets of duties are all slightly different, and are set out in full in the relevant codes of practice. The common approach set out below includes most aspects of the specific duties.

= The institution should publish an equality scheme showing how it intends to fulfil its general and specific duties (the action plan), and setting out its overall objectives.

- = The institution should involve relevant employees, service-users, trade unions and others in preparing the scheme. This includes people facing inequalities who are covered by the scheme.
- = The scheme should take into account any information it has gathered or considers relevant as to how its policies and practices affect equality in the workplace and in the delivery of its services.

The scheme should set out the following.

- = How people facing inequalities covered by the scheme have been involved in its development.
- = Actions the institution has taken, or intends to take, to carry out an equality impact assessment (EIA) of its current and future policies and practices, including its method for impact assessment (see below).
- = Actions the institution has taken, or intends to take, to gather information about the effect of its policies and practices on people facing inequalities covered by the scheme in the performance of its functions, including employment, education and other services.
- = Arrangements for using the information gathered, in particular in reviewing the effectiveness of its action plan and preparing subsequent equality schemes.
- = Actions the institution has taken or intends to take to:
  - use the information to review implementation of the scheme's objectives
  - ensure implementation of the scheme's objectives.

The institution should report annually (possibly as part of its general annual report) on:

- = the results of information gathering (including monitoring), what this evidence indicates, and what use has been made of the information

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= what the institution has done over the past year to fulfil its equality scheme, eliminate discrimination and promote equality of opportunity; and if it is meeting its targets.

The institution should implement the scheme, including its actions for gathering and using information within three years of its publication, unless it is unreasonable or impractical to do so. The institution should review the scheme at least every three years.

Other equality areas – sexual orientation, age, religion and belief – are not yet covered by public duties, but they are to be included in the Equality Bill expected in 2009. In addition, a new directive to extend discrimination laws beyond employment in relation to religion and belief, age, disability and sexual orientation is proposed in the EU Commission's **Legislative and Work Programme 2008**, [http://ec.europa.eu/atwork/programmes/docs/clwp2008\\_en.pdf](http://ec.europa.eu/atwork/programmes/docs/clwp2008_en.pdf). Many universities have already anticipated this development by including them within single equality schemes.

### *Equality impact assessments*

EIAs play a key role in the implementation of the public sector duties, and are a legal requirement for authorities covered by the specific duties of race, gender and disability. They should be carried out in connection with accommodation plans and practices, and should aim to:

- = ensure no groups are disadvantaged on equality grounds by an institution's decisions and activities
- = indicate where public authorities can promote equality of opportunity.

When assessments indicate a negative impact or a missed opportunity to promote equal opportunities, the specific duties

say the institution must have due regard to the need to modify the policy or practice. EIAs do not have to be onerous, but they require good information and consultation with staff and diverse service-users. See the ECU guidance publication *Conducting Equality Impact Assessments in Higher Education* ([www.ecu.ac.uk/publications/equality-impact-assessment-in-HE](http://www.ecu.ac.uk/publications/equality-impact-assessment-in-HE)),

### *Equality legislation*

#### **Race**

The Race Relations Act 1976, as amended, prohibits discrimination on racial grounds (which include race, colour, nationality or ethnic or national origins) in most areas, including employment, provision of goods, facilities and services, and the provision of education. Discrimination can be direct or indirect. With respect to indirect discrimination, the test for what constitutes discrimination on the grounds of colour or nationality is different from the test for discrimination on the grounds of race, ethnic or national origins. It may also amount to victimisation or harassment (the latter only in relation to race or ethnic or national origins).

For guidance on racial equality legislation, see publications at [www.equalityhumanrights.com/en/Pages/default.aspx](http://www.equalityhumanrights.com/en/Pages/default.aspx)

CRE (2002) *Statutory Code of Practice on the Duty to Promote Race Equality* ([www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/raceequalityduty/Pages/Raceequalitydutydocuments.aspx](http://www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/raceequalityduty/Pages/Raceequalitydutydocuments.aspx)), Commission for Racial Equality (now EHRC), London (for England and Wales).

## Legal context

CRE (2002) *Statutory Code of Practice on the Duty to Promote Race Equality in Scotland* ([www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/raceequalityduty/Pages/Raceequalitydutydocuments.aspx](http://www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/raceequalityduty/Pages/Raceequalitydutydocuments.aspx)), Commission for Racial Equality (now EHRC), Edinburgh.

CRE (1984) *Code of Practice for the Elimination of Racial Discrimination in Education*. Commission for Racial Equality (now EHRC), London (out of print; available from copyright libraries).

CRE (1984) *Code of Practice (Scotland) for the Elimination of Racial Discrimination in Education*. Commission for Racial Equality (now EHRC), Edinburgh (out of print; available from copyright libraries).

### Gender

The **Sex Discrimination Act 1975** (<http://83.137.212.42/sitearchive/eoc/PDF/sda/pdf?page=17307>), as amended, prohibits discrimination and harassment on the grounds of a person's gender by employers, providers of workplace training, education providers (although schools are not covered by the harassment duty), and providers of goods, facilities and services. People are also protected from discrimination on the grounds of gender reassignment, but only in the workplace and when undertaking vocational training. In the context of education, it is unlawful for an HEI to harass or discriminate directly or indirectly against students/prospective students on the grounds of gender in terms of admissions, exclusions, and the way in which the HEI provides any benefits, facilities or services, including residential accommodation.

For guidance on gender equality legislation, see publications at [www.equalityhumanrights.com](http://www.equalityhumanrights.com):

EOC (2006) *Code of Practice – Sex Discrimination* ([www.equalityhumanrights.com/en/foradvisers/EocLaw/eoclawenglandwales/GuidesAndLegislation/Codesofpractice/Pages/CodeofPracticeSexDiscrimination.aspx](http://www.equalityhumanrights.com/en/foradvisers/EocLaw/eoclawenglandwales/GuidesAndLegislation/Codesofpractice/Pages/CodeofPracticeSexDiscrimination.aspx)), Equal Opportunities Commission (now EHRC), London.

EOC (2006) *Gender Equality Duty Code of Practice England and Wales* ([www.equalityhumanrights.com/en/publicationsandresources/Pages/gedcopEnglandandwales.aspx](http://www.equalityhumanrights.com/en/publicationsandresources/Pages/gedcopEnglandandwales.aspx)), Equal Opportunities Commission (now EHRC), London.

EOC (2006) *Gender Equality Duty Code of Practice Scotland* ([www.equalityhumanrights.com/en/publicationsandresources/Pages/gedcopScotland.aspx](http://www.equalityhumanrights.com/en/publicationsandresources/Pages/gedcopScotland.aspx)), Equal Opportunities Commission (now EHRC), London.

### Trans

Only some trans people are protected by law – these are transsexual people who have undergone, are undergoing, or intend to undergo gender reassignment surgery. Transsexual people are protected by sexual discrimination legislation, and the **Sex Discrimination (Amendment of Legislation) Regulations 2008** ([http://pfc.org.uk/files/uksi\\_20080963\\_en.pdf](http://pfc.org.uk/files/uksi_20080963_en.pdf)) gives protection from discrimination and harassment on the grounds of gender reassignment in the provision of goods, facilities and services. Transsexual status should not be considered as a disability, and disability legislation is not required to prevent discrimination or harassment.

The term trans is used to describe a range of identities, including transsexual, transvestite and transgender. It is good practice to extend equality measures to all trans people. Trans students may

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be indirectly discriminated against by being expected to access and utilise facilities that correspond to the gender assigned to them at birth, or that force them to decide between using either male or female facilities.

ECU (2008) *Trans Staff and Students in Higher Education*, [www.ecu.ac.uk/publications/trans-staff-and-students-in-he](http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he)  
Equality Challenge Unit, London.

NUS (undated) *LGBT Briefing on Trans Students*, [www.officeronline.co.uk/lgbt](http://www.officeronline.co.uk/lgbt)  
National Union of Students, London.

UNISON (2008) *Guidance on Trans Equality in Post-school Education*, [www.unison.org.uk/acrobat/A7002.pdf](http://www.unison.org.uk/acrobat/A7002.pdf)  
UNISON, London.

Sex Discrimination (Amendment of Legislation) Regulations 2008, [http://pfc.org.uk/files/uksi\\_20080963\\_en.pdf](http://pfc.org.uk/files/uksi_20080963_en.pdf)

### **Disability**

In addition to the statutory codes of practice concerning the duty to promote disability equality, the DRC published a number of statutory codes of practice, which are now available from the EHRC website, [www.equalityhumanrights.com/en/Pages/default.aspx](http://www.equalityhumanrights.com/en/Pages/default.aspx)

They include:

DRC (2006) *Rights of Access: Services to the Public, Public Authority Functions, Private Clubs and Premises* ([www.opsi.gov.uk/acts/acts1995/ukpga\\_19950050\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1)),  
Disability Rights Commission (now EHRC), London. This covers Part

3 of the Disability Discrimination Act 1995 (DDA).  
DRC (2007) *Code of Practice Post-16: Code of Practice (revised) for Providers of Post-16 Education and Related Services*,  
([http://83.137.212.42/sitearchive/DRC/pdf/COP\\_Post16.pdf](http://83.137.212.42/sitearchive/DRC/pdf/COP_Post16.pdf)),  
Disability Rights Commission (now EHRC), London. This covers Part 4 of the DDA.

Under section 42(3)(a) of the Equality Act 2006  
([www.opsi.gov.uk/Acts/acts2006/ukpga\\_20060003\\_en\\_1](http://www.opsi.gov.uk/Acts/acts2006/ukpga_20060003_en_1)),  
codes of practice issued by the legacy commissions continue to have effect until revoked by the Secretary of State at the request of the Equality and Human Rights Commission (EHRC).

The Disability Discrimination Act 1995  
([www.opsi.gov.uk/acts/acts1995/ukpga\\_19950050\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1)),  
as amended (the DDA), prohibits discrimination against disabled people, namely people who have or have had a physical or mental impairment which has a substantial, long-term adverse effect on their ability to carry out normal day-to-day activities.

These activities are:

- = mobility
- = manual dexterity
- = physical coordination
- = continence
- = ability to lift, carry or otherwise move everyday objects
- = speech, hearing and eyesight
- = memory or ability to concentrate, learn or understand
- = perception of the risk of physical danger.

## Legal context

The following conditions are automatically covered:

- = severe disfigurements
- = impairments that are controlled or corrected by the use of medication, prostheses, an aid or otherwise
- = progressive symptomatic conditions
- = HIV, cancer and multiple sclerosis at the point of diagnosis.

For more information on matters to be taken into account in determining questions relating to the definition of disability see DWP (2005) *Guidance on Matters to be taken into Account in Determining Questions Relating to the Definition of Disability*, [www.dwp.gov.uk/publications/dwp/2005/dda/dda.pdf](http://www.dwp.gov.uk/publications/dwp/2005/dda/dda.pdf)

Part 4 of the DDA offers protection to prospective and existing disabled students (and, in some situations, to former students). All student services are covered, including residential accommodation and accommodation-finding services (see section 9.5 and chapter 9 of the *Post-16 Code*), [http://83.137.212.42/sitearchive/DRC/pdf/COP\\_Post16.pdf](http://83.137.212.42/sitearchive/DRC/pdf/COP_Post16.pdf)

There are four possible ways an HEI can discriminate against a disabled student (see section 3.27 and chapters 4–7 of the *Post-16 Code*):

- = direct discrimination – by treating a student less favourably on the grounds of their disability
- = treating a disabled student less favourably for a reason relating to their disability without justification (known as disability-related discrimination)
- = failing to make reasonable adjustments (such as providing an auxiliary aid or service) where a provision, criterion or practice other than a competence standard (covering all aspects of

student life, including residential accommodation) or a physical feature of any of the premises occupied by the HEI puts disabled students at a substantial disadvantage compared with their non-disabled peers – known as the ‘reasonable adjustment duty’  
= victimisation (which protects anyone, not just a disabled person).

