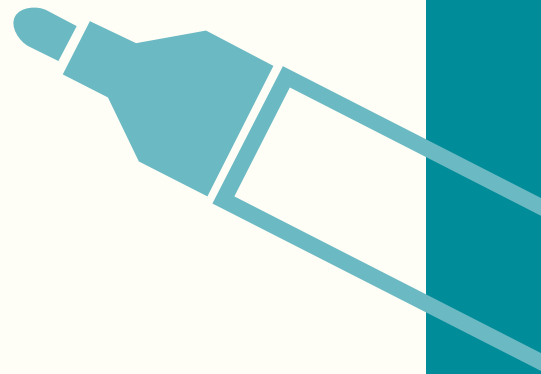
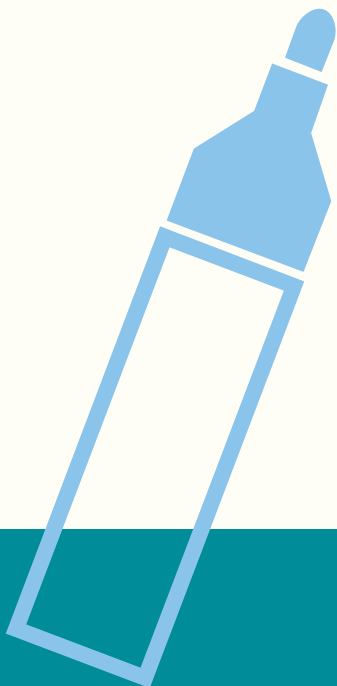
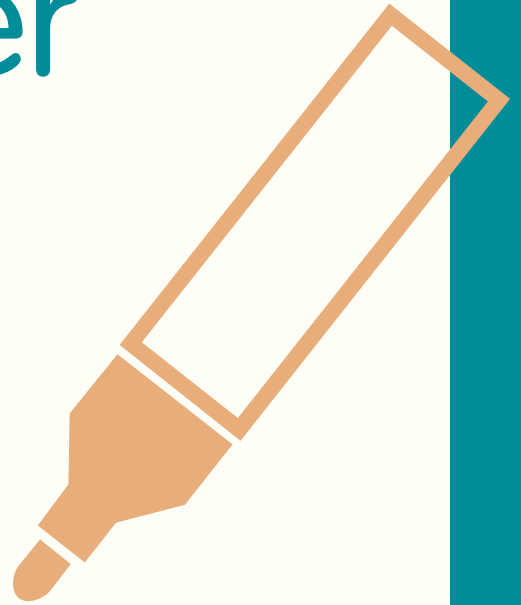
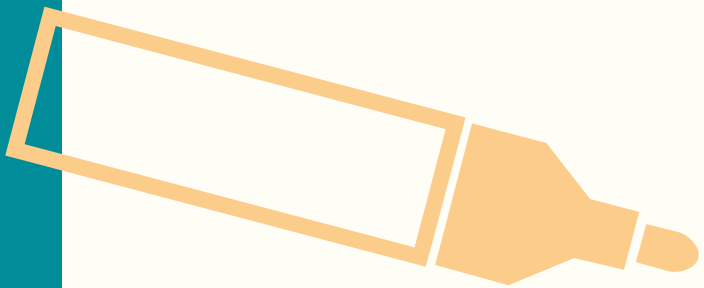


Date revised: November 2017

Migraine: Help in further and higher education



Date revised: February 2018

the
migraine
trust



Contents

This document provides information and is a self advocacy tool for people with migraine undertaking a higher education course. It is a resource for college and university support services and health professionals supporting students. The information in this document is not a substitute for individual, detailed advice as to an individual's particular rights and circumstances from medical or legal professionals.

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For further information, visit The Migraine Trust website www.migrainetrust.org or email advocacy@migrainetrust.org



What is migraine?

Migraine is a complex neurological condition with a wide variety of symptoms. For many people the main feature is a severe throbbing headache which can last from four to 72 hours. Other symptoms may include disturbed vision, sensitivity to light, sound and smells, feeling nauseous and vomiting.

The symptoms will vary from person to person and individuals may have different symptoms during different attacks. Migraine attacks may differ in length and frequency and most people are free from symptoms between attacks. Migraine can have an enormous impact on work, family and social lives.

