

**11 MARCH 2024**

NDA Submission to SETU Equality, Diversity & Inclusion Strategic Plan 2024-2029:

# Introduction

The National Disability Authority (NDA) is the independent statutory body with a duty to provide information and advice to the Government on policy and practice relevant to the lives of persons with disabilities, and to promote Universal Design. The NDA welcomes the opportunity to input to the consultation to inform the development of South Eastern Technological University (SETU’s) EDI Strategic Plan 2024–2029. Our comments below related to relevant strategic priorities outlined in the draft plan.

# Teaching, learning and student experience

## Universal Design in Education

The NDA notes that reference is made under the teaching, learning and student experience strategic priority to Universal Design for Learning. The NDA welcome this approach but suggest that adopting a Universal Design in Education (UDE) approach may be more suitable. UDE involves a whole systems approach so that the physical and digital environments, the educational services, and the teaching and learning can be easily accessed, understood and used, by the widest range of learners and by all key stakeholders, in a more inclusive environment.[[1]](#footnote-1) This approach further promotes the inclusion of Universal Design as subject matter in curricula and assessment, to ensure a broader and more widespread adoption across the educational spectrum. A key focus of the Universal Design approach is to prioritise accessibility and usability for people with the more diverse capabilities, characteristics and preferences from the earliest possible design stage and throughout all phases in the life of products and services, and their interoperability with assistive technology.

Universal Design for Learning (UDL) is one of the core elements of Universal Design in Education. “UDL is a set of principles for curriculum development that give all individuals equal opportunities to learn, including Students with Disabilities. UDL aims to improve the educational experience of all students by introducing more flexible methods of teaching, assessment and service provision to cater for the diversity of learners in our classrooms.”[[2]](#footnote-2)

The NDA’s Centre for Excellence for Universal Design (CEUD) has a paper on UDE that may be useful to review.[[3]](#footnote-3)

## PATH 4

The NDA wish to commend SETU in the design of the Skill Up programme which has received PATH 4 Phase2 funding to support students with an intellectual disability with an opportunity to participate in third level education. This programme represents the possibility of true inclusion where courses are designed with the most marginalised in mind. Achieving an inclusive tertiary education system and the progressive realisation of the United Nations Convention on the Rights of Persons with Disabilities is a commitment by the Irish government. The CEUD paper referenced above may be helpful as SETU moves to implement this programme and it might be worth including it as an action in the EDI strategy as an example of increasing diversity among students.

# Engagement and collaboration

## Engagement with disabled students and staff

Article 4(3) of the United Nations Convention on the Rights of Disabled People, which Ireland ratified in 2018, requires all government departments and statutory agencies to ensure the effective participation of persons with disabilities in the creation and implementation of policies and legislation that impact their lives. The NDA strongly encourages SETU to effectively and meaningfully engage with Disabled Persons’ Organisations and disabled people as part of this consultation process and in the implementation and delivery of the strategy. This is particularly important as, in our experience, disability issues sometimes tend to be considered as an afterthought in EDI strategies to, for example, gender equality and race equality. The NDA wishes to highlight its **Participation Matters guidelines** as a useful resource in this regard and we are happy to advise further.[[4]](#footnote-4)

## Disability Impact Assessment

A Disability Impact Assessment is a mandatory requirement regarding any substantive proposals that have a direct impact on persons with disabilities. The Cabinet Handbook States that Disability proofing of all substantive proposals requiring Government approval is mandatory.[[5]](#footnote-5) A disability impact assessment will identify any difficulties or barriers that may exist or arise within a service delivery, policy or process that prevents someone from availing of that service, policy or process. Such as:

* change in policy
* the introduction, abolition or significant change in an existing scheme
* decision which impacts on the public at large, or on a significant subset of that population
* decision to draft or to approve legislation
* decision involving expenditure increases or reductions, or changes in taxation

A Disability Impact Assessment requires meaningful engagement with disabled people and the NDA would remind SETU that this is a requirement where SETU is making policy changes or similar as outlined above.