In addition, disability-related harassment is also prohibited. The reasonable adjustment duty is of most relevance to providers of residential accommodation, and this is considered in more detail in Section 8 of this handbook. The reasonable adjustment duty is anticipatory and continuing; education providers should plan to meet the needs of disabled students, make the adjustments that may be required, and periodically review their policies and provision. (For more information, see chapter 5 of the *Post-16 Code*.)

### *Disability disclosure and confidentiality*

Although there is no duty on a student to disclose a disability, education providers are expected to take steps to find out about a student’s disability or disabilities. It may be that an education provider could reasonably be expected to know about a student’s disability, for example if it is visible to others. If a student discloses their disability to a member of staff, then the whole institution is deemed to know and must act accordingly.

If an individual student has told someone in confidence about their disability, this could influence the ability of the institution or the provider to make reasonable adjustments. In some circumstances, reasonable adjustments might have to be made in an alternative way to ensure confidentiality; it might even mean that only a less satisfactory reasonable adjustment can be provided, or none at all.

## Legal context

More information about disclosure and confidentiality is available in sections 5.26–5.28 and 8.37–8.38 of the DRC's *Post-16 Code*.

### *Social model of disability*

The recent disability legislation supports the social model of disability, which seeks to eliminate the physical and attitudinal barriers that disabled students experience, rather than the medical model of disability, which focuses on addressing the impairments or health conditions of the individual.

For guidance on disability equality rights, see Disability Rights Commission publications on the EHRC website ([www.equalityhumanrights.com/en/Pages/default.aspx](http://www.equalityhumanrights.com/en/Pages/default.aspx)).

DRC (2002) *Residential Services (DDA Part 4)* ([http://83.137.212.42/SiteArchive/drc\\_gb/employers\\_and\\_service\\_provider/education/higher\\_education/residential\\_services.aspx.html](http://83.137.212.42/SiteArchive/drc_gb/employers_and_service_provider/education/higher_education/residential_services.aspx.html)), Disability Rights Commission (now EHRC), London.

DRC (2005) *The Duty to Promote Disability Equality: Statutory Code of Practice: England and Wales* ([www.equalityhumanrights.com/Documents/Disability/Public\\_sector/Disability\\_equality\\_duty/Codes\\_of\\_practice/DED\\_code\\_EnglandWales.pdf](http://www.equalityhumanrights.com/Documents/Disability/Public_sector/Disability_equality_duty/Codes_of_practice/DED_code_EnglandWales.pdf)), Disability Rights Commission (now EHRC), London.

DRC (2006) *The Duty to Promote Disability Equality: Statutory Code of Practice: Scotland* ([www.equalityhumanrights.com/Documents/Disability/Public\\_sector/Disability\\_equality\\_duty/Codes\\_of\\_practice/DED\\_code\\_Scotland.pdf](http://www.equalityhumanrights.com/Documents/Disability/Public_sector/Disability_equality_duty/Codes_of_practice/DED_code_Scotland.pdf)), Disability Rights Commission (now EHRC), London.

DRC (2006) *Rights of Access: Services to the Public, Public Authority Functions, Private Clubs and Premises*. Disability Rights Commission (now EHRC), London.

DRC (2007) *Code of Practice Post-16: Code of Practice (revised) for Providers of Post-16 Education and Related Services* ([http://83.137.212.42/sitearchive/DRC/pdf/COP\\_Post16.pdf](http://83.137.212.42/sitearchive/DRC/pdf/COP_Post16.pdf)), Disability Rights Commission (now EHRC), London.

DRC (2007) *Understanding the Disability Discrimination Act: A Guide for Colleges, Universities and Adult Community Learning Providers in Great Britain* ([www.equalityhumanrights.com/Documents/Disability/Education/Understanding\\_the\\_DDA.pdf](http://www.equalityhumanrights.com/Documents/Disability/Education/Understanding_the_DDA.pdf)), Disability Rights Commission (now EHRC), London.

UNISON (2006) *Public Sector Equality Duties: UNISON Guidance*, [www.unison.org.uk/file/16965\\_Equality\\_Guidance.pdf](http://www.unison.org.uk/file/16965_Equality_Guidance.pdf)  
UNISON, London.

## Legal context

### Religion and belief

Part 2 of the **Equality Act 2006** ([www.opsi.gov.uk/Acts/acts2006/ukpga\\_20060003\\_en\\_1](http://www.opsi.gov.uk/Acts/acts2006/ukpga_20060003_en_1)), which came into force on 30 April 2007, made it unlawful, with some exceptions, to discriminate against someone on the grounds of religion or belief (or because someone has no religion or belief) in relation to the provision of goods, facilities and services, education, the using and disposing of premises and in the exercise of public functions. The **Employment Equality (Religion or Belief) Regulations 2003** ([www.opsi.gov.uk/si/si2003/20031660.htm](http://www.opsi.gov.uk/si/si2003/20031660.htm)) introduced this protection for the workplace and vocational training.

This raises the question of whether accommodation offered only to members of particular religious or belief groups, such as separate halls of residence for Jewish students, is discriminatory or not. At first glance, such accommodation provision would appear to amount to direct discrimination. It should be noted that in order to be covered by the Act, a religion or belief should achieve a certain level of cogency, seriousness and cohesion and should not be incompatible with human dignity.

Guidance from the Department for Communities and Local Government (**Guidance on new measures to outlaw discrimination on grounds of religion or belief in the provision of goods, facilities and services**, [www.communities.gov.uk/publications/communities/guidancenew](http://www.communities.gov.uk/publications/communities/guidancenew)) explains that the Equality Act Part 2 contains exceptions that make it possible in certain circumstances for religious or belief groups to limit access to their

activities, for example, to people who wholly or partly share their particular religion or belief. In order to take advantage of the exceptions, the religious or belief groups will need to show that:

- = their purpose is not mainly or wholly commercial
- = the restrictions are imposed by reason of, or on the grounds of, the purpose of the organisation, or in order to avoid causing offence, on grounds of the religion or belief to which the organisation relates, to persons of that religion or belief.

If the exception applies, organisations can lawfully restrict on the grounds of religion or belief, for example, the provision of goods, facilities or services such as accommodation undertaken on their behalf or under their auspices.

In addition, Part 2's religion or belief provisions permit separate/targeted provision for different groups on the basis of religion or belief, where this meets special needs for education, training or welfare. The guidance refers to those services that target provision towards particular groups, on the grounds this will lead to a greater take up of/more effective services. While the guidance mentions advice services, this could also apply to accommodation services.

Each case of specialist accommodation for religious or belief groups offered to students will need to be assessed on its own merits to see if it falls within the exceptions permitted by Part 2. The key is that the separate accommodation services should not be run by a commercial organisation.

## Legal context

### Age

The **Employment Equality (Age) Regulations 2006** ([www.opsi.gov.uk/si/si2006/20061031.htm](http://www.opsi.gov.uk/si/si2006/20061031.htm)) protect people from discrimination, harassment or victimisation on the grounds of age, but only in the workplace and vocational training. Universities are covered by this legislation in relation to admissions, exclusions and access to benefits including residential accommodation (see Section 6).

### Sexual orientation

The **Employment Equality (Sexual Orientation) Regulations 2003** ([www.opsi.gov.uk/si/si2003/20031661.htm](http://www.opsi.gov.uk/si/si2003/20031661.htm)) introduced protection from discrimination and harassment on the grounds of sexual orientation in the workplace and in vocational training in England, Scotland and Wales; Northern Ireland has similar provision.

The **Equality Act (Sexual Orientation) Regulations 2007** ([www.opsi.gov.uk/si/si2007/uksi\\_20071263\\_en\\_1](http://www.opsi.gov.uk/si/si2007/uksi_20071263_en_1)) extended this protection to students and those seeking access to goods, facilities and services in England, Scotland and Wales from 30 April 2007. There is similar provision in Northern Ireland.

See the **ACAS** website ([www.acas.org.uk/index.aspx?articleid=1461](http://www.acas.org.uk/index.aspx?articleid=1461)) for a number of non-statutory guidance publications on avoiding discrimination on the grounds of age, religion or belief and sexual orientation in the workplace.

### 2.3 The Safeguarding Vulnerable Groups Act 2006

This is an overview of the **Safeguarding Vulnerable Groups Act 2006** ([www.acas.org.uk/index.aspx?articleid=1461](http://www.acas.org.uk/index.aspx?articleid=1461)); see also Section 6 of this handbook. The Act came into force to

implement recommendation 19 of the **Bichard Inquiry** ([www.bichardinquiry.org.uk](http://www.bichardinquiry.org.uk)), set up after the Soham murders. This recommendation called for a register of those wishing to work with children or vulnerable adults. The Act provides the legislative framework for the new register scheme, which will be run by the **Independent Safeguarding Authority** (ISA; [www.isa-gov.org.uk](http://www.isa-gov.org.uk)) and will come into effect from 12 October 2009. All decisions about who should be barred from working with children and vulnerable adults will be made by the ISA, and there will be two separate but aligned lists of barred people, one for children and one for vulnerable adults, although barred individuals can be placed on both lists. The current vetting procedures will be changed, and new criminal offences relating to both employers and employees will be introduced to enforce the scheme.

### 2.4 HEI contracts with students

Effectively there are two main contracts between an education provider and a student: the contract to admit and the contract to educate [Farrington, D. and Palfreyman, D. (2006) *The Law of Higher Education*. Oxford University Press, ch. 13]. For international students, private international law (also known as conflict of laws) may come into play in the case of disputes.

There may also be an entirely separate accommodation contract, be it a tenancy agreement or a licence under which students occupy HEI or private accommodation. The **Office of Fair Trading** (OFT; [www.offt.gov.uk](http://www.offt.gov.uk)) can investigate allegations of unfair contract terms, and HEI accommodation contracts have come under the OFT's scrutiny. The **Office of the Independent Adjudicator for Higher Education** (OIAHE; [www.oiahe.org.uk](http://www.oiahe.org.uk)) can also hear complaints about HEI-owned/managed accommodation, and even accommodation provided by a third party contractor in some circumstances.

## Legal context

The OIAHE can deal with a complaint from anyone who is or was registered as a student at a participating HEI, who has exhausted the HEI's internal complaints procedure. Complaints can be about, for example, a service provided to the student by the HEI, such as accommodation or a final decision by the HEI's disciplinary or appeal body. The OIAHE cannot deal with a matter relating to an institution that is not a participating HEI, or about a matter that is or has been the subject of court proceedings. Outside these rules, the OIAHE looks at each case on its merits and decides whether or not it will hear the complaint.

Provided a student making a complaint to the OIAHE is/was a registered student at a participating HEI, a complaint can be made, but the HEI will not be able to resolve matters for further education students in mixed further/higher education occupancy.

Contracts should be reviewed to ensure they are written in simple language to minimise opportunities for misunderstanding, and are available in accessible and alternative formats.

### ***Dyslexia***

*Students who are dyslexic (and those who experience other learning differences, such as dyspraxia) often dislike reading large documents (such as hall residents' instructions) printed in black on white paper. Such documents, and contracts, should be accessible to all, which means printing them in a large sans-serif font on non-white paper and making it clear that electronic versions are available (for those who like to use assistive technology to access them). It is also helpful to many to provide information in diagrammatic forms.*

## 2.5 The duty of care and negligence

HEIs have a legal duty of care to students occupying their premises, or where they are in charge of an activity, provided students behave in a responsible fashion. Each HEI will have a duty of care document. It is the institution's responsibility to ensure private providers of accommodation are aware of this document, and of the requirements to make sure premises are safe. This issue is covered in the UUK and ANUK codes (see below).

