

Document cover sheet

Title	Code of Practice: Access and Inclusion for Disabled Students
Purpose	Mandatory code for all departments and colleges in the provision of equitable access to teaching, learning and assessment for disabled students
Owner	ADRC
Contact within EQPO	Jane Clare
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Code of Practice: Access and Inclusion for Disabled Students

Quick Reference: Summary and Actions for Departments, Faculties and Colleges

Headlines

- There is no legal defence for the failure of an institution to make a reasonable adjustment (also referred to as an access requirement).
- Where an access requirement has been identified in a student's disability-related recommendations (e.g. in the Student Support Document¹ (SSD), or in specialist or medical evidence) it should be put in place.
- Departments, Faculties and Colleges should respond quickly to resolve concerns raised by students related to implementation of reasonable adjustments.
- Where a student discloses a disability to a part of the collegiate University other than the ADRC, a secure record should be made and permission requested to pass that information to the ADRC (see appendix 3)
- It is far less time-consuming to design in an inclusive way than to make multiple reactive adjustments.

In a practical sense, there are several a. *requirements* and b. *recommendations* which it is crucial that Faculties, Departments and Colleges engage with.

Recommendations for all

General *recommendations* of provision for all at a local level, *which must be anticipatory in nature*, and that should now be drawn into general practice as far as possible include the three given above for individuals plus further areas as defined below:

Curriculum design

- Build [considerations of inclusivity and accessibility](#) into curriculum design and programme review.

Teaching materials

- [Offer accessible formats of teaching materials](#) as standard practice for all students;
- Ensure directed, up-to-date reading lists are provided electronically in advance;
- Make accessible learning and teaching materials available in advance, e.g. lecture slides, on a virtual learning environment.

1. Lecture, Seminar and Supervisions

- Hold teaching sessions in an accessible location;
- Where appropriate allow or facilitate the recording of teaching for all teaching sessions for students' own use; see [the University's guidance on recording](#) which includes guidance on provision of recordings for disabled students. If teaching sessions are not recorded alternative provision must be made for disabled students who have a recommendation for recordings.
- Provide [closed captions or transcripts](#) for recorded lectures;²
- Ensure that students are aware of other [live captioning options](#)³

- Use plain English and clear presentation in lectures.

2. Practical Classes

- Practical class organisers should break information down if task details are long.
- Repetition of information may be necessary;
- Instructions should be provided in written form.

3. Libraries

- Libraries should provide extended library loans/ additional library privileges as appropriate within library constraints.
- Work with the [Libraries Accessibility Service](#) to ensure that library users have equal access to services and resources regardless of their accessibility needs.

Assessment and Examination

- Use a [range of assessment methods](#), wherever possible.
- Keep under review the attainment of disabled students in comparison to non-disabled students, including this as a standard and minuted part of Examiners' meetings.

Requirements for individual students

The General Board has specifically approved the following three access *requirements* for individual students, where these are not already in place as inclusive design for all students:

1. Permit the student to make an audio recording of lectures, seminars or supervisions⁴ for their own use.
2. Provide the student with electronic copies of lecture materials in advance, for their own use.
3. Provide directed reading lists differentiating between 'essential' and 'desirable' items.

Assessment and examinations

In terms of assessment and examination, a range of adjustments must be provided on a bespoke case-by-case basis (where requested and approved), including but not limited to: additional time; use of a word processor; supervised rest breaks; alternative formats; alternative locations; use of amanuenses. Guidance may be found at: [Reasonable Adjustments and Mitigation \(sharepoint.com\)](#) here is a separate process [Adjusted Mode of Assessment \(AMA\) \(sharepoint.com\)](#), where the standard mode of assessment is determined to be disadvantageous for the student.

University of Cambridge General Board

Code of Practice: Access and Inclusion for Disabled Students

Unless otherwise stated, this Code of Practice applies to all matriculated students (undergraduate and postgraduate) studying at the University and outlines mandatory requirements which must be followed. The Code describes what faculties, departments and colleges are required to do regarding equitable access to teaching, learning and assessment

for disabled students¹. This includes actions which are required to maintain the University's compliance with relevant legislation and regulatory guidance. All academic and support staff who have teaching or student support responsibilities are expected to read and be familiar with the Code of Practice.

