

Migraine in further and higher education

the
migraine
trust

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The Migraine Trust offers free information and support for everyone affected by migraine.

Contact our helpline on **0808 802 0066** (Mon-Fri 10am-4pm) or through our contact form and LiveChat service at migrainetrust.org/support.

You can also email us at info@migrainetrust.org

Summary

Migraine is most common among adults of working age and should not prevent you from continuing your studies within further and higher education. Migraine may impact your ability to study or take part in certain parts of your course but there are things you can do to minimise the impact it has and to ensure you get the support you need.

It is important to be open with your education provider about your condition, how they can support you and to request reasonable adjustments. An education provider should put in place reasonable adjustments to support a student with migraine to ensure that they do not fall behind on their studies.

Our 'Migraine in further and higher education' toolkit provides information and guidance for students with migraine on how to manage the impact of their condition on their studies. It is also useful for education providers, support services and health professionals supporting students with migraine.



An education provider should put in place **reasonable adjustments to support a student with migraine.**



Around one in seven people get migraine. Over a billion people worldwide get migraine, and over **10 million in the UK.**



It's estimated that **190,000 migraine attacks occur every day in the UK.**



What is migraine?

Migraine is a severe and painful long-term health condition. If you have migraine, you will have migraine attacks, which can be a whole-body experience.

Common symptoms of an attack can include:

- problems with your sight such as seeing flashing lights
- head pain
- being very sensitive to light, sounds and smells
- fatigue
- feeling nauseous and vomiting.

Different people get different symptoms. When you have a migraine attack, you may not be able to function normally.

Migraine attacks usually last for between four hours and three days. Some symptoms may start about 24 hours before you get head pain, and end about 24 hours after you stop having head pain. Most people don't have any symptoms in between migraine attacks.

More information about how the symptoms of migraine change with the stage of migraine attacks can be found on The Migraine Trust website: migrainetrust.org



Is migraine a disability?

The Equality Act 2010 (the Act) defines disability as having a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities. Migraine meets the physical impairment criteria, but you will need to prove that it has a substantial (more than minor or trivial) and long-term (for 12 months or more) negative effect on your ability to carry out normal day-to-day activities. Whether or not you have a disability will normally depend on the frequency and impact of your migraine attacks.

While migraine is likely to meet the criteria used in the Act, we encourage people to discuss the impact of their migraine with their education provider to help them understand the impact and explore what support might be helpful.

The guidance notes on the Act say that normal day-to-day activities are things that people do on a regular or daily basis. These include shopping, reading and writing, holding a conversation or 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 activities such as interacting with others, following instructions, using a computer, preparing written documents, and keeping to a timetable.

It may be useful to speak to your health care team (GP, specialist, occupational health etc) about the impact of your migraine on your studies and for an assessment in relation to the Act. Your doctor can advise you and your education provider if it seems likely that your migraine condition may be covered by the Act.

The Equality Act 2010 is the law which aims to promote equality in England, Scotland and Wales. For information about equality legislation in Northern Ireland, contact the Equality Commission Northern Ireland equalityni.org

Should I tell my education provider about my migraine?

If you are put at a significant disadvantage by your condition your education provider may have a duty to make reasonable adjustments for you, so it is important to make them aware of this.

Your healthcare team can advise you and your education provider about the impact of your migraine on your studies and whether you are likely to be classed as having a disability.



What are my rights?

The Act protects you from discrimination by your education provider. It is against the law for your institution to discriminate against, harass or victimise you due to your disability, something arising from your disability or due to your association with someone who is disabled. Discrimination is unfair treatment. Discrimination in education can happen in the following ways:

- **Direct discrimination:** where an education provider treats you less favourably than others, in this case because of your disability (or other protected characteristic such as age, gender reassignment, marriage or civil partnership, pregnancy or maternity leave, race (including colour, nationality, ethnic or national origin), religion or belief, sex, and sexual orientation).
- **Indirect discrimination:** where an education provider has a rule, policy or practice that applies to all students (or potential students) but puts student(s) with a particular protected characteristic (in this case disability) at a substantial disadvantage when compared with others and which the education 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 they fail 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:** unwanted conduct related to your disability (or other protected characteristics outlined above) that has the purpose or effect of violating your dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for you in work.
- **Victimisation:** occurs when you are treated detrimentally because you have, intend to or are suspected of making a complaint about discrimination or harassment, bringing proceedings under the Act, giving evidence or information in connection with proceedings under the act or doing any other thing in connection with the Act.