## 2.6 Confidentiality and the Data Protection Act 1998

The **Data Protection Act 1998** ([www.opsi.gov.uk/Acts/Acts1998/ukpga\\_19980029\\_en\\_1](http://www.opsi.gov.uk/Acts/Acts1998/ukpga_19980029_en_1)) has created a framework to ensure personal information is handled appropriately and to give individuals a right to know what personal information is held about them. Of particular relevance in the context of residential accommodation is the issue of knowledge sharing and ensuring data sets shared between universities and landlords, for example, comply with the provision of the Act and the HEI's data protection policy (see Section 4).

## 2.7 Codes of practice

It is recommended that all halls of residence, whether privately owned or run by an HEI, should sign up to codes of practice. Accommodation owned or managed by an educational establishment that is signed up to one of the approved codes of practice can be 'excepted' from the definition of a 'house in multiple occupation' (HMO) for licensing purposes under the **Housing Act 2004** ([www.opsi.gov.uk/ACTS/acts2004/ukpga\\_20040034\\_en\\_1](http://www.opsi.gov.uk/ACTS/acts2004/ukpga_20040034_en_1)). Private providers – if deemed to be managing the accommodation (using the agreed test set out in the **Accreditation Network UK (ANUK/Unipol** codes – are not excepted from the

## Legal context

HMO definition for licensing purposes if the accommodation is regarded by the local housing authority as being a licensable HMO (three storeys with five or more tenants; in Scotland different regulations apply).

There are two organisations that administer the approved codes, which set out standards that accommodation providers are expected to meet and against which they will be audited. The point of the codes is to ensure a high-quality service for occupants. The codes are:

- = *Universities UK/SCOP Code of Practice for the Management of Student Housing* ([www.universitiesuk.ac.uk/PolicyAndResearch/Guidance/AccommodationCodeofPractice/Pages/default.aspx](http://www.universitiesuk.ac.uk/PolicyAndResearch/Guidance/AccommodationCodeofPractice/Pages/default.aspx))
- = *Code for Larger Residential Developments – Educational Establishments* ([www.anuk.org.uk/LargeCode](http://www.anuk.org.uk/LargeCode))
- = *Code for Larger Residential Developments – Private Providers* ([www.anuk.org.uk/LargeCode](http://www.anuk.org.uk/LargeCode))

There are two ANUK/Unipol codes that relate to large halls: one for private providers and one for educational establishments that do not have access to, or choose not to be part of, the UUK code. The ANUK/Unipol code for educational establishments was recently reviewed, and one of the outcomes was the recommendation of an introduction of star rating related to student care for providers. This star rating is expected to find its way into the private provider code in due course.

This handbook is in addition to the codes, and seeks to give complementary advice and guidance to the providers of large and small private student accommodation on how to ensure equality and support issues, as referred to in the codes, are fulfilled.

## 2.8 Landlords' legal responsibilities

Both large and small providers need to be compliant with the relevant provisions of the various Landlord and Tenant Acts; the **DDA** ([www.opsi.gov.uk/acts/acts1995/ukpga\\_19950050\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1)) – particularly sections 22 and 24, although small providers may be subject to the small dwelling exemption under section 23; and the **Disability Discrimination (Educational Institutions) (Alteration of Leasehold Premises) Regulations 2005** ([www.opsi.gov.uk/acts/acts1995/ukpga\\_19950050\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1)). Guidance is contained in chapters 13–19 of the DRC's (2006) *Rights of Access: Services to the Public, Public Authority Functions, Private Clubs and Premises*.

Local planning authorities are likely to specify minimum numbers of accessible rooms (those that can be adapted or which are adapted to accommodate wheelchairs and other accessibility needs). Some landlords will want to go further than compliance and ensure access for all, which will enable wheelchair-users and others with mobility impairments to visit friends (Section 8).

Large private landlords will need to have their own equality-related policies and practices, which should be in accord with those of the HEIs they are supplying. Small providers will need to be compliant with the HEI policies. These might include:

- = anti-discrimination policies relating to race, religion and belief, gender, age, disability, sexuality
- = child protection policies and practice, and CRB checks for relevant staff
- = policies for 'lone-working' with students
- = zero-tolerance policies for bullying; harassment policy and procedures

## Legal context

- = anti-discriminatory training/awareness-raising for private providers' staff
- = accessible facilities and services for disabled students
- = ability and willingness to make reasonable adjustments to accommodation, if and when required
- = gender identity training/awareness regarding room allocations and shared facilities
- = non-judgemental attitudes to all students
- = religion/belief awareness, especially in room allocations policy.

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## 3 Support services

### 3.1 Specialist accommodation staff

Specialist accommodation staff within an HEI may liaise with private provider staff to ensure speedy resolution of issues, to deal with referrals for rooms, etc. Senior students/student wardens may be provided, with the HEI training them, paying their salaries, updating them regularly, ensuring good relations with hall management, and acting as a first contact point for students.

### 3.2 Student services

This covers all services that students of an HEI are able to access, and to which private providers can refer students. These are likely to include:

- = counselling services
- = financial support
- = chaplaincy
- = international student support
- = disabled student support
- = mental health coordinators
- = educational guidance
- = students' unions
- = peer-support schemes
- = personal academic advisers
- = career development and employment service, helping students to develop a clearer sense of life purpose, and personal issues such as confidence and study difficulties.

### **Use of referral fee income at Liverpool John Moores University**

*Liverpool John Moores University (LJMU) receives a fee from five private accommodation partners for every new student it refers to their accommodation. The money is collected at the start of each academic year, and LJMU is committed by the formal agreements with these partners to 'utilise such payment(s) towards student facing services'.*

*At the beginning of each academic year, LJMU reports back to the private accommodation providers on how the money has been used. Again, LJMU is committed in agreements to 'share information about the use of these funds...and to respond to any comments or suggestions...about the use of the funds'.*

*The biggest single category of expenditure is staff costs – chiefly the cost of employing senior students in all partner halls, the cost of an extra member of the welfare team to manage these staff and deal with welfare issues connected to and/or arising within the accommodation, and a contribution towards the costs of the university police officer.*

*More recent initiatives have been focused on assistance for students in hardship, including a limited scheme for lending disadvantaged new students their accommodation deposit, and an accommodation bursary scheme for continuing students.*

*The fee income has been used to date to provide services and initiatives that will assist students in accommodation, and that probably could not have been funded from usual university resources. The partners are usually asked to comment on new*

*proposals for the use of this income, and LJMU is very open to receiving new proposals from the partners about the income – although always retaining final discretion over how it is used.*

### **Residential Support Service at Sheffield Hallam University**

*Sheffield Hallam University (SHU) offers students a Residential Support Service. The service coordinates a range of pastoral services, including an agreed approach to the management of student behaviour in university accommodation. The service liaises with external stakeholders in managing student behaviour in the local community and, in conjunction with others, promotes a positive message to students in relation to a range of lifestyle issues.*

*The main aims of the service are to offer:*

- = a single point of contact for students wanting information about services available to them within SHU, should they find need of help someone parents can call to discuss any worries they might be having about their children and where they are living*
- = a direct, single point of contact within the university, ensuring any issues can be circulated to all those needing the information as soon as possible*
- = a point of contact for the communities of Sheffield, usually to help deal with antisocial behaviour problems*
- = support for the increasing number of under-18-year-old students*
- = an open line of communication regarding any issues students might experience.*

## Support services

Student support services vary depending on how each HEI is structured, but most will have a counselling service, a welfare and advice service, a chaplaincy, student financial support and a careers service. There are also likely to be disability assist centres or access centres, with staff who can provide landlords with assessment and advice on particular needs of students with medical conditions that affect housing requirements. Student support services may be based in the students' union, or in the HEI itself. Accommodation providers need to check the local arrangements.

Regardless of where they are located, the advice centres will have trained guidance workers to assist students seeking advice on a range of issues. Advice centres may also have good links with, or actually run, a range of support services, including mediation, counselling, and financial and legal advice. They may also have connections to services and charities that may be of use in certain situations in the local community outside the institution.

If a good relationship is developed between residential services, welfare providers in the HEI or union, and accommodation providers, it will be easier to refer students in distress, share information when appropriate, and collaborate to assist students who need help. Institutions need to work with private providers to establish the best methods to communicate information and develop protocols for referral (Section 4.2).

A good example is Oxford Brookes' **student services site** ([www.brookes.ac.uk/students/accommodation/index\\_html](http://www.brookes.ac.uk/students/accommodation/index_html)), with accommodation pointers.

### 3.3 Students' unions

Students' unions are generally independent of the HEI, and are governed by students to act in the interests of their student members.

The purpose of these organisations is to represent students both within the institution and externally, including on local and national issues.

They are also responsible for providing a variety of services. Students can become involved in their management through numerous and varied committees, councils and general meetings, or become one of their elected officers. In terms of student accommodation, there are several ways in which students' unions may be able to offer support or advice when issues arise.

#### *Independence*

Students' unions are usually independent of the establishment, so do not have any problems regarding conflict of interest for students residing in HEI halls. They also often have access to independent professional advice. This can help in terms of complaints and disputes, as it allows students to feel there is impartiality in the handling of their query. This also means the students' union may be the place where students raise any concerns or worries they may have. A good working relationship with the students' union can enable accommodation providers to keep abreast of any matters regarding equality and diversity.

Students' unions are well positioned and trained to provide representation, advocacy and guidance for students in disputes, and it is recommended that private providers should inform union representatives if students require support.

## Support services

### *Students' union representatives*

Welfare, accommodation, and equality or liberation officers (for LGBT, black, disabled or women students), or variations on these, may be representatives on various boards and committees that can feed in the importance of equality and diversity issues at a strategic level.

Officers may also be mandated to campaign on areas that cross over with the equality and diversity agenda within student accommodation, so awareness of their upcoming campaigns may offer an opportunity to communicate messages to the student body. Providers may also benefit from contacting student-led liberation groups for consultation around issues that students in a particular HEI face in relation to accommodation.

### *Communicating messages*

Students' unions are well placed to communicate effectively with students. Using this resource, and consulting with students' unions on issues relating to equality and diversity, can help to ensure messages are conveyed effectively to tenants.

### *Peer-to-peer support and communication*

Often messages and supportive advice are better received from peers, rather than from those perceived to be in positions of authority. To convey knowledge about equality and diversity to students, messages from a student are likely to be more successful. Many students' unions operate a hall or accommodation rep system, and a good relationship with these can be of considerable benefit. Peer groups can also offer support to students from particular backgrounds or experiences that members of staff may not be able to offer as effectively. Wardens and senior students employed in many halls can also offer students peer-to-peer support.

### 3.4 Policy advice and information

Institutions should have in place policies and practices that are relevant to accommodation providers, which should be available to private providers of accommodation. More details of some of these are provided in this handbook, but they should include:

- = child protection and CRB information and guidance
- = codes of acceptable student behaviour
- = discipline procedures
- = serious and critical incidents guidance (who to contact, when)
- = emergency accommodation provision for students
- = disability information (expectations, level of service)
- = release from a tenancy protocol for students facing exceptional circumstances
- = HEI anti-discrimination guidelines and information.

### 3.5 Financial support

Some students are likely to experience financial difficulties in relation to their accommodation. Students from overseas may have particular problems in understanding the terms and conditions of their accommodation contract. It is important that universities make it clear to students, using a variety of techniques, just what they will be committed to if they sign an agreement. They need to know what their obligations to their landlord are, regardless of whether or not they are able to fulfil their course of study, for example what notice period they have to give. HEIs can:

- = ensure students are signposted to financial support services on induction and throughout their course
- = provide financial budgeting training and information
- = provide a range of emergency financial support options to students who are in extreme difficulties.