Contents

Curriculum design	2
Teaching materials	2
Assessment and Examination.....	3
1. Inclusive practice and anticipatory reasonable adjustments	4
2. Assessment of support and adjustment requirements	5
3. Reasonable Adjustments in Teaching and Learning	8
4. Reasonable adjustments in assessment and adjusted modes of assessment.....	10
5. References:.....	11
6. Appendices	12
Appendix 1: Sector and regulatory background	12
Appendix 2: Legislative Background	13
Factors to consider when assessing reasonableness	15
Extract 1: Equality Act 2010 Technical Guidance on Further and Higher Education	17
What is the duty to change a provision, criterion or practice?	17
What is a provision, criterion or practice?	17
Competence standards	18
What is a competence standard?	18
Competence standards and assessment process	19
What is the significance of this distinction?	19
Extract 2: Office of the Independent Adjudicator (OIA): The good practice framework: Supporting disabled students	20
Appendix 3: Disclosure	23
Disclosing information: Consent form.....	23
Student's consent	23

1. Inclusive practice and anticipatory reasonable adjustments

According to the Social Model of Disability, people with impairments are 'disabled' by the barriers operating in society that exclude and discriminate against them; discrimination,

¹ Equality Act (2010) definition of disability: The Act defines a disabled person as a person with a disability. A person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities (S6(1))

exclusion and oppression are not the inevitable consequence of impairment. The social model of disability was developed by disabled people in direct opposition to the medical and charitable models of disability. The social model “was developed as a direct challenge to the prevailing models of disability that viewed disability as an individual, medical problem that needed to be prevented, cured or contained; and/or as a charitable issue that viewed disabled people as unfortunates who needed to be pitied and catered for by segregated, charitable services.” The social model is a useful tool for understanding disability and identifying “barriers that disable people with impairments and how these barriers can be removed, minimised or countered by other forms of support.” ²

Figure 1 provides a visual representation of how these approaches to inclusive teaching and learning and reasonable adjustments can be applied at Cambridge. The central objective is to ensure that those disabled students who require more significant or specialist support can access services and expertise, but that, as far as is reasonably possible, the application of the principles of inclusive design removes the need for a wide range of reactive adjustments. This inclusive approach also optimises the efficient use of university resources by reducing the number of such costly adjustments, saving time for academic and support staff and representing value for money.