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

More information about the Equality Act 2010 and discrimination is available from the Equality and Human Rights Commission: equalityhumanrights.com

What is a reasonable adjustment?



Reasonable adjustments are changes to your learning environment, practices and policies that allow you to participate in education without being put at a major disadvantage due to your disability.

Your education provider has a duty to plan in advance for what students with a disability may need and what adjustments should be put in place. Making adjustments that are 'reasonable' is essential under the Act for students (or potential students) who have a disability. It is also good practice for education providers to support 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. You can ask your education provider in writing to make reasonable adjustments for you if your migraine is impacting on you or the symptoms have changed.

It is important to keep discussing your needs with your education provider, as the most effective way for a reasonable adjustment to be implemented is through continuous communication, review and agreement.

The following is a list of common adjustments that may be helpful in education:

- **Induction and graduation ceremonies:** your education provider should be flexible in the way they carry out induction programmes 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 allows wide participation by disabled students and ensures that you are not significantly disadvantaged through delivery of learning, e.g. academic progression and transfer, study facilities, libraries, learning equipment, field trips.

- **Physical environment:** education providers are required to where reasonable manage their environment so that it increases rather than discourages disabled students' participation in learning. This may be reasonable adjustments to lighting, ventilation, room location etc.
- **Assessments:** If you miss a deadline or are unable to complete an exam due to a migraine attack, talk to your education provider to discuss flexibility with their assessment methods, for example allowing rest breaks, extra time, a separate room for exams, assistants, flexible deadlines or alternative assessment methods. Be aware that your education provider may not be able to lower the particular academic, medical or other standard it uses to assess your level of competence or ability.

This list is not exhaustive and not all may be possible. All adjustments should be agreed based on your individual needs. Your health care team may be able to recommend appropriate adjustments and support for you.

Financial and further support

If you require equipment for your exams or assessment, the Disabled Students' Allowances (DSAs) can support you with the cost of buying this equipment. If you feel you qualify for this grant, contact your disability adviser who can help you with the application. DSAs can also pay for assistive software, training, specialist one-to-one support and extra disability-related travel costs. You can find out how to access this support through disability support services below.

Things you can do

The following steps can help you to minimise the impact that your migraine has on your education and ensure that you have the support you need as early as possible:

- **Be open about your migraine condition:** telling your education provider and your tutors that you experience migraine means you can both be prepared. Communicate your needs at all stages e.g. during the application process, course induction or the run up to exams. They can advise you of any support or adjustments that you may be entitled to and what to do if you are absent due to your migraine. You may need to give your education provider a letter from your health care team that provides more information about your condition and how it impacts you.
- **Talk to your healthcare team:** your health care team can support you if your migraine impacts your studies. If you have moved away from home, you may need to register as a temporary resident with a local GP. You should also familiarise yourself with services in your local area. Your students' union will have details about local medical centres.



- **Visit your students' union:** your students' union will have lots of information about support and resources available within your education setting, including medical centres, disability support services and accommodation services. They should be able to advise you about what to do and whom to speak to if a problem occurs.
- **Register with the disability support service:** disability support services provide a range of services for students with disabilities and health conditions. They can provide information and support such as requesting adjustments, claiming welfare benefits, accessing funding and grants and explaining what the education providers responsibilities are to you.
- **Familiarise yourself with your education providers policies:** these should include equality and diversity policies, absence management procedures, and health and safety. It is a good idea to familiarise yourself with these policies and where to find them. If you feel that any of the policies have put you at a major disadvantage, or if you require an adjustment based on your condition you can ask to meet and discuss this with your education providers disability adviser.

What are my rights as a trainee on placement?