## Support services

Both universities and private providers should:

- = make terms and conditions clear to students and check they have understood them
- = provide flexible terms and conditions to universities and students wherever possible
- = ensure students are signposted to financial assistance if there are any problems.

## **Students 1st**

*Southampton Solent University has established a brand across the university – **Students 1st Information Centre** ([www.solent.ac.uk/welfare/welfare\\_home.aspx](http://www.solent.ac.uk/welfare/welfare_home.aspx)) that has input from all faculties and services, and is dedicated to enhancing the student experience holistically.*

*Student support at Southampton Solent University is developed and delivered by a collaborative partnership of external partners and relevant parts of the university, including the Students' Union, academic faculties, housing and hospitality services, and other central services. This partnership and holistic university approach to supporting student learning is defined within a Student Support Network (SSN) and Students 1st brand, reflecting intent by the university to meet the needs of its students.*

*A Student Services Manager line manages support services within a larger Learning and Information Service (LIS). LIS's role in supporting student learning includes the university libraries, learning resource centres and web development, in addition to:*

- = Careers and Jobshop*
- = Chaplaincy and University Interfaith Forum*
- = Counselling and Student Mental Health Service and Policy support to international students*
- = student funding, money management and debt counselling*
- = equal opportunities including disability support and support for students aged under 18*
- = student policies and procedures, including discipline, police liaison and complaints*
- = Students 1st Information Centres on both campuses providing a front desk and a focal point for the SSN.*

*Other SSN partners delivering and developing student support:*

- = Academic staff, SSN officers, a research supervision team and a helpdesk in each faculty*

- = Solent Students' Union Student Advice Centres on both campuses*
- = Housing and Hospitality Services (including student residences and central reception points)*
- = Sport Solent (the university sport and recreation service)*
- = Finance Office (involving overseeing the payment of student fees)*
- = external partners, such as the NHS who provide support via GP surgeries, the Health Protection Agency and mental health services.*

*One of the aims of the SSN is to ensure that when students visit any part of it, they may acquire the information, advice and guidance they need, or receive a referral to another part of the SSN that is best able to meet their needs. Successful referral relies on staff having sufficient knowledge of the different services provided within the SSN. This knowledge is assured by:*

- = the provision of information in all forms of media, including electronically on the university portal and in hard copy within a Students 1st booklet that is published annually and made available to all students*
- = annual staff briefings that describe the SSN services, including what's new*
- = delivering briefings and updates at service and faculty staff meetings.*

*Meetings of SSN partners take place twice a year and on an as-needed basis in order to share practice, monitor, review and deliver continuous improvement to this work.*

*Formal benchmarking has led to the Student Support Services achieving the matrix quality standard for delivering information advice and guidance in April 2007 – the standard is relevant for three years until 2010, when it is intended that other parts of the SSN will seek accreditation alongside the Student Support Services.*

## **4 Sharing information**

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## 4 Sharing information

### 4.1 The Data Protection Act 1998

The Data Protection Act 1998 ([www.opsi.gov.uk/Acts/Acts1998/ukpga\\_19980029\\_en\\_1](http://www.opsi.gov.uk/Acts/Acts1998/ukpga_19980029_en_1)) gives individuals the right to know what information is held about them. It provides a framework to ensure personal information is handled properly. The Act works in two ways. First, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

- = fairly and lawfully processed
- = processed for limited purposes
- = relevant and not excessive
- = accurate and up-to-date
- = not kept for longer than necessary
- = processed in line with your rights
- = secure
- = not transferred to other countries without adequate protection.

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information about them is held on computer and most paper records. Should an individual or organisation feel they are being denied access to personal information to which they are entitled, or feel their information has not been handled according to the eight principles above, they can contact the Information Commissioner's Office (ICO) ([www.ico.gov.uk/what\\_we\\_cover/data\\_protection/the\\_basics.aspx](http://www.ico.gov.uk/what_we_cover/data_protection/the_basics.aspx)) for help. Complaints are usually dealt with informally, but if this is not possible, enforcement action can be taken.

## Sharing information

The ICO looks at ‘the effect of information sharing on individuals. If there is no risk of real unfairness or unwarranted detriment, we will not seek to use our powers to prevent the sharing. By ‘detriment’ we mean not only material loss or damage but also less tangible damage, distress or embarrassment.’

‘The threshold for sharing sensitive or confidential information is higher than that for other sorts of information. Some information, for example that relating to a person’s health, is considered particularly sensitive and most people would probably expect their consent to be obtained prior to it being shared.’ [Source: ICO (2007) *Sharing Personal Information: Our Approach*, [www.ico.gov.uk/upload/documents/library/data\\_protection/practical\\_application/sharing\\_personal\\_information\\_v1.1.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/sharing_personal_information_v1.1.pdf)]

### 4.2 Confidentiality and disclosure

Universities and landlords should consider the sharing of information and develop a data-sharing protocol in line with the Data Protection Act 1998 and their organisation’s data protection policy. Sensitive information includes religion, ethnic origin, disability, criminal convictions, sexual orientation, gender identity and medical conditions. The substance of the protocol will vary depending on the agreement between the HEI and the landlord, but a number of key issues should be considered:

- = scope of the agreement – definitions, duration of the agreement, confidentiality, etc.
- = which parties data will be shared with – these should be specified within the Protocol for personal data – is the information handler registered as a Data Controller ([www.ico.gov.uk/tools\\_and\\_resources/register\\_of\\_datacontrollers.aspx](http://www.ico.gov.uk/tools_and_resources/register_of_datacontrollers.aspx)) with the ICO and in possession of a registration number?

- = the data controller should be the originator of the information, and there will be liability regarding the information (see ICO, 2007, *Framework Code of Practice for Sharing Personal Information*, [www.ico.gov.uk/upload/documents/library/data\\_protection/detailed\\_specialist\\_guides/pinfo-framework.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/pinfo-framework.pdf))
- = type/format/media for the data – the definition of data includes spoken communication
- = check – are the requirements of data protection legislation being met in relation to managing sensitive personal data – if information relates to religion, race, sexuality, etc., why is this information being shared?
  - is the information relevant to the other party to the agreement?
  - should it be excluded?
  - are adequate secure systems in place?
  - is there student/staff consent to share this information?
  - if there is a need to consent or to inform students or staff – what is the best way to do this?
- = how will the information be stored by both parties? The originator of the information will have liability, so it is important to ensure the receiver stores information correctly
- = how long will the data be stored? What are the reasons for the length of storage?
- = how will the data be disposed of?
- = how will the information be shared (paper, email, online access)?
- = what safeguards can be applied for the chosen media?
- = which personnel will have access at each end? Ensure adequate training is given to all involved
- = what sanctions for failure to observe protocol would apply – and who would apply/agree those?
- = regular reviews should be included to monitor and evaluate the programme

## Sharing information

- = provision for withdrawal should be made – handing back information
- = disaster planning and business recovery should be in place.

### **A breach of the Data Protection Act**

*A student was having problems with a clash of lifestyles with her flatmates, who were out late frequently and noisy when they returned to the flat. They all lived in a residence owned and managed by a private company, but had been allocated to that residence by the university. The student complained to the management, who approached her flatmates to try and mediate. This allegedly led to harassment of the complainant by her flatmates. The student who was suffering harassment informed the manager that she had heard that one of the flatmates had left her course. The manager checked this with the university and was told that the flatmate had left her course, but was transferring to another. This information was supplied by email. The manager then forwarded that email to the student who was being harassed, resulting in a breach of the Data Protection Act.*

*In this instance, it is likely that the university would also have been liable for the breach as the data controller/originator of the information. Information-sharing protocols must ensure that the information handler in the partnership organisation is aware of, and complies with, their responsibilities under the Data Protection Act.*

### Information-sharing protocol

*Southampton Solent University has an established information-sharing protocol with Hampshire Constabulary via a Memorandum of Understanding. As part of its ongoing review processes, the university is engaging with Hampshire Constabulary with a view to updating this protocol, and is seeking to extend it to include partner and other large residential providers operating within the city.*

A number of training guides are available from the ICO's web page **For organisations** ([www.ico.gov.uk/for\\_organisations.aspx](http://www.ico.gov.uk/for_organisations.aspx)).

**Good practice guides** ([www.ico.gov.uk/Home/what\\_we\\_cover/data\\_protection/guidance/good\\_practice\\_notes.aspx](http://www.ico.gov.uk/Home/what_we_cover/data_protection/guidance/good_practice_notes.aspx)) are available from the ICO.

DH (2002) *Accommodation of Students under Eighteen by Further Education Colleges: National Minimum Standards, Inspection Regulations* ([www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4005629](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4005629)), Department of Health, London.

Field, T. (2003) *Data Day Issues: A Guide to Data Protection*. AUA Good Practice Series 27. Association of University Administrators, Manchester.

# 5 Allocations

## 5 Allocations

Anti-discriminatory legislation relevant to allocations includes:

- = **Disability Discrimination Act 1995**, as amended  
([www.opsi.gov.uk/acts/acts1995/ukpga\\_19950050\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1))
- = **Race Relations (Amendment) Act 2000**  
([www.opsi.gov.uk/acts/acts2000/ukpga\\_20000034\\_en\\_1](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000034_en_1))
- = **Equality Act 2006**  
([www.opsi.gov.uk/Acts/acts2006/ukpga\\_20060003\\_en\\_1](http://www.opsi.gov.uk/Acts/acts2006/ukpga_20060003_en_1))

As service providers, institutions need to ensure that allocation policies adhere to equality and diversity legislation, showing fairness, and promoting equality and integration in the study body. Private providers of student accommodation should be given access to HEI equality policies on allocation so that they can query allocations that they believe to be ineffective in promoting equality and diversity. Private providers should be able to demonstrate that they have their own policy, equality training programme and complaint mechanisms that support the HEI position on these matters. HEIs may want to regularly audit the application of allocation policies to ensure equality and diversity principles are adhered to.

It is essential that students are on a level playing field as far as allocation policies are concerned. Some institutions request that private providers reject students living within certain geographical boundaries so that students from further afield who have greater need are not disadvantaged. This rule would not be applied to disabled students. For disabled students, accommodation providers may have to take into account the distance of residential

## Allocations

accommodation from teaching areas, the provision of additional rooms for personal assistants, and additional support students might need in finding suitable off-site accommodation.

The DRC's *Code of Practice Post-16* ([http://83.137.212.42/sitearchive/DRC/pdf/COP\\_Post16.pdf](http://83.137.212.42/sitearchive/DRC/pdf/COP_Post16.pdf)) section 9.44 advises that if a disabled student is allocated a particular room for a disability-related reason, they should not be charged at a higher rate than other students are for their rooms, as this is likely to amount to discrimination.

Accommodation application forms should preferably ask for 'gender' rather than 'sex' and include a blank space for responses. A discreet checkbox should be provided on accommodation request forms to alert the accommodation office that the student would like to discuss trans-friendly/safe accommodation options.

Students who have come from local authority care may need a 52-week contract, and help and assistance with deposits.

At the application stage, universities should consider what personal information is gathered and what is used to inform allocation. There should be an opportunity to promote integration through allocation policies. Research 'highlights a need to provide more formal and informal opportunities where students' diversity is valued and cross-cultural interaction encouraged.' [Caruana, V. and Spurling, N. (2007) *The Internationalisation of UK Higher Education: A Review of Selected Material* ([www.heacademy.ac.uk/assets/York/documents/ourwork/tla/internationalisation/lit\\_review\\_internationalisation\\_of\\_uk\\_he\\_v2.pdf](http://www.heacademy.ac.uk/assets/York/documents/ourwork/tla/internationalisation/lit_review_internationalisation_of_uk_he_v2.pdf)), Higher Education Academy, York.]