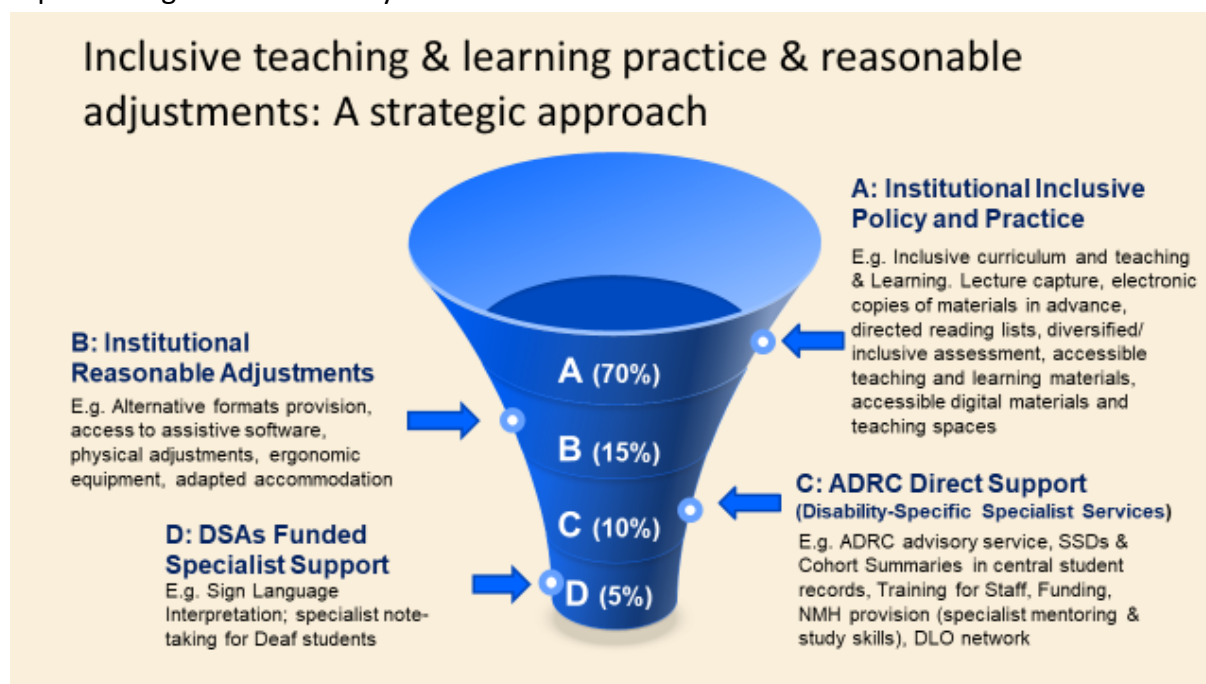


Figure 1: A strategic model of inclusive teaching & learning and reasonable adjustments at the University of Cambridge.

2. Assessment of support and adjustment requirements

Where appropriate, ADRC Advisers will identify access requirements for students who have disclosed their disability to the University. These access requirements are identified

² The Social Model of Disability Factsheet – Inclusion London.

to ensure that disabled students can access their studies and are not disadvantaged in comparison to their non-disabled peers. Recommendations are produced after analysis of the evidence provided by the student. This evidence will include diagnostic assessments from a qualified professional such as a doctor or Educational Psychologist or Specialist Teacher and, in many cases may be supplemented by a 'Needs Assessment' from an independent assessor at an Access/Assessment Centre. Information from the diagnostic assessment is discussed with the individual student and, where appropriate, the College and Faculty/ department, and is then consolidated and contextualised by the ADRC's Advisers to produce the recommendations.

Where a student makes a disclosure to one part of the collegiate University (for example, to their college, or to their faculty/ department), that body must have appropriate procedures in place to seek written consent from the student for the information to be shared with the ADRC to ensure that the student begins the established process for the determination of access requirements. The University is legally bound to act where it is aware of a student's disability. A student, however, has the right to refuse consent for information to be shared with the ADRC and therefore to have their disability treated as confidential insofar as the ADRC is concerned. In those circumstances, when deciding whether it is reasonable for the University to make an adjustment, it must have regard to the extent to which it can do so, given the request for confidentiality (Equality Act 2010 Schedule 13 paragraph 8).

To enable students to make an informed choice and to understand the potential consequences of their decision, they should be informed that, given the role the ADRC plays in ensuring reasonable adjustments to address impairments in individual cases, the request for confidentiality may have an adverse impact on the University's ability to provide support and therefore on its ability to discharge its duty to make reasonable adjustments under the Equality Act 2010 s20. For example, it may not be possible to provide some or all of the adjustments, or it may be possible only to implement alternative and less satisfactory adjustments as a result of withholding consent. It is important to obtain the student's explicit consent (i.e. specific, informed and written) and therefore **the consent form provided at [Appendix 3](#) should be used**. The form, together with a record of any other relevant action taken by the recipient of the information, should be stored securely.

Access requirements are determined by the ADRC Adviser and then made available to named college and departmental contacts via support documents which are now available within the central student record (CamSIS). So far as possible, the ADRC works in consultation with the student, the college and the department. It is **the responsibility of the faculty/ department** to ensure that reasonable adjustments to departmental teaching and library provision (including any necessary physical adaptations) are put in place. **Colleges are responsible** for adjustments to college teaching, college library

provision and accommodation. The College, acting through the relevant Tutor or Director of Studies, is also responsible for supporting the student by checking and monitoring that the reasonable adjustments to both departmental and college provision have been made, and are required to have systematic processes for doing this.

Ensuring that agreed access requirements are delivered is fundamental to the learning, success and wellbeing of disabled students. Faculties, departments and Colleges are expected to have a designated member of staff accountable for ensuring that all requirements are met, and who can act as a point of contact for students. Where there is no designated member of staff, it will be assumed for the purposes of the Code of Practice to be the Head of faculty/ department/institution and in the case of colleges, the Senior Tutor.

Where a student is concerned that all or some access requirements/reasonable adjustments have not been put in place, then they should contact their College Tutor or Graduate Tutor in the first instance or speak with the person in the Department or Service responsible for the relevant adjustment (if the student can identify the relevant staff member). Where the Tutor or University staff member becomes aware of a concern, they have a responsibility to ensure that all access requirements/reasonable adjustments are put in place, and it may be necessary to speak with a senior colleague within the faculty/ department, to ensure this happens. Where agreed adjustments are still not in place and the student is dissatisfied with their faculty/ department's response, the student can use the Student Complaint Procedure.