# People, Values & Culture

## Compliance with Part 5 of the Disability Act 2005

The NDA has a statutory role in monitoring the employment of persons with disabilities in the public sector, arising from Part 5 of the Disability Act 2005. Part 5 of the 2005 Act details the obligations on public bodies to promote and support the employment of persons with disabilities. The NDA is pleased to note that the first time SETU was assessed it reported that 7.4% of its staff in 2022 reported a disability[[6]](#footnote-6)

While the minimum statutory employment target currently remains at 3%, the NDA advises that this target will increase to 4.5% in 2024 and to 6% by 2025, as stipulated in the Assisted Decision-Making (Capacity) (Amendment) Act 2022. We encourage SETU to continue maintaining compliance with Part 5 of the Disability Act and to consider articulating this commitment in the EDI Strategic Plan.

# Physical and Digital Environment

The NDA is pleased to see a commitment to a physical and digital environment that ensure accessibility, equality and inclusion for all members of the SETU community. To this end we highlight below some statutory obligations with regard to accessibility.

## Compliance with Part 3 of Disability Act 2005

The NDA has a statutory role in monitoring under Part 3 of the Disability Act 2005, which details the obligations on public bodies to ensure that information and services are accessible to persons with disabilities. Where practical and appropriate, public bodies should ensure that services provided to disabled persons and persons without disabilities are integrated.

The NDA’s Centre for Excellence in Universal Design with the Department of Public Expenditure, NDP Delivery and Reform co-developed a **Customer Communications Toolkit for Services to the Public – A Universal Design Approach**, which provides guidance on how to design communications for the public using the simplest and clearest language possible and to ensure that all communications are accessible and meet the diverse needs of all customers.[[7]](#footnote-7)

In its 2022 Part 3 Monitoring Report, the NDA evaluated public body websites against an indicator relating to information on promoting the role of the Access Officer. The indicator consisted of the following three criteria:

* The promotion of the appointment of an Access Officer
* Information on how to contact the Access Officer
* A variety of communication channels for contacting them

This analysis predates the development of the SETU website but the NDA notes and welcomes that in its 2022 Monitoring Report the websites of Carlow and Waterford IT met all three criteria of the indicator regarding Section 26(2) - Access Officers.[[8]](#footnote-8) We encourage SETU to maintaining compliance with Part 3 of the Disability Act and to continue to articulate a commitment to ensuring that information and service are accessible to persons with disabilities in the EDI strategic plan.

**EU Accessibility ACT (EAA) and S.I 636**

Ireland transposed the EAA in late 2023 through the Statutory Instrument 636. The European accessibility act covers products and services that have been identified as being most important for persons with disabilities. The main focus is ensuring that digital goods and services post June 2025 are accessible for persons with disabilities. For Universities this will mean integrating accessibility as key requirement in the procurement of digital products and services.[[9]](#footnote-9) The Act is underpinned by a series of European harmonised Standards that are being updated. One of the European Standards being updated for use with the EAA is ‘[I.S.EN 17161:2019 Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users’](https://shop.standards.ie/en-ie/Standards/I-S-EN-17161-2019-1146165_SAIG_NSAI_NSAI_2717159/). It is a European process standard about using a Universal Design for All approach at all levels in organisations to continuously improve and manage the accessibility and usability of the products and services they provide.

This standard is relevant to organisations that design, manufacture and/or provide products and services and who want to demonstrate that they have addressed accessibility. It can be used in procurement for award criteria, as part of complying with accessibility legislation and to help advance corporate social responsibility.

## EU Web Accessibility Directive

The **EU Web Accessibility Directive**, which came into force in September 2020, requires EU Member States to ensure that the websites and mobile applications of public sector bodies are fully accessible to persons with disabilities and comply with the harmonised standard EN 310 549 (v3.2.1). The Directive further requires public bodies to maintain an Accessibility Statement in a prominent location on all their websites. This must include a clear feedback mechanism for users to ask for assistance with inaccessible content and features as well as the statutory complaints mechanism through which a person can make a formal complaint about the website’s accessibility in line with the Disability Act 2005 or the Equal Status Act 2000-2015, whichever so applies.