However, universities and landlords also need to consider potential clashes of lifestyle in the allocation process. For example: level of study/commitment required; part-time job requirements; social life; differing use of facilities (e.g. dinner parties). The provision of optional designated quiet or study blocks may provide solutions to some of these issues.

Some key points to consider are:

- = guarantees and priority systems should be non-discriminatory, well publicised and transparent
- = religious beliefs should be respected through food and food-preparation equipment and practices, and opportunities for accommodation in single-sex flats/social areas
- = a sympathetic approach to conflict resolution where tensions may have arisen through religious or cultural differences (e.g. cooking practices)
- = under-18s have different legal requirements, although they do not need to be housed separately (Section 6)
- = undergraduate and postgraduate students may have different requirements
- = not segregating students of different nationality/religion (unless there are specific requirements connected to food and gender as above)
- = how voids will be filled (e.g. will a single-sex area be guaranteed to be single-sex)?
- = monitoring diversity in halls (applicants, residents, leavers, etc.) through statistics.

If an HEI contracts out its accommodation or accommodation-finding services, it will need to ensure its contractors do not discriminate against any students in the provision of goods,

## Allocations

facilities and services. It would be advisable for the HEI to be clear about what it expects from its contractors in terms of equality and diversity compliance during the procurement process (Section 2.1).

### **UNITE**

*UNITE ([www.unite-students.com](http://www.unite-students.com)) has designed an automatic online allocation process designed to enable students to choose preferences with regard to flatmates and location of rooms, but it does not allow for discrimination on the basis of age, race or other equality areas.*

## **6 Under-18s and family accommodation**

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## 6 Under-18s and family accommodation

### 6.1 Under-18s and care leavers in accommodation

There is no legislation in the area of safeguarding under-18s that is directed specifically at HEIs. However, some pieces of legislation and, in some circumstances, the common law, place responsibilities on organisations in general, and the forthcoming **ISA Vetting and Barring Scheme** ([www.isa-gov.org.uk](http://www.isa-gov.org.uk)) will have an impact on HEIs. It is for HEIs to make sure they know about their legal responsibilities and how to comply with them, and to ensure they are doing so. This guidance does not substitute for legal advice, which should be sought on this issue. [Source: DIUS (2007) *Safeguarding Children: Guidance for English Higher Education Institutions* ([www.dius.gov.uk/publications/7236\\_DIUS\\_Safeguarding\\_Children.pdf](http://www.dius.gov.uk/publications/7236_DIUS_Safeguarding_Children.pdf)), Department for Innovation, Universities and Skills, London.]

Under the **Employment Equality (Age) Regulations 2006** ([www.opsi.gov.uk/si/si2006/20061031.htm](http://www.opsi.gov.uk/si/si2006/20061031.htm)), it is unlawful for an HEI to discriminate against or harass a student on the grounds of age in relation to the provision of services, including accommodation. HEIs need to consider their responsibilities for under-18s, particularly visiting groups, summer school attendees and care leavers.

#### *HEIs*

It is important to be aware of students aged 17 or under, and to ensure the following are in place.

#### **Pre-arrival**

- = An HEI policy for dealing with under-18s.
- = A named contact for referral of all issues regarding under-18s.

## Under-18s and family accommodation

This person should be appropriately trained in child protection matters. Local authorities run child protection courses.

- = Clarity about whether the institution is or is not in loco parentis. A letter to students with their offer should specify the position (Annexes A and C).
- = Risk assessments for under-18s should be undertaken to determine the most suitable accommodation for this group of students, and applicants should be advised accordingly.

### On site

- = An under-18 interview with a named accommodation contact should be undertaken within the first month (Annex B).
- = A log of all meetings with the student should be kept (Annex B).
- = Codes of conduct for students should apply equally to those under the age of 18; additional information (e.g. with regard to alcohol) can be covered in the letter (Annexes A and C).

### *Private landlords*

Landlords need to ensure they are aware of those students who are aged 17 or under. They should also ensure the following are in place.

### Pre-arrival

- = Landlord's policy for dealing with under-18s.
- = A named contact for referral of all issues regarding under-18s. This person should be appropriately trained in child protection matters. Local authorities run child protection courses.
- = Clarity about whether the institution is or is not in loco parentis. A letter to students with their offer should specify the position (Annex A).
- = Under-18 induction record (Annex B).

## Under-18s and family accommodation

- = Risk assessments for under-18s should be undertaken to determine the most suitable accommodation for this group of students, and applicants advised accordingly.

### **On site**

- = An under-18 induction record should be kept (Annex B).
- = Codes of conduct for students should apply equally to those under the age of 18, and additional information (e.g. with regard to alcohol) can be covered in the letter (Annexes A and C).

Both HEI and private providers should consider the following.

#### *CRB checks*

The new Vetting and Barring Scheme run by the ISA will come into force from 12 October 2009 (see Section 2). Currently, CRB checks on staff should be a consideration during the risk assessment (e.g. who has access to master keys, or which members of staff are required to work in the student's room alone).

#### *Parental contact*

There should be protocols for staff contacting parents or legal guardians of students aged 17 and under – see Annex A.

#### *Appropriate forms of housing*

Appropriate housing might include:

- = residences – designated buildings/areas/flats – does this allow sufficient choice for students?
- = homestay – optional or compulsory – would it deprive young students of the full HEI experience?

## Under-18s and family accommodation

### Support for under-18s

*A late application for accommodation was received by the University of Northumbria accommodation office. The date of birth indicated that the applicant would be under the age of 18 for their first six months at university. All university halls were full, and accommodation staff were reliant on withdrawals to offer late applicants. This applicant realistically had no chance of being offered university or partner accommodation, and was one of over 100 applicants in a file to be helped to find accommodation in the private rented sector. The manager in charge of allocations considered the application and made a decision to change the priority given to this applicant, in line with priority given to disabled applicants. The 17-year-old applicant was made an offer for university accommodation that became vacant following a withdrawal.*

*The decision rested on which form of accommodation was considered most appropriate for a 17-year-old; the manager judged that more support would be available to this student in university residences than in the private rented sector, and that a 17-year-old student was likely to require more support.*

### *Appropriate forms of support for young students*

Appropriate support might include:

- = a buddy team within the residence
- = a students' union buddy team
- = residential staff support.

### *Child abuse*

There are different types of child abuse that need to be acted on if they are suspected or reported.

The DIUA's (2007) *Safeguarding Children* ([www.dius.gov.uk/publications/7236\\_DIUS\\_Safeguarding\\_Children.pdf](http://www.dius.gov.uk/publications/7236_DIUS_Safeguarding_Children.pdf)), section 23, explains 'the importance of senior management involvement was highlighted by Lord Laming following the enquiry into the death of Victoria Climbié'.

'The single most important change in the future must be the drawing up of a clear line of accountability from top to bottom, without doubt or ambiguity about who is responsible at every level for the well-being of vulnerable children'.

[Source: *Victoria Climbié Inquiry Report 1: 27*,

[www.victoria-climbie-inquiry.org/finreport/finreport.htm](http://www.victoria-climbie-inquiry.org/finreport/finreport.htm)]

All professionals working with young people should take responsible action if the following forms of abuse are reported or suspected:

- = physical injury: actual or likely physical injury to a child, or failure to prevent physical injury (or suffering) to a child including deliberate poisoning, suffocation and Munchausen's syndrome by proxy
- = sexual abuse: actual or likely sexual exploitation of a child or adolescent
- = emotional abuse: actual or likely severe or adverse effect on the emotional and behavioural development of a child caused by persistent or severe emotional ill treatment, rejection or neglect.

## Under-18s and family accommodation

All abuse involves some emotional ill treatment or rejection.

**Recommended actions** if a child or vulnerable adult reports an allegation to you are as follows.

**Do:**

- = be supportive
- = take what the young person says seriously and remain calm
- = reassure the child/young person that it was right to tell someone
- = use language the child/young person understands
- = explain what will happen next
- = write down immediately afterwards what was said, including the time, place and any other observations; sign and date the record
- = pass the report to the named contact
- = remember that you need support – seek advice and support for yourself.

**Don't:**

- = panic
- = delay
- = promise to keep secrets
- = ask leading questions
- = ask the child/young person to repeat the story unnecessarily
- = express any opinions about what you are told
- = discuss the disclosure with anyone other than the named contact
- = start to investigate.

[Source: DIUS (2007) *Safeguarding Children*, [www.dius.gov.uk/publications/7236\\_DIUS\\_Safeguarding\\_Children.pdf](http://www.dius.gov.uk/publications/7236_DIUS_Safeguarding_Children.pdf)]

### *Allegations*

#### **Allegations made against a person not working in the accommodation**

The allegation must be discussed immediately with the person who holds responsibility for child protection (named contact).

#### **Allegation against another child within the accommodation**

The priority in this situation is to ensure the safety of both children. It is the responsibility of the named contact to ascertain whether the behaviour was abusive or inappropriate.

#### **Allegations made by a child or parent against a member of staff**

The named contact must be informed immediately of any allegations made against a staff member or volunteer, and they should refer to university policy and procedure.

## **6.2 Families in accommodation**

This section should be read in conjunction with the section on under-18s above, as many of the issues will apply to children living in residences with their families.

Universities and landlords should consider the following.

- = The siting of family accommodation.
- = The different lifestyles of families and undergraduates – is it feasible to house families alongside other students? Will the students disturb the families at night? Will the families disturb the students while they are working/revising?
- = Proximity of schools, crèches, parks/play areas, buses, supermarkets, car parking.

## Under-18s and family accommodation

### *Applications for family accommodation*

All forms of family unit should be eligible for accommodation (single-parent families, unmarried couples of any sexual orientation, married couples, etc.).

Occupancy numbers will be limited by the size of the property. Universities should consider family accommodation that might be offered for the duration of the student's course, which will avoid the family stress of moving home part-way through the student's course.

Landlords and families should check who the tenant on the contract is, and whether adult family members need to sign a waiver.

### *Council tax*

A property is exempt from council tax if it is exclusively occupied by students (or where all those living in it are under 18). If one of the adults is not a student, they should be advised to check their council tax liability with the local authority.

### *Statement of parental responsibility for family accommodation*

Similarly to the letter at Annex A, a statement should clearly indicate that parental responsibilities lie with the student's parents.

### *Supervision of children*

Contracts should require that children are supervised by an appropriate adult at all times on HEI premises.

Allocations to family accommodation should be equitable and comply with relevant legislation (see Section 5).

## Under-18s and family accommodation

### *Additional safety in family accommodation*

Landlords should consider additional safety features where young children are housed, such as stair gates, cupboard locks or electricity socket covers. It should be clear whether these should be installed and maintained by the tenant or the landlord.

DH (2002) *Accommodation of Students under Eighteen by Further Education Colleges: National Minimum Standards, Inspection Regulations* ([www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4005629](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4005629)), Department of Health, London.

DIUS (2007) *Safeguarding Children: A Guide for English Higher Education Institutions* ([www.dius.gov.uk/publications/7236\\_DIUS\\_Safeguarding\\_Children.pdf](http://www.dius.gov.uk/publications/7236_DIUS_Safeguarding_Children.pdf)), Department for Innovation, Universities and Skills, London.

Northumbria University (2008) 'Duty of care good practice guidelines for academic and administrative staff' ([www.northumbria.ac.uk/static/worddocuments/dutyofcare08.doc](http://www.northumbria.ac.uk/static/worddocuments/dutyofcare08.doc)), unpublished.

University of Surrey (undated) 'Guidelines concerning under-18-year-olds' (<http://portal.surrey.ac.uk/pls/portal/url/ITEM/15A4427F001303CEE0440003BA296BDE>), unpublished.

English UK ([www.englishuk.com](http://www.englishuk.com)) runs training courses for welfare officers working with students coming to the UK to study English, and includes sections on accommodation and working with under-18s.