The complex nature of migraine means that the treatments available are varied and differ from person to person. There is currently no cure for migraine.

Keeping a migraine diary

Keeping a migraine diary can help to get a diagnosis, identify trigger factors and attack warning signs, and monitor the effectiveness of treatments. More information about keeping a diary and a diary page template can be found via The Migraine Trust website www.migrainetrust.org



Additional support

See our other resources:

Help in work

Help with welfare benefit rights

at www.migrainetrust.org



Migraine and higher education

Migraine should not be a barrier to undertaking a higher education course. On occasion, migraine may impact on a student's ability to study, undertake certain features of a course and affect attendance.

The following steps may help to minimise the impact that migraine has on a student's education and ensure that the student has the support they need:

- **Be open about your migraine condition**

Telling a higher education provider and tutors about migraine means that all involved can prepare a plan of action if an attack occurs. A student should tell the college or university at the earliest opportunity. For example, during the application process, course induction or before any exam season begins. An education provider could advise a student of any support or adjustments that they may be entitled to and what to do if they are likely to be absent due to a migraine attack. A student may need to supply their education provider with a letter from a health professional that provides more information about their condition and how it impacts on them.

- **Talk to a GP or neurologist**

A student's GP or neurologist can support a student if their migraine impacts on their studies. If a student has moved away from home they may need to register with a new GP and familiarise themselves with local health services. Their student union will have details about local medical centres.

- **Request reasonable adjustments**

Reasonable adjustments are changes to practices, policies or the environment that may put somebody with a long-term health condition at a disadvantage compared to their peers. A student can request an adjustment for health reasons in

writing to a college or university. If a student feels their condition meets the definition of disability under the Equality Act 2010, the education provider may have a duty to make reasonable changes for them. More information about the Act and reasonable adjustments are available within this document.

- **Visit a student union**

A student union will have lots of information about support and resources available including medical centres, disability support services and accommodation needs. They should be able to advise a student about what to do and who to speak to if a problem occurs.

- **Register with the disability support service**

Disability support services provide a range of services for disabled students and those with health conditions. They can provide information and support such as requesting adjustments, claiming welfare benefits, accessing funding and grants, extra support and the education provider's responsibilities to a student. Information should be available via an education provider's intranet or a student union.

- **Become familiar with the policies of the education provider**

A student's education provider will have detailed policies and procedures such as for equality and diversity, absence management, and health and safety. It can be helpful for a student to become familiar with these policies and where to find them. If a student feels that there are policies in place that put them at a substantial disadvantage or they require an adjustment based on their condition, they can ask to meet and discuss this with the disability adviser.



Migraine as a disability

Migraine may be considered a disability under the Equality Act 2010 in some cases. This will depend on the severity and frequency of the attacks and the impact the condition has on the individual.

The Act is the legislation which aims to promote equality to prevent unlawful discrimination against specific groups in England, Scotland and Wales. For information about equality legislation in Northern Ireland contact the Equality Commission Northern Ireland www.equalityni.org

The Act protects those whose medical condition satisfies the definition of disability from unlawful discrimination at all stages of the relationship with the education provider (including application). Where a disabled person is put at a substantial disadvantage by conditions or a feature of an institution, the education provider may have a duty to make reasonable adjustments for the person under the Act.

What is the definition of disability under the Equality Act 2010?

A person is disabled for the purposes of the Act if they:

- Have a physical or mental impairment.
- The impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

Fluctuating and episodic conditions can be covered by the Act even if the effect temporarily ceases.

Whether an individual's particular condition satisfies the requirements of being a disability for the purposes of the Act will depend on the effect of that condition as experienced by that individual.

Is migraine a disability under the Equality Act 2010?

Migraine may be considered as a disability under the Act in some cases. This depends on the severity and frequency of the attacks and the impact the condition has on the person.