Where access requirements/reasonable adjustments have been put in place, but the student considers them insufficient, the student can use the [Procedure for the Review of Decisions of University Bodies](#) to submit a request to review the current provision. Students are encouraged to act promptly (normally within 28 days) where they are unhappy with current arrangements so that any remedies can be put in place as quickly as possible, ensuring that any disadvantage is minimised.

Faculties and departments are expected to keep under review the success of their disabled students in comparison to their non-disabled students in respect of student satisfaction, attainment, retention and progression to employment or further study and to identify any gaps and steps needed to address them. Such a review of the performance of disabled students should be considered and minuted as part of an examiners meeting, although further consideration may be required within an EDI or other Department or Faculty Committee.

3. Reasonable Adjustments in Teaching and Learning

A wide range of access requirements may be identified for a disabled student and it is expected that access requirements recommended by the ADRC as 'reasonable adjustments' will be put in place.

In addition, there is an ***anticipatory requirement*** that faculties, departments and colleges consider how they can apply the principles of inclusive design in developing their teaching and learning. This minimises the need to make individual adjustments because students' disadvantages are mitigated by being part of the course design. As an example, the University's [Guidance on recording](#) outlines the ways in which recording can support a variety of student types, not just those who are disabled; providing access to all students as standard would be an anticipatory, inclusive step and remove the need for disabled students to have a separate adjustment.

Where such inclusive design principles have not yet been implemented, disabled students must still be provided with adjustments which mitigate their disadvantage. The Student Support Document will outline recommendations for each student, based on the evaluation and evidence outlined above. The General Board has specifically approved the following three access requirements for individual students as 'reasonable' within the terms of the Equality Act and that, where specifically recommended by an individual student's Disability Adviser and agreed by the student, Faculties and Departments are required to:

- a. permit the student to make an audio recording of lectures, seminars or supervisions³ for their own use⁴.
- b. provide the student with electronic copies of lecture materials in advance, for their own use.
- c. provide directed reading lists differentiating between 'essential' and 'desirable' items.

Implementation of access requirements and their effectiveness will be monitored by the College Tutor (or Director of Studies) in discussion with the student. However, if a faculty/ department has difficulty implementing the access requirements recommended, it should discuss this further with the College Tutor and student as appropriate, seeking further advice from the ADRC, where required. It is important that this action takes place promptly so that a final decision can be made, minimising stress and lack of clarity for the student and staff, as well as potential disadvantage for the student.

³ A recording agreement sets out the terms under which this permission is granted.

⁴ See also the section on 'Recording of teaching sessions' below

Recordings of teaching sessions

Access to recordings is a commonly recommended adjustment to teaching and learning, as it can remedy the disadvantage experienced by students with a wide range of disabilities. Furthermore, disabled students may require recordings in lieu of a designated note-taker, or they may struggle to be physically present at all sessions. As noted above, providing access to recordings for all students is the most inclusive and accessible method of approaching recordings; however, it is recognised that there may be pedagogical reasons for not providing wider access, and that therefore recordings may be restricted only to students with a formal recommendation for this adjustment.

Where recordings are provided, it is normally anticipated that this will be managed by the Department, utilising central lecture capture equipment, whether or not the recording is provided to all or restricted only to disabled students.

If the session itself is not suitable to be recorded – for example, if it is highly-interactive or contains sensitive material – **then alternative provision must be made for students who have been recommended access to recordings as a reasonable adjustment.** These alternatives will vary depending on an individual's needs and the type of session, but examples may include the following, or a combination thereof:

- a. Providing an edited recording, removing any elements which may not be suitable
- b. Giving students a summary of what they are expected to obtain from the session, before the session; this may be provided as notes, a set of slides, or a short pre-recorded video of key concepts to be covered. This can assist all students in note-taking and revising, but may be particularly helpful for disabled students.
- c. Providing disabled students with annotated or extended handouts or notes highlighting the key learning outcomes from the session
- d. Designing in recap or repetition across subsequent lectures or classes, to help students regularly consolidate learning; this can assist all students in making connections across sessions, but may be particularly helpful for disabled students
- e. Providing the disabled student with note-taking support; note that this may incur additional costs which must be approved in advance by the ADRC, or covered by the Department

Whilst the University's guidance on recording provides reasons why the burden of making a recording should not be passed on to the student, in some rare cases it may be appropriate to permit students to make their own recordings. In such situations students should have signed the University's recording of lectures, seminars and supervisions agreement.