# 7 Mental health

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## 7 Mental health

### 7.1 Mental health policies and support services

Some students may feel under pressure from a whole range of sources. They may be having difficulties living away from home, financial concerns, or worries about balancing university and family life. For some students, their mental state can affect their ability to study or take part in university life. They may experience feelings of isolation, frustration and anxiety. They may find it increasingly difficult to concentrate, and their attendance or motivation to study is low. These problems can affect their behaviour in their accommodation, to an extent that help is required to support the student and other students sharing the accommodation. Landlords should endeavour to ensure that residential accommodation ensures general safety and promotes living conditions conducive to students' mental wellbeing.

It is important that students with mental health difficulties are communicated with in a non-discriminatory, non-stigmatising and positive manner.

- = Students with possible mental health difficulties should be encouraged to seek support.
- = Sources of support should be clearly communicated to both prospective and current students.
- = Understanding and recognition of mental health difficulties should be promoted to all staff and students.
- = Guidance and training should be provided for staff involved in the support and care of those with mental health difficulties.

Mental health can be referred to as 'the capacity to live in a resourceful and fulfilling manner, having the resilience to deal

## Mental health

with the challenges and obstacles that life presents'. Universities can take positive steps to promote students' mental wellbeing through a variety of measures that ensure a non-stigmatising and supportive community. These include helping to alleviate stress by providing guidance on available accommodation, transport links, and financial and pastoral support options. They can also provide support mechanisms for staff and other students in contact with these students. See, for example, Leeds University's web resources on mental health for students, Ahead4health ([www.leeds.ac.uk/ahead4health](http://www.leeds.ac.uk/ahead4health)).

Many universities have developed mental health policies that set out principles, procedures and guidance for working with students with mental health difficulties. If an HEI does not have a policy, it is advised to consult with some of the existing policies rather than starting from scratch. One example is London Metropolitan University's Student Mental Health Policy ([https://intranet.londonmet.ac.uk/student-services/policies-and-procedures/mental\\_health.cfm](https://intranet.londonmet.ac.uk/student-services/policies-and-procedures/mental_health.cfm)).

Most universities now provide a wide range of high-quality support and guidance services, and accommodation staff should be made familiar with the services they provide (see Section 3 of this handbook). It is important to identify the right type of support required, and private providers should ensure they are aware of the full range of services available.

Students with disabilities, including mental health difficulties, may want to access specialist support from the HEI, which can assess their eligibility for social services funding for their social care needs, as well as funding for any additional study needs resulting

from their disability, known as the **Disabled Students' Allowances** ([www.direct.gov.uk/en/DisabledPeople/EducationAndTraining/HigherEducation/DG\\_10034898](http://www.direct.gov.uk/en/DisabledPeople/EducationAndTraining/HigherEducation/DG_10034898)). If students disclose mental health difficulties, their needs assessment can consider whether any adjustments are required.

UNITE ([www.unite-students.com](http://www.unite-students.com)) has recommended to its accommodation managers that particular information about support services should be displayed according to the time of year. Holidays and exam times may cause additional anxiety for some students, and information about counselling or finance services might be particularly useful at these times. HEIs could lead on providing timely information to private providers and signposting students to the appropriate support services.

### 7.2 Dealing with a crisis

As mentioned above, universities should have mental health policies that should include procedures for supporting staff and students experiencing mental health crises. These policies should be provided to landlords and accommodation managers, and they should make clear what the HEI and other local support agencies can offer, and what strategies are recommended in different circumstances. Examples include:

University of Hertfordshire ([www.ecu.ac.uk/documents/external/helping-distressed-students.pdf](http://www.ecu.ac.uk/documents/external/helping-distressed-students.pdf)).

A mental health crisis can be described as an urgent situation in which a student is more than temporarily distressed. An individual in crisis may or may not be able to recognise the severity of the situation, or be able to use existing support mechanisms

## Mental health

themselves. A crisis situation usually involves an apparent high risk to self and or to others, when an immediate, urgent response is required.

- = Where there are immediate concerns about harm to the student or to others, the emergency services should be called.
- = Where concerns are less immediate and there is time to consider the most appropriate intervention, the HEI support services can be contacted for consultation and assistance.

When a student shows signs of being in crisis in a residential setting, staff may be called on to provide help. It is important that they react appropriately to the situation, and they should be given some guidance as to how to assess it. If they are in doubt, the advice of someone with more expertise should be sought. It is possible that the behaviour of a student from a different culture could be misinterpreted and seen as odd, when in fact their actions may be 'normal' in their own country. A student with a disability may have communication problems and may simply need assistance in contacting a support service, and is not in fact experiencing a crisis at all. Landlords should ensure staff are provided with appropriate training so that any necessary interventions are made appropriately. Universities may be able to provide staff with training.

Depending on the type of accommodation and the organisation and services available, some staff may be given a defined role to deal with these issues, while others may not have a formal role. However, any member of staff may be the first to notice that something is wrong, or be approached by students with personal difficulties. Frontline staff would benefit from training in:

- = recognising students in distress – developing reflective listening skills
- = understanding mental health issues – policies and procedures
- = being able to direct students to sources of support
- = self-harm
- = anorexia
- = gender identity
- = dealing with crises including erratic behaviour, extreme depression, threatened suicide and suicide
- = confidentiality.

Procedures needed may include:

- = out-of-hours procedures developed and communicated to staff dealing with students outside HEI support hours
- = signposting to external local support and emergency services such as GP surgeries, NHS mental health services, accident and emergency departments.

When faced with a student in crisis, staff must ensure their own safety:

- = staff should not do anything they are not comfortable with
- = staff should not attempt to exceed their skills and experience – they need to try to contain the situation and look for support, but not put their personal safety, or that of others, at risk.

The duty of care to students with mental health problems needs to be balanced against the duty of care to other students. Occasionally, institutions find it necessary to exclude a student temporarily from their course until their health improves. Depending on the contract, if the student is in private accommodation they may be liable to pay rent even if they are unable to pursue their course.

## Mental health

### 7.3 Mental health resources

The **Heads of University Counselling Services Mental Health Group** website ([www.hucs.org](http://www.hucs.org)).

**Student Counselling in UK Universities** ([www.student.counselling.co.uk](http://www.student.counselling.co.uk)) provides information about the support available to UK university students.

**Association for University and College Counselling** ([www.aucc.uk.com](http://www.aucc.uk.com)).

**MIND** has produced a booklet, *How to Cope with the Stress of Student Life* ([www.mind.org.uk/Information/Booklets/How+to/How+to+cope+with+the+stress+of+student+life.htm](http://www.mind.org.uk/Information/Booklets/How+to/How+to+cope+with+the+stress+of+student+life.htm))

The **UK Council for International Student Affairs** (UKCISA) runs a course for frontline staff, 'Mental Health Needs – International Students' ([www.ukcisa.org.uk](http://www.ukcisa.org.uk)).

**Unipol** ([www.unipol.org.uk](http://www.unipol.org.uk)) runs a course on mental health in student accommodation.

**Oxford Brookes** ([www.brookes.ac.uk/student/services/osmhn/students-frameset.html](http://www.brookes.ac.uk/student/services/osmhn/students-frameset.html)) provides an example of a student mental health project.

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## 8 Physical access

The following is an outline of equality and access issues facing students. These issues need to be addressed to allow full and equal participation in higher education in relation to accommodation. More information about the design of student accommodation is provided in the ECU publication *Inclusive Campus: Accommodation and Social Space* ([www.ecu.ac.uk/publications/inclusive-campus](http://www.ecu.ac.uk/publications/inclusive-campus)).

### 8.1 Legal framework

Students living in HEI-provided accommodation who have a physical or mental impairment that has a substantial long-term adverse affect on their ability to carry out normal day-to-day activities are protected by the anti-discrimination provisions of the DDA under Part 4 of the Act (see Disability in Section 2.2 of this handbook). Also protected are members of the public who use an institution's accommodation, perhaps when attending residential conferences (under Part 3 of the Act). Other legislation relating to physical access includes the:

- = **Disability (Educational Institutions) (Alteration of Leasehold Premises) Regulations 2005**  
([www.opsi.gov.uk/si/si2005/20051070.htm](http://www.opsi.gov.uk/si/si2005/20051070.htm))
- = **Building Regulations 2000 (as amended)**  
([www.opsi.gov.uk/si/si2000/20002531.htm](http://www.opsi.gov.uk/si/si2000/20002531.htm))
- = **Part M (Access to and Use of Buildings): Approved Document M**  
([www.planningportal.gov.uk/england/professionals/en/4000000000988.html](http://www.planningportal.gov.uk/england/professionals/en/4000000000988.html))
- = **British Standard 8300: 2001 – Design of buildings and their approaches to meet the needs of disabled people** ([www.bsi-global.com/en/Shop/Publication-detail/?pid=000000000030139436](http://www.bsi-global.com/en/Shop/Publication-detail/?pid=000000000030139436)) (amended in June 2005)

## Physical access

- = Local planning regulations (the lack of national guidance as to how student accommodation should be treated has led to a range of local planning recommendations).
- = All universities, except private ones, are now subject to the **Disability Equality Duty** ([www.officefordisability.gov.uk/working/ded.asp?cids=Google\\_PPC&cre=DPAC\\_ODI](http://www.officefordisability.gov.uk/working/ded.asp?cids=Google_PPC&cre=DPAC_ODI)), which aims to ensure public authorities build non-discriminatory services, rather than changing discriminatory practices as a result of individuals successfully enforcing their rights (see Section 2.2). In addition to their own duties under the DDA (in relation to both the Disability Equality Duty and Parts 3 and 4 of the Act), and their potential liability for the acts of third parties, HEIs are responsible for the acts of their agents, such as contractors, if carried out with their express or implied authority. If private providers of accommodation are agents of an HEI, that HEI will need to ensure they do not discriminate against disabled students.

### *Anticipatory duties*

HEIs have a responsibility to be clear with providers that anticipatory duties require them to go beyond what is necessary for planning permission purposes. Therefore a commercial developer will need to be prepared to do more than the legal minimum to respond to anticipatory needs, which the institution can identify within current and future student groups.

Local authority planning departments will have policies specifying the minimum number of rooms that can be adapted, or which are adapted, to accommodate wheelchairs. Some HEIs and providers are now building accommodation that is accessible to wheelchairs in all parts. Issues of parking and transport will need to be considered alongside accessible accommodation.

### **New development**

*Plymouth University* has negotiated with one commercial partner that a new development will have two specially adapted flats designed for a student who will have personal care throughout the day and night. This facility has been provided specifically, instead of just a generally accessible bedroom and kitchen within a cluster flat. The specially adapted care flats are within a block of other undergraduate accommodation.

### **Disability awareness training**

*Residential and Commercial Services at Leeds University* are providing disability awareness training for all staff, and developing one of their halls to comply with the **Visit Britain National Accessible Scheme** standard for self-catering, hostel and campus accommodation ([www.visitbritain.fi/accommodation/national-accessibility-scheme/what-is.aspx](http://www.visitbritain.fi/accommodation/national-accessibility-scheme/what-is.aspx)).

### *Reasonable adjustments*

Under the DDA, HEIs are under a duty to make reasonable adjustments to their policies, criteria or practices or to any physical feature of their premises where these place disabled persons at a substantial disadvantage compared with people who are not disabled. This is known as the Reasonable Adjustments Duty, and it is an anticipatory and continuing duty.

The Act [s31A(10)] defines the following (whether temporary or permanent) as a physical feature:

- = any feature arising from the design or construction of a building on the premises occupied by the education provider

## Physical access

- = any feature on the premises of any approach to, exit from, or access to such a building
- = any fixtures, fittings, furnishings, furniture, equipment or materials in or on the premises
- = any other physical element or quality of any land comprised in the premises occupied by the education provider.