Using the criteria described:

- Migraine is a physical impairment.
- Establish if a student's migraine has a substantial and long-term adverse effect on that student's ability to carry out normal day-to-day activities.
 - Substantial means more than minor or trivial.
 - Long-term means that the impairment has lasted or is likely to last for at least 12 months or indefinitely.
 - Normal day-to-day activities are not defined in the Act. However the guidance says: In general, day-to-day activities are activities that people do on a regular or daily basis. Examples of such activities might include shopping, reading and writing, holding a conversation, using the telephone, watching TV, carrying out household tasks, walking and travelling by various forms of transport and taking part in social activities. It can also include general work-related activities such as interacting with others, following instructions, using a computer, preparing written documents, and keeping to a timetable or shift pattern.

An assessment of the effect of the condition on the student should ignore the effects of medical treatment.

A student's GP, neurologist, headache nurse or occupational health practitioner (OH) can advise a student and their education provider if it seems likely that a student's migraine condition might be covered by the Act. As this is a legal definition, and ultimately for the courts to determine, a medical practitioner can only provide advice.

What rights do people with migraine have in higher education under the Equality Act 2010?

The Act makes it unlawful for an education provider to discriminate against, harass or victimise a disabled person:

- **Direct discrimination:** where an education provider treats someone less favourably than they would others because of the individual's disability (or other protected characteristic).

Migraine as a disability

- **Indirect discrimination:** where an education provider has a rule, policy or practice that applies to all students (or potential students) but puts students with a particular protected characteristic (in this case disability) at a substantial disadvantage when compared with others and which the provider cannot justify.
- **Discrimination by failing to make reasonable adjustments:** where an education provider has a rule, policy or practice that puts a disabled person at a substantial disadvantage in comparison with non-disabled people and an education provider fails to take such steps as are reasonable to avoid that disadvantage (special provision is made for reasonable adjustments to physical features of the buildings and in relation to auxiliary aids).
- **Harassment:** A harasses B where A engages in unwanted conduct related to B's disability (or other protected characteristic) and the conduct has the effect of violating B's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- **Victimisation:** occurs when a person is treated badly because they have made or supported a complaint or grievance under the Act.

The law also provides protection against unlawful discrimination by association with a disabled person and by perception of disability.

In some circumstances, lack of knowledge of a disability may provide an education provider with a defence to counter a claim of discrimination.

More information about the Act is available from the Equality and Human Rights Commission. Contact details are available within this document.

What is reasonable adjustment?

Reasonable adjustments are changes to a student's learning environment, practices and policies that allow an individual to participate in education without being put at a substantial disadvantage due to the person's disability.

Education providers should plan in advance any adjustments that may be needed to be put in place for disabled students. This provision should cover all categories of disabled students such as prospective students, admitted students (whether absent or temporarily excluded) and former students in a continuing relationship with the institution.

Making adjustments that are reasonable is obligatory under the Act for students (or potential students) who have a disability; however it is good practice for education providers to provide these to people with underlying health conditions to promote positive learning environments. What is deemed reasonable will depend on the size and nature of the education provider, and the nature and scale of the adjustment.

Examples of reasonable adjustments for people with migraine in further and higher education

The following are examples of reasonable adjustments that may be useful for people with migraine. This list is not exhaustive and all adjustments should be agreed based on a student's individual needs:

- **Induction:** an education provider is required to ensure that their induction procedures do not unlawfully discriminate against disabled students. For instance, a student's institution should be flexible in the way they carry out induction programs and interviews for new students.
- **Flexibility in course provision:** it is good practice for education providers to make every effort to deliver courses in a flexible manner that encourages wide participation by disabled students and ensures that individuals are not substantially disadvantaged through delivery of learning. For example, academic progression and transfer, study facilities, libraries, learning equipment, field trips.