The NDA is the National Monitoring Body responsible for monitoring compliance with and reporting on the EU Web Accessibility Directive. The NDA conducted 21 in-depth website reviews during the 2023 monitoring period, including the South East Technological University website. Overall compliance was 74% and key issues noted were in relation to ‘contrast’, ‘name, role, value’, ‘non-text contrast’ and ‘information and relationships’. In addition, no Accessibility Statement could be found.[[10]](#footnote-10)

The NDA recommends that SETU engage with NDA to develop a systematic and comprehensive approach to improving the accessibility of its website and that it articulates its statutory obligation to ensure its website complies with the EU Web Accessibility Directive in its EDI strategic plan.

**Requirement for Accessible Public Buildings under Section 25 of the Disability Act 2005**

Section 25 of the Disability Act 2005 requires all departments and public bodies to ensure that the parts of their buildings which are accessed by the public, apart from heritage sites, are brought into compliance with Part M of the building regulations, which deals with access and use. The requirement is to upgrade older public buildings so that they comply with Part M, within a ten-year time-frame of any amendment to Part M.

Part M 2010 commenced on 1 January 2012 and was subsequently reviewed and replaced again with Part M 2022, which commenced on 1 January 2023. Under Section 25, public bodies were therefore required to bring their public buildings into compliance with Part M 2010 by 1 January 2022 and they are now required to bring them into compliance with Part M 2022 by 1 January 2033. The new requirements under Part M 2022 relates to the provision of changing places toilets.

The NDA advises that SETU should commit to developing an action plan within the strategic plan, including access audits, planned improvements works, timeframes for implementation and earmarked funding, to work towards achieving compliance with these legal obligations.

An Operational Review of the Effectiveness of Section 25 of the Disability Act 2005 was published by the NDA in 2019 providing guidance on how public bodies can comply with Section 25 of the Disability Act. The NDA is developing a statutory Code of Practice on Accessible Public Buildings at the request of the Minister, informed by the findings of the Operational Review. When completed, the NDA will have a role to monitor compliance with same, and to provide advice to departments and statutory agencies on areas requiring further action or focus.

## Public Sector Duty

Section 42 of the **Irish Human Rights and Equality Act 2014** requires public bodies to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans.

The NDA notes and welcomes that the SETU EDI Strategic Plan references the Public Sector duty and that the actions include references to human rights and equality. NDA advises it would be good to include an action that relates to prevention of discrimination and to think about how equality and human rights of disabled people are incorporated.

# Conclusion

The NDA welcomes the opportunity to input on the consultation to inform the development of SETU’s EDI Strategic Plan 2024–2029. We would be happy to engage with SETU on any of the points raised in this submission.

1. More information available in our advice paper available here [Education - Centre for Excellence in Universal Design](https://universaldesign.ie/education) [↑](#footnote-ref-1)
2. https://ahead.ie/udl [↑](#footnote-ref-2)
3. [Education - Centre for Excellence in Universal Design](https://universaldesign.ie/education) [↑](#footnote-ref-3)
4. National Disability Authority (2022) Participation Matters guidelines. [↑](#footnote-ref-4)
5. <https://assets.gov.ie/238598/e8eca089-3bce-4945-bf6c-24a4053cb4ff.pdf> [↑](#footnote-ref-5)
6. National Disability Authority (2024) Report on Compliance with Part 5 of the Disability Act 2005 for 2022. [↑](#footnote-ref-6)
7. National Disability Authority (2023) [Customer Communications Toolkit for Services to the Public – A Universal Design Approach.](https://universaldesign.ie/communications-digital/customer-communications-toolkit-a-universal-design-approach) [↑](#footnote-ref-7)
8. National Disability Authority (2023) NDA Disability Act – Part 3 Monitoring Report 2022- Appendix A. [Monitoring Report on Access Officers - National Disability Authority (nda.ie)](https://nda.ie/publications/monitoring-report-on-access-officers) [↑](#footnote-ref-8)
9. <https://www.irishstatutebook.ie/eli/2023/si/636/made/en/print> [↑](#footnote-ref-9)
10. National Disability Authority (2024) Ireland’s Monitoring Report for the EU Web Accessibility Directive – 2023 Monitoring Period. [↑](#footnote-ref-10)