(Code of Practice Post-16, section 5.30,

[http://83.137.212.42/sitearchive/DRC/pdf/COP\\_Post16.pdf](http://83.137.212.42/sitearchive/DRC/pdf/COP_Post16.pdf))

What is a reasonable step for an education provider to take will depend on all the circumstances of the case. The *Post-16 Code* (section 5.37) suggests a number of factors to take into account, including whether taking any particular steps would be effective in overcoming the difficulties disabled people face in accessing the student services in question; the nature of the institution or service and its size and resources; the extent to which it is practicable for the education provider to take the steps; health and safety requirements; and relevant interests of other people, including other students.

A failure to make a reasonable adjustment can never be justified. The question will be whether the adjustment proposed or required is a reasonable one for the education provider to have to make. A failure to make a reasonable adjustment is unlawful discrimination. It is advisable to take an inclusive approach towards the provision of accommodation for all students, and for all departments involved in providing services in accommodation – accommodation, estates, security and cleaning – to work closely together and with the disabled students' office. Where private providers/third parties are involved in providing residential accommodation, agreements covering equality and diversity issues should be in place and staff should be trained in equality issues

(see Section 2.1). For example, students with Asperger's syndrome may experience ostracism and other interpersonal difficulties arising from their social awkwardness. They like routine, and may be anxious before moving in about finding the building and locating their flat or room. Hall staff should be trained in disability awareness so that they can understand and address this.

### *Needs assessment*

Home and EU disabled students may be eligible for **Disabled Students' Allowances** ([www.direct.gov.uk/en/DisabledPeople/EducationAndTraining/HigherEducation/DG\\_10034898](http://www.direct.gov.uk/en/DisabledPeople/EducationAndTraining/HigherEducation/DG_10034898)) following a detailed needs assessment. This will fund extra study costs they incur as a result of their disabilities, such as computer equipment, specialist software, specialist furniture, and 'non-medical helpers' such as sign language interpreters or mobility enablers (but not the cost of their accommodation or other personal expenses).

HEIs may need to discuss any additional accommodation requirements with disabled students, including any accommodation requirement for personal assistants who assist with getting dressed, washing, etc. Where possible, this would be discussed with the disabled students' officer well in advance of the student joining the HEI, who will then liaise with the student accommodation department. The cost of personal assistants, including their accommodation costs, may be met by a student's local social services department.

Sometimes universities lease buildings, including accommodation buildings. The need to make a reasonable adjustment for a disabled student may require them to seek a landlord's approval for making such an adjustment, particularly where it requires an alteration to a

## Physical access

physical feature. The lease will make it clear when consent should be sought. If the terms of a lease prevent the HEI as tenant from altering premises, but the alteration is one the HEI wishes to make to comply with the reasonable adjustments duty under Part 4 of the Act, the DDA will override the terms of the lease and entitle the HEI to make the alteration, provided all the necessary consents are obtained. In addition to the landlord's consent, an HEI may also need to obtain statutory consents such as planning permission, building regulations approval or listed building consent.

Under the **Disability (Educational Institutions) (Alteration of Leasehold Premises) Regulations 2005** ([www.opsi.gov.uk/si/si2005/20051070.htm](http://www.opsi.gov.uk/si/si2005/20051070.htm)), if a lease requires the landlord to give consent to an alteration such as a reasonable adjustment that the HEI is requesting, and the landlord does not do so, the landlord will be deemed to have unreasonably withheld consent. Consent can be given subject to certain conditions, such as an obligation to obtain statutory consents.

If consent is unreasonably withheld, or if the landlord fails to reply to an application for consent within 42 days of receiving the HEI's application (or longer if a superior landlord is involved), or attaches conditions to their consent, the education provider (as well as the disabled person affected by the application) may make a claim against the landlord in the County Court (England and Wales) or in the Sheriff Court (Scotland).

A landlord (or superior landlord) can reasonably withhold consent to a request to make a reasonable adjustment in certain circumstances, for example where:

- = there is a binding obligation requiring the consent of any person to the alteration, the landlord has tried to obtain that consent but the consent has not been given or is subject to a condition which makes it reasonable for the landlord to withhold consent
- = the landlord or superior landlord does not know and could not reasonably be expected to know that the proposed alteration is requested to comply with the reasonable adjustments duty.

Even if a landlord reasonably withholds consent, an HEI will need to consider whether there is a reasonable alternative adjustment that can be made, even if it is less effective.

### **8.2 Appropriate forms of accommodation**

Some HEIs provide all student accommodation on campus or in their own off-site accommodation. However, with the number of students rising, HEIs are increasingly using private providers of accommodation. As a general principle of working to promote equality and diversity, HEIs should be seeking to work with private developers who are prepared to provide accommodation that goes beyond current legal compliance and offers fully inclusive accessible accommodation.

To support trans students and offer trans-friendly accommodation, accommodation should ideally be mixed gender, with single-sex accommodation being available on request rather than standard. Showers, baths and toilets should not be segregated or labelled by gender. En suite accommodation should be offered to trans students at no extra cost (see Section 2.2)

There are various different management agreement models currently operating in the higher education area: full nomination

## Physical access

agreements, public–private partnerships and private finance initiatives. Regardless of the model, universities should ensure private providers are clear about the accessibility of the buildings they provide, and the anticipatory and reasonable adjustments they should be making. Where adjustments have not been made in advance, they should be made quickly where an individual student requires them to be made. If they are in charge of allocations and charging, their policies must not be discriminatory and should be monitored on a regular basis.

In other situations, where accommodation providers are third parties rather than agents of an HEI, discrimination claims can be brought against such providers by disabled students under Part 3 of the DDA, and students can also bring claims against the HEI under Part 4 of the Act, if an HEI is aware of the discrimination and does not prevent such discrimination from continuing or recurring.

### **Dyslexia/dyspraxia**

*The following guidance has been provided by London South Bank University (LSBU) to support students with dyslexia/dyspraxia.*

#### **What staff need to do**

*Provide clear and consistent signage of walking routes to locations near the halls of residence*

*Provide clear and consistent signage and information at entrances and information desks*

*Provide handouts of fire evacuation procedures*

*Increase staff awareness of the needs of people with dyspraxia*

#### **Why?**

*Helps with problems regarding directional sense*

*Avoids misinterpretation and confusion*

*Works as a memory prompt*

*Ensures an accessible environment*

*[Source: LSBU Guidelines on Accommodation and Dyspraxia, [www.lsbu.ac.uk/php-cgiwrap/caxton/disability/detail.php?subdis=Dyspraxia&dis=1&whereisit=Accommodation](http://www.lsbu.ac.uk/php-cgiwrap/caxton/disability/detail.php?subdis=Dyspraxia&dis=1&whereisit=Accommodation)]*

HEIs may also need to consider appropriate emergency provision for students if the delivery of buildings is late, or there is another sort of emergency such as flooding or fire that requires students to move out temporarily from their accommodation. Equalities issues would need to be considered in such an event to prevent problems arising.

## Physical access

Bright, K. (2005) *Disability: Making Buildings Accessible*, 3rd edn. Workplace Law Network, Cambridge.

**Keith Bright Consultants** ([www.keithbrightconsultants.com](http://www.keithbrightconsultants.com)).

**Centre for Accessible Environments** ([www.cae.org.uk](http://www.cae.org.uk)).

**Access Directory (Disabled Persons Transport Advisory Committee)** ([www.dptac.gov.uk/index.htm](http://www.dptac.gov.uk/index.htm)).

**Commission for Architecture and the Built Environment** ([www.cabe.org.uk](http://www.cabe.org.uk)).

**National Register of Access Consultants** ([www.nrac.org.uk/index.html](http://www.nrac.org.uk/index.html)).

**Sign Design Society** ([www.signdesignsociety.co.uk](http://www.signdesignsociety.co.uk)).

**JMU Access Partnership** ([www.jmuaccess.org.uk](http://www.jmuaccess.org.uk)).

**Building Cost Information Service** ([www.bcis.co.uk](http://www.bcis.co.uk)).

**Research Group for Inclusive Environments** ([www.extra.rdg.ac.uk/ie](http://www.extra.rdg.ac.uk/ie)).

# 9 Cultural diversity

## 9 Cultural diversity

Equality areas connected to cultural diversity are race/ethnicity, religion and belief and sexual orientation. There are legal requirements to ensure these groups are not discriminated against (see Section 2.2).

International and EU students may not be aware of the types of accommodation available to them, and the terms and conditions associated with them, so these need to be explained (see Section 2.4). Some accommodation providers cater specifically for different religious groups (for the legal position see Section 2.2, Religion and belief).

### **Kosher accommodation**

*Kosher dining and meeting facilities are about to open at Durham University as a result of an initiative between **UJS Hillel** ([www.ujshillel.co.uk](http://www.ujshillel.co.uk)) and the university authorities. UJS Hillel is negotiating with other university authorities for the provision of facilities on other campuses where there are Jewish students requiring kosher accommodation and/or meeting spaces.*

All universities should aim to have a diversity statement supported or underpinned by an equal opportunities policy. Contracts with private providers should ensure diversity issues are included in equality action plans so that they remain on the agenda throughout the HEI. A diversity statement should outline how students will be treated, and how differences will be accepted and managed. This will help create an institution where students are

## Cultural diversity

comfortable being themselves and where their contribution will be listened to, as well as fostering a spirit of respect, tolerance and open-mindedness. The statement should establish best practice and provide examples of expected conduct/behaviour.

Senior management in the institution should determine the culture of the institution, and they will need to support this policy and ensure the ethos filters down.

### **Needs of international students**

*Residential and Commercial Services at **Leeds University** are commissioning research on the needs of international students, with a representative of Leeds University Union on the steering group.*

Landlords need to be aware of the HEI's diversity statement and ensure their staff are trained in cultural awareness.

Staff recruitment should reflect the diversity of the student body. All staff need to be aware of, and understand, the institution's policy and know where to access it. Staff should be sensitive to their obligations to students and the service they provide, and know when to seek assistance and from where, as appropriate. They will need to work with students to prevent differences turning into conflict.

Students will be expected to comply with the diversity policy. The statement should provide clear guidance as to what will and will not be tolerated, and there should be specific information available on the consequences of non-compliance. Students should have easy access to the HEI's diversity policy (such as via posters in residences, etc.).

BDP Media (2006) *The Diversity Challenge*, DVD  
([www.diversitychallenges.tv](http://www.diversitychallenges.tv)).

De Montfort University, Learning Diversity Support web pages  
([www.dmu.ac.uk/study/student\\_services/lss/diversity/index.jsp](http://www.dmu.ac.uk/study/student_services/lss/diversity/index.jsp)).

ECU (2006) *Employing People in Higher Education: Religion and Belief*  
([www.ecu.ac.uk/publications/employing-people-in-HE-r-and-b](http://www.ecu.ac.uk/publications/employing-people-in-HE-r-and-b)),  
Equality Challenge Unit, London.

HEFCE (2000) *Diversity in Higher Education: HEFCE Policy Statement*  
([www.hefce.ac.uk/pubs/hefce/2000/00\\_33.htm](http://www.hefce.ac.uk/pubs/hefce/2000/00_33.htm)), Higher Education  
Funding Council for England, London.

Local law centres ([www.lawcentres.org.uk](http://www.lawcentres.org.uk)).

UKCISA, *Advice for International Students: Accommodation*  
([www.ukcisa.org.uk/student/information\\_sheets.php](http://www.ukcisa.org.uk/student/information_sheets.php)), UK Council  
for International Student Affairs, London.