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- **Equipment and grants:** if a disabled student at an institution or college in the UK requires reasonable adjustments a student's education provider is not allowed to charge the student the cost of this. If a student requires equipment for exams or assessment, the disabled students' allowances scheme (DSAs) can support a student with the cost of purchasing such equipment. If a student requires this grant, they should contact their student disability adviser to help with the application. DSAs can also pay for assistive software, training, specialist one-to-one support and extra disability-related travel costs.
- **Physical environment:** education providers are required to manage their environment in such a way that encourages rather than discourages participation in education. Where there is an existing obstacle to a student's learning, a provider is required to take reasonable positive steps to remove the obstacle.
- **Assessments:** exams and coursework deadlines can trigger stress and migraine attacks. An education provider should make adjustments when this need arises to its assessment methods. Sometimes a student may miss a deadline or is unable to complete an exam due to a migraine attack. An education provider can support a student by making adjustments such as rest breaks, extra time, and a separate room for exams, assistants, flexible deadlines or alternative assessment methods. Be aware that a student's education provider may not be able to lower the particular academic, medical or other standard it uses to assess a student's level of competence or ability.
- **Graduation ceremony:** an education provider can make reasonable adjustments to enable disabled students to participate in events. For example, if a student cannot attend a graduation ceremony due to a migraine attack, the education provider can make reasonable adjustments to enable a student to participate in this ceremony at another suitable time or location.
- **Access to a dark quiet room:** if a student is on campus and feels an attack is starting or one has already started, they may require a quiet room to lie down. It would be beneficial for the student to have access to this facility on campus as they may be able to reduce the severity of the attack and increase recovery time.
- **Ventilation:** dry airless rooms can create headaches and fatigue. Improving ventilation can be beneficial for all students. A person with migraine may want to relocate their desk to an appropriately ventilated area of the classroom to minimise migraine attacks.
- **Lighting:** glare can be a major migraine trigger as the eyes try to adapt to visual disturbances. It's important to understand and control glare where possible as this can minimise attacks. A glare can be direct from a window and shining directly on a person, and indirect when natural or overhead electric light is reflected off shiny surfaces, which can also cause a masking or shading glare on a computer screen. Flicker from fluorescent lighting may also cause problems for some people with migraine. Glare from overhead lighting can be controlled by parabolic louvres which minimise reflection. Natural light can be controlled by blinds or curtains and supplemented by lamps with uplighters. A lighting consultant may be able to provide support to a student and their institution if this is an issue.
- **Antiglare screens:** antiglare screens can also help with VDU flicker. This is available for most sizes of computer screens. To help limit flickering ensure the correct screen frequency is set. Newer flat panel screens usually have an anti-reflective surface and are perhaps more appropriate.
- **Regular breaks:** breaks give time to stretch, relax muscles and manage trigger factors. They are particularly beneficial, for example, if a student is working at a computer, on machinery or in the science laboratory. It may be helpful to take frequent breaks every hour.

Migraine as a disability

- **Text display:** text and colour contrasts may need to be altered to ensure copy is easily readable on screen and for printed documents. Students may also benefit from colour contrasts that are easy on the eye. Harsh contrasts can trigger attacks.

It is important that students regularly discuss their needs with their education provider as this is often the most effective way for reasonable adjustments to be implemented. A relevant health professional may be able to recommend appropriate support for the student.

- The Migraine Trust has produced a reasonable adjustment agreement template to support a student's request for support from their institution www.migrainetrust.org

What rights are available to a trainee on placement?

A student undergoing placement or training is covered under the Equality Act 2010. The placement provider has similar duties towards a placement trainee as an employer has under the Act. An education provider has a duty to protect trainees from discrimination when making arrangements for a placement and should liaise with the student's placement provider regarding any requirement needed. If a problem occurs in placement or training, the student should contact their education provider to try and resolve the problem. If this is not agreeably resolved, the education provider has a duty to find an alternative placement and prevent this occurrence from happening again.

For more information, see the Code of Practice on Employment www.equalityhumanrights.com and see the Migraine Trust's Help in Work Toolkit www.migrainetrust.org

What are the rights of students studying at a foreign institution?

An education provider is responsible for ensuring that students are not discriminated against in any of the arrangements it makes while a student is placed at a foreign institution. The education provider must collaborate with the foreign institution in relation to a student's specific requirements or needs. If a problem occurs, students are advised to contact their education provider to make them aware. Where a problem is not mutually resolved; the education provider may need to arrange for a student to study at an alternative institution. While a student is studying abroad, they will be protected by the domestic or regional equality law applicable to that country.





Dealing with issues that may occur

Dealing with issues informally: it may be beneficial to discuss a problem informally in the first instance. A student should consider contacting a student disability adviser or course tutor depending on the nature of the issue. Keep a record of any issues raised informally and the outcome.