If you are a student undergoing placement or training, your placement provider has similar duties towards you as an employer would do under the Act. Your education provider has a duty to protect you from discrimination when they are making arrangements for your placement and should liaise with your placement provider regarding your disability and needs. If a problem happens during your placement or training, you should contact your education provider to resolve the problem. If it is not resolved to your satisfaction, it is the responsibility of your education provider to find an alternative placement for you and prevent it from happening again. For more information, see the Code of Practice on Employment equalityhumanrights.com

Making a complaint



If your problem can not be resolved informally, your disability adviser should be able to advise you on your education providers internal complaints procedure to raise a formal complaint. Make sure you put your concern in writing. Your GP may be able to write you a letter of support to your education provider. Make sure that you familiarise yourself with the relevant policies and procedures.

If you are dissatisfied with the outcome of your internal complaint, you may be able to use any of the conciliation services applicable to you.

England or Wales

If you are a student studying in a university in England or Wales, you can complain through the Office of the Independent Adjudicator (OIA). The OIA is a mediation and

conciliation service that can help you to resolve your dispute with your institution. Further information is available at oiahe.org.uk

If you are studying in Further Education College (but not a 6th form college) you can make a complaint to the Department for Education. Find out how at customerhelpportal.education.gov.uk

If you are not happy with the resolution from your complaint or outcome of the review by the relevant conciliation body, you can submit a disability discrimination claim in a County Court in England and Wales within the prescribed time. More information is available at gov.uk/government/organisations/hm-courts-and-tribunals-service

Scotland

If you are a student at a university or higher education institution in Scotland, firstly you should try and exhaust your institution's internal complaint procedure. If your problem is not resolved or you remain dissatisfied with the decision, you can make a complaint to the Scottish Public Services Ombudsman. For more information visit spsso.org.uk.

If you are not happy with the resolution from your complaint or outcome of the review by the relevant conciliation body you can go to the Sheriff Court in Scotland within the prescribed time period. Please be aware that litigation can be costly, stressful and time consuming. More information is available at scotcourts.gov.uk

Northern Ireland

If you are a student at a university or college in Northern Ireland and have already exhausted your education provider's internal complaints procedure, you can escalate your complaint to the Northern Ireland Public Service Ombudsman (NIPSO). More information is available at nipso.org.uk.

If you are not happy with the outcome of your complaint, you can submit a complaint of discrimination in a county court. The Equality Commission for Northern Ireland has more information at equalityni.org.

Further information and support

Citizens Advice - information and advice on a range of issues, including disability discrimination in education.

- citizensadvice.org.uk

Disability Rights UK - information and advice for people with a disability, including 'Into Higher Education', an annual guide for disabled people and students with long-term health conditions.

- Disabled students helpline: 0330 995 0414
- Email: students@disabilityrightsuk.org
- disabilityrightsuk.org

Equalities Advisory & Support Service - advice and support on issues relating to equality and human rights in England, Scotland and Wales.

- Freephone: 0808 800 0082
- equalityadvisoryservice.com

Equality and Human Rights Commission - expert information, advice and support on discrimination and human rights issues and the Equality Act 2010

- equalityhumanrights.com

Equality Commission for Northern Ireland - general information and advice about equality legislation in Northern Ireland.

- Tel: 028 90 500 600
- equalityni.org

Gov.scot - general information about government services in Scotland, including information for education providers.

- gov.scot

Gov.uk - general information about government services in the UK, including disability rights information for people with disability.

- gov.uk

Gov.wales - information on government regulations and rights of children and young people living in Wales.

- gov.wales

Please note that this list is for information purposes only. The inclusion of any organisation in this list does not constitute a recommendation or endorsement by The Migraine Trust.



About The Migraine Trust

The Migraine Trust is dedicated to helping people affected by migraine. We are the only UK migraine charity providing information and support, campaigning for awareness and change, and funding and promoting research.

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.



migrainetrust.org



Helpline **0808 802 0066**

Have you found this information helpful, or is there anything missing? Let us know by following the QR code to complete our feedback survey. You can also email any feedback to: feedback@migrainetrust.org



This information has been written by The Migraine Trust Information and Support Services team and reviewed by our reviewer panel.

Our information has been awarded the PIF TICK quality mark for trustworthy health information.

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