In all cases, students must be given clear guidance on what will, and what will not, be available to them, and what they need to do to access recordings or alternative provision.

4. Reasonable adjustments in assessment and adjusted modes of assessment

The duties under the Equality Act (2010) for universities in relation to the provision of education and access to a benefit, facility or service cover all of the services, facilities and benefits, both educational and non-educational, that an institution provides or offers to provide to students, specifically including examination and assessment.

A number of standard adjustments (examination access arrangements – EAAs) are permitted in respect of assessment, where appropriate to the assessment format, and are set out by the Examination Access and Mitigation Committee (EAMC) in its [Reasonable Adjustments \(sharepoint.com\)](#) and by the Postgraduate Committee in its guide for postgraduates on examination access arrangements⁵. Those adjustments include (this is not an exhaustive list):

- additional time;
- use of a word-processor;
- supervised rest breaks;
- alternative formats;
- alternative locations;
- use of amanuenses,
- Use of permitted assistive software.

These adjustments are determined on a case-by-case basis, after consideration of the evidence presented and the context of the assessment. In the case of additional time, allowances in excess of 25% are unusual in the UK but each case is judged against individual requirements. Colleges have an anticipatory duty to consider what requests need to be made for their students in respect of examination adjustments.

In some cases requests for examination access arrangements will be made by the college as a result of recommendations from the ADRC after an assessment of specialist/medical evidence provided by the student. However, as students cannot be compelled to register with the ADRC, it is also permissible for colleges to make these applications in cases where the student has presented the evidence to the college and the evidence contains clear justification and recommendations for examination access arrangements. **In short, a recommendation from the ADRC is not an absolute prerequisite for a request for examination access arrangements being made.**

In addition to adjustments to the length, timing, and place of examination, and use of a computer, where these do not adequately address the specific, substantial disadvantage experienced by a disabled student, the General Board has agreed that consideration

⁵ [Examination access arrangements | Cambridge students](#)

should also be given to adjustment to the mode of assessment. This will, in most cases, entail the relevant authority (EAMC or PC) setting aside the regulations for the examination where it is an effective and reasonable means of avoiding the disadvantage in question and where there is no alternative equally effective, reasonable, means of avoiding that disadvantage. To preserve the integrity of Cambridge examinations, it is essential that rigorous arrangements are in place to consult teaching staff who are experts in the subject area to be assessed, to determine whether an adjusted mode of assessment is appropriate given the student's particular disability, and for granting the necessary approvals for it to be put in place. The policy and procedure for [Adjusted Mode of Assessment \(AMA\) \(sharepoint.com\)](#) are set out on [the Exam Operations and Mitigating Circumstances SharePoint pages](#) and are the responsibility of the [Examination Access and Mitigation Committee \(EAMC\)](#).

5. References:

- Department for Education (2017): [Inclusive Teaching and Learning in Higher Education as a route to Excellence](#)
- Office of the Independent Adjudicator (IOA): [The good practice framework: Supporting Disabled Students](#)
- Student Finance England (SFE) [2023/24 Disabled Students' Allowance Guidance \(New Students\)](#)
- The Quality Assurance Agency's (QAA) [Quality Code for HE on teaching and learning](#)
- Office for Students: IES Report: [Review of Support for Disabled Students in Higher Education in England \(2019\)](#)
- Equality and Human Rights Commission: Equality Act 2010 [Technical Guidance on Further and Higher Education](#)

6. Appendices

Appendix 1: Sector and regulatory background

Since the enactment of the Equality Act in 2010 the focus for universities in relation to support for disabled students in higher education has progressed from a concentration on the legal duty to make reasonable adjustments to the application of the principles of inclusive design (also sometimes referred to as Universal Design for Learning). While the legal requirement to make reasonable adjustments for disabled students still applies, the expectation now from Government and regulatory bodies is for universities to focus primarily on applying the principles of inclusive design; in effect working to remove the requirement for most reactive reasonable adjustments by designing them into the curriculum and the teaching and learning environment.