- If the student is having problems The Migraine Trust has an open letter that can be used to help ask for support www.migrainetrust.org
- Contact The Migraine Trust's Advocacy Service for further information and support www.migrainetrust.org or telephone 0203 9510 150.

If the issue cannot be resolved informally, there are three stages a student can consider:

- **Formal complaints:** a student disability adviser can advise a student about existing internal complaints procedures when making a formal complaint. The student concerned should put the complaint in writing. A student's health professional may be able to write a letter of support to the education provider. The student should familiarise themselves with the relevant policies and procedures for their institution. A downloadable grievance template letter is available from: www.migrainetrust.org
- **Conciliation bodies:** if a student is dissatisfied with the outcome of an internal complaint, they may be able to use any of the conciliation services applicable to them.

If a student is studying in a university in England or Wales, they can complain through the Office of the Independent Adjudicator (OIA). The OIA is a mediation and conciliation service that helps students to resolve disputes with an institution. Further information is available at www.oiahe.org.uk

If a student is studying in a further education college (but not a sixth form college), a student can make a complaint to the Education and Skills Funding Agency. More information is available at www.gov.uk

If a student is at a university or higher education institution in Scotland, they should review their institution's internal complaint procedure. If a student's problem is not resolved, a student can make a complaint to the Scottish Public Services Ombudsman. For more information visit: www.spsso.org.uk

Students in Northern Ireland can contact the Equality Commission for Northern Ireland www.equalityni.org

- **Court litigation:** if a student has a problem with their education provider and they are not happy with the resolution or the outcome of the review by the relevant conciliation body, they can submit a disability discrimination claim in a County Court in England and Wales within a certain time frame. More information is available at www.gov.uk/government/organisations/hm-courts-and-tribunals-service

Scottish students can go to the Sheriff Court in Scotland within a certain time frame also. Please be aware that litigation can be costly, stressful and time consuming. More information is available at www.scotcourts.gov.uk/home



Further information and resources

UK wide

Citizens Advice

Provides information on legal issues.
www.adviceguide.org.uk

Disability Rights UK

Produces an 'Into Higher Education' annual guide for disabled people and students with long-term health conditions.
www.disabilityrightsuk.org

Equalities Advisory Support Services

Provides advice and supports individuals on issues relating to equality and human rights, across England, Scotland and Wales.
Freephone 0808 800 0082
Text phone 0808 800 0084
www.equalityadvisoryservice.com

Equality and Human Rights Commission

Provides expert information, advice and support on discrimination and human rights issues and the Equality Act 2010.
www.equalityhumanrights.com

England

Education and Skills Funding Agency

www.gov.uk/government/organisations/education-and-skills-funding-agency

England Government website

Has information on UK legislation and education.
www.gov.uk

Her Majesty's Courts and Tribunal

www.gov.uk/government/organisations/hm-courts-and-tribunals-service

Office of the Independent Adjudicator

www.oiahe.org.uk

Scotland

The government website contains general information including information for disabled students and education providers.

www.gov.scot

Scotland's Ombudsman

www.spsso.org.uk

Scottish Courts and Tribunal

www.scotcourts.gov.uk/home

Wales

The Government website contains information on government regulations and people living in Wales.

www.gov.uk

Northern Ireland

Department of Education

Provides information on equality and human rights including education matters

Tel: 028 9127 9279

www.deni.gov.uk

Equality Commission for Northern Ireland

Provides general information and advice about equality legislation in Northern Ireland.

Tel: 028 90 500 589

www.equalityni.org

Please note that the inclusion of named agencies does not constitute a recommendation or endorsement by The Migraine Trust. We have provided these for informative purposes only and not as recommendations. If in doubt, seek legal advice.



About The Migraine Trust

The Migraine Trust is the largest charity dedicated to leading the fight against migraine in the UK. We exist to transform the lives of people who suffer from migraine, by sharing knowledge and preventing and finding a cure for migraine. We will do this by funding and promoting research, providing support and information, and campaigning for people affected by migraine. Visit our website to subscribe to email updates and news, access migraine information and to learn more about The Migraine Trust including our support services, research and events.

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