# 10 Codes of conduct

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## 10 Codes of conduct

### 10.1 Introducing new arrivals to codes of conduct

Establishing code of conduct agreements at the beginning of a residency can help students develop an understanding of acceptable and unacceptable behaviour, which can help to prevent unpleasant incidents occurring and set a tone for cooperation and responsible behaviour.

### 10.2 Ensuring disciplinary action is effective and non-discriminatory

The majority of students will behave in a responsible manner towards their accommodation and fellow students. However, occasionally incidents can occur that cause damage, disruption or harm. Staff should try to ascertain whether any unacceptable behaviour could be due to mental health issues before they proceed down a disciplinary route (see Section 7). If mental health issues are a possible cause, the HEI's mental health services should be contacted for advice and support.

If disciplinary action is required, it is important that all providers of student accommodation follow a standard process to ensure incidents are tackled in a non-discriminatory way. Initial information about the incident will need to be gathered and documented and then further action should be decided on.

It is essential that staff act in an appropriate and non-hasty manner that allows a fair resolution to the problem. As part of the disciplinary process, it may become apparent that disciplinary action is not appropriate for the student in question, and that a support action plan is required. This should be arranged on an

## Codes of conduct

individual case basis. Information to gather should include:

- = the facts about the incident
- = the specific offence (damage, theft, physical/verbal assault)
- = names of individuals connected to the incident
- = any mitigating circumstances.

Depending on the nature of the incident, further action will then need to be decided on. Possible choices are:

- = no further action
- = financial penalties (details of any fines should be made available when signing the tenancy)
- = recovery of associated costs (receipts should be kept and made available)
- = formal written warning
- = escalation and/or involvement of third parties (police, HEI, etc.).

If the offence is also a criminal offence:

- = the police should be informed as soon as possible
- = institutions should conduct internal procedures only after the police investigation has been completed.

### *Recording of information*

Any meetings with students should be recorded in a clear, understandable way. Discussions with the student should be recorded and signed to agree the points raised and any decisions made (see Annex E). Standard correspondence letters should be used to ensure clarity and consistency (Annex D).

It may turn out that an offence is serious enough for a more formal disciplinary approach, and a panel should be convened to discuss it further. Providers and institutions should work together to produce

protocols for panel meetings, but the following principles are recommended.

- = The student should be given the opportunity to read everything the panel will see in advance, in order to prepare their response.
- = Members of the panel should be chosen based on their objectivity and with specific regard to their knowledge of equality issues.
- = The student should be given the opportunity to be accompanied at the meeting by one person who may present the case on their behalf or assist in its preparation (see students' union support, Section 3.3).
- = Interpreters should be present to assist the student if required.
- = Legal representation should not be necessary.
- = The format of the meeting should be agreed in advance, and should include giving the opportunity for the student or their representative to ask questions, bring witnesses and make statements.
- = As soon as possible following the meeting, the student should be informed of the panel's decision.

## Codes of conduct

Residential Rules and Regulations, University of Bath  
([www.bath.ac.uk/rules/accom.html](http://www.bath.ac.uk/rules/accom.html)).

Accommodation Regulations, Brunel University  
([www.brunel.ac.uk/life/accommodation/resregulations](http://www.brunel.ac.uk/life/accommodation/resregulations)).

Code of Conduct, Napier University  
([www.napier.ac.uk/napierlife/accommodation/Pages/Useful\\_Documents.aspx](http://www.napier.ac.uk/napierlife/accommodation/Pages/Useful_Documents.aspx)).

Residence Regulations, University of Essex  
([www.essex.ac.uk/academic/docs/regs/residence.shtm](http://www.essex.ac.uk/academic/docs/regs/residence.shtm)).

Code of Conduct, University of Stirling  
([www.studaccom.stir.ac.uk/code/index.php](http://www.studaccom.stir.ac.uk/code/index.php)).

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## Annex A

### Example letter to students and parents/guardians

Dear <Name>

Many congratulations on receiving an offer to study .....  
at ..... I hope that we shall be able to welcome you to the  
university as a student in the near future.

I am writing to you as you will be aged under 18 at the point of enrolling at the university. English law defines those under the age of 18 as not being adults. I am therefore contacting you to let you know what that means for under-18-year-old students on university courses. I would appreciate it if you would pass this letter to your parent(s) or guardian so that they are also aware of the university's position.

As far as possible, the university treats students who are under 18 years of age in the same way as other students. You will be subject to the university's normal rules and regulations, and you will be able to access the majority of the campus facilities and opportunities offered in the same way as all other students.

We do, however, need to make you aware that the university is not in loco parentis and therefore will not act in a parental capacity in relation to you as a student. It is thus essential that we have an up-to-date contact address of someone who is able to act in this capacity in the event of an emergency, and that you provide this when you enrol at the university.

## Annex A

As far as possible, taking into account availability and when an application for accommodation is made, under-18-year-old students will be offered a place in accommodation that:

- is university-owned or -managed
- includes access to senior residents
- has 24-hour security cover.

However, we cannot guarantee that such accommodation will be available, and you have the right to seek alternative accommodation.

The Accommodation Service will arrange a meeting with every under-18 student in university or partnership accommodation in the first month after the commencement of the accommodation contract to discuss any issues regarding their welfare. Follow-up meetings will be arranged where required by the student or staff. You will not be placed in segregated accommodation and may be mixed with students who are over 18. The Accommodation Service will not undertake any particular monitoring of young students (e.g. attendance at university, leisure-time activities, internet access) beyond what may be required and allowed for particular students in accordance with policies and guidance that relates to all students.

Within the faculty there will be advisers who provide pastoral support to students who are under 18. We also have a range of coordinated student services that offer professional information, advice and guidance centrally to all students. I have enclosed a brief guide to our student services with this letter.

The university has a number of catering facilities, bars and shops on campus, including the Students' Union, where alcohol can be purchased. We remind you that you would be breaking the law should you consume alcohol in, or purchase alcohol from, these outlets before you are 18.

I should finally like to reassure you that the campuses and town are largely problem-free and relatively safe places in which to live and study. The vast majority of our students have a trouble-free and enjoyable time here.

Yours sincerely

(Source: Academic Board, *Supporting Under-18s*, Sheffield Hallam University.)

## Annex B

### Student under-18 liaison form

Residential Support Coordinator U18 Student liaison form		
Student details		
UID nos:		
Name:		
Hall:	Flat:	Room:
Mobile no:		
Email:		
DOB		
Date of 18th birthday		
Meeting details		
Meeting date 1:	with:	
Meeting date 2:	with:	
Meeting date 3:	with:	
Information provided		
Students' Union Advice Centre		
Student and Academic Services information		
Meningitis information		
Life in halls booklet		
Other:		
Issues discussed:		

(Source: Academic Board, *Supporting Under-18s*, Sheffield Hallam University.)

## Annex C

### Letter providing information to students under 18

Dear Student,

I am writing to you as our records show that you are under 18 years of age at the start of your course of study. The university has a specific duty of care to ensure your safety and wellbeing, and this letter seeks to:

- inform you of some issues that will be relevant for you
- indicate the University Policy on Parental Contact for Students Aged Under 18
- remind you of the availability of the university's student support services.

#### *Information relevant for students aged under 18*

Legally those under 18 years of age are not permitted to buy or consume alcohol on licensed premises. We have advised the Students' Union and the University Shop that there are students on campus who are aged below 18 years, and you may be required to give evidence of your age before being allowed to buy alcohol.

Your Enrolment Document and Tenancy Agreement are binding legal documents and should be viewed as such. However, you may wish to seek advice from the University Student Welfare Service before signing any other documents, such as hire purchase agreements.

Banks can refuse to allow you a student account and attached interest-free overdraft until you are 18. You should take note of this

## Annex C

and organise your other finances accordingly. For additional advice, contact the University Welfare Service.

### *University Policy on Parental Contact for Students Aged Under 18*

The university has a Parental Contact Policy for students under the age of 18. The guiding principle of this policy is the personal safety of the student and their right to control the disclosure of information about themselves. Please read the copy enclosed carefully and complete the Parental Contact Declaration, giving the university, in line with the stated policy, permission to contact your parents. This declaration will be kept on your student file until your 18th birthday, when it becomes invalid. Please think carefully before completing your Parental Contact Declaration – it is in your interests that we are able to contact your parents in an emergency or at other relevant times.

### *Availability of student support services*

The university has well established student support services. The Student Services leaflet also enclosed with this letter outlines all the available services and how to access them. The university is concerned for the welfare of all students, but especially those aged under 18, and we advise you to make full use of the university's student support services. In particular, those students from outside the UK should contact the Senior International Student Adviser as soon as possible.

We would strongly advise you to live in university residences or other approved accommodation. Alternative accommodation, which may be cheaper, is not recommended by the Accommodation Service and may not meet approved safety standards.

Can I take this opportunity to wish you a happy and successful time here at the university?

Yours sincerely

Academic Registrar

(Source: Duty of Care Policy, Northumbria University.)

Parental Contact Declaration for Students Aged Under-18	
Surname (Block Capitals)	
Forename(s) (Block Capitals)	
Course title	
Academic year	/
Name of parent/legal guardian	

## Annex D

### Example of standard contact letter

Dear <name>,

It has been brought to my attention that you have been involved in an issue that requires us to discuss the matter with you in line with the university's disciplinary procedures.

The alleged incident involves:

Noise nuisance	Brief outline of incident:
Behavioural issues	
Damage	
Health and safety	
Security	

If you are currently receiving support from the University Medical Centre or Student Counselling Service, you may wish to show this letter to your contact there.

I am obliged to inform you that due to the seriousness of the alleged incident, we are required to deal with this matter in line with the university's formal disciplinary procedures.

You must attend a meeting with:

---

The Panel will convene at: (venue)

---

(date)

(time)

---

This meeting will be fully minuted, and you will have an opportunity to discuss the issues raised with the Disciplinary Panel and agree to any further actions that we feel are necessary and appropriate.

This meeting is in line with the university's procedures, we are therefore required to inform your Faculty or Course Leader that the Disciplinary Panel has met with you and of the outcome of that meeting.

A note that you have attended a formal disciplinary hearing will be added to your Student Record at the university.

I must also inform you that should the Disciplinary Panel decide that the outcome or severity of the issue is such that the university's formal disciplinary procedures should be instigated, the meeting will be adjourned and the matter will be referred to the University Executive and your future at the university will be discussed in line with the university's disciplinary procedures.

Failure to attend without giving notice may result in a formal disciplinary action being determined and actioned in your absence.

At the meeting you may be accompanied by one other person. The accompanying person may present the case on your behalf or assist in its preparation. Please inform us if you need an additional language support person available at the meeting so that you can understand all the information.

You may not have legal representation without prior consent, which will only be granted in exceptional circumstances.

Yours sincerely

## Annex E

### Example of a disciplinary meeting proforma

Disciplinary Proforma (Please use additional plain sheets if required)  
 Recommendations and agreed outcomes

Staff present:		Resident(s):	
		Date of interview: / /	
Date of incident: / /		Location:	
Description of alleged incident:			
Attended hall induction?	Yes/No	Repeat offence?	Yes/No
Resident's version of incident (if different from above description of alleged incident):			
Any mitigating circumstances:			
Specific area of offence (noise nuisance, damage, etc.):			
Action to be taken (tick relevant boxes):			
No action	<input type="checkbox"/>	Formal written warning	<input type="checkbox"/>
Fine	<input type="checkbox"/>	Escalation	<input type="checkbox"/>
Recovery of associated costs	<input type="checkbox"/>		<input type="checkbox"/>

I understand the issues that have been raised at this meeting and the agreed outcome.

I have read the notes made on this form and agree that they are correct.

It has been explained and I understand that a repeat of this or any further reports of any misconduct will result in further action being taken and this may result in exclusion from the university.

Signed:

---

Date:

---

Printed name:

---



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