Student Finance England's (SFE) 2023/24 Disabled Students' Allowance Guidance (New Students)⁶ states: "Disabled students should begin their higher education (HE) journey confident that any barriers to their learning have been identified, understood and that appropriate steps have been taken to reduce their impact. The learning environment should be as inclusive as possible, so that the need for individual interventions is the exception, not the rule. HE providers should engage in a continual improvement cycle developing inclusive practice, with the aim of reducing the number of individual interventions required."

The Quality Assurance Agency's (QAA) Quality Code for HE⁷ on teaching and learning sets an expectation that, "Higher education providers articulate and implement a strategic approach to learning and teaching that ensures the provision of appropriate, high-quality and inclusive learning experiences, irrespective of where or when they are delivered, capable of supporting all students to achieve their intended learning. A well-designed and inclusive learning environment anticipates the multiple requirements of diverse types of learners and aims to eliminate any arbitrary and unnecessary barriers to learning."

The Office of the Independent Adjudicator for HE (OIA)⁸ and Department for Education (DfE) guidance⁹ gives the following examples of practices which can create a more inclusive teaching and learning environment

- Improving the accessibility of learning materials and procedures
- Making teaching materials accessible on a virtual learning environment
- Allowing or facilitating the recording of teaching

⁶ <https://www.practitioners.slc.co.uk/media/1982/dsa-guidance-2324-v10.pdf>

⁷ https://www.qaa.ac.uk/docs/qaa/quality-code/qc-a-g-learning-and-teaching.pdf?sfvrsn=1f2ac181_6

⁸ <https://www.oiahe.org.uk/media/1039/oia-good-practice-framework-supporting-disabled-students.pdf>

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/587221/Inclusive_Teaching_and_Learning_in_Higher_Education_as_a_route_to-excellence.pdf

- Ensuring reading lists are focussed, up-to-date, and available in advance of modules starting
- Use of plain English and clear presentation in lectures
- Using a range of assessment methods.

The Office for Students (OfS) commissioned ‘Review of Support for Disabled Students in Higher Education in England’ (Institute for Employment Studies, 2019)¹⁰ recommends that universities develop indicators that reflect their approach to inclusive practice, including:

- Senior level commitment to the inclusion agenda
- Written policies describing inclusive support and taking a whole institution approach.
- Building considerations of inclusivity and accessibility into curriculum design and programme review.
- Provision of advice, guidance and good-practice examples to staff on meeting digital accessibility standards.
- Offering alternative formats as standard practice.

Appendix 2: Legislative Background

The Equality Act 2010¹¹ requires all universities not to discriminate against disabled students. Section 6 of the Act defines disability as follows: ‘A person has a disability if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities’.¹²

Section 20 of the Act¹³ imposes a duty on HE providers to make ‘**reasonable adjustments**’ for disabled students in relation to:

- **a provision, criterion or practice** (for example teaching and assessment methods)
- **physical features** (for example access to lecture theatres, labs, teaching rooms)
- **auxiliary aids** (whose definition includes auxiliary services) (for example hearing loops, information in accessible formats or the provision of Non-Medical Assistance (NMA) support).

¹⁰ <https://www.officeforstudents.org.uk/media/a8152716-870b-47f2-8045-fc30e8e599e5/review-of-support-for-disabled-students-in-higher-education-in-england.pdf>

¹¹ The Equality Act 2010 replaced the Disability Discrimination Act (DDA, 1995, amended 2001, 2005). The Special Educational Needs and Disability Act (SENDA, 2001) introduced the concept of ‘reasonable adjustments’ to the provision of higher education. The 2005 revision to the DDA placed a ‘positive statutory duty’ on public bodies (including the University) to have due regard to the need to promote equality of opportunity between disabled and other persons and to avoid disability-related discrimination (among other obligations). All these provisions have been incorporated into the Equality Act.

¹² Further guidance on the definition of disability can be downloaded at [Definition of disability under the Equality Act 2010 - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274441/Definition_of_disability_under_the_Equality_Act_2010_-_GOV.UK.pdf)

¹³ <http://www.legislation.gov.uk/ukpga/2010/15/section/20>

The substance of the duty is: where any of the University's provisions as outlined above puts a disabled student at a substantial disadvantage in comparison with students who are not disabled, the University is required to take reasonable steps. A substantial disadvantage is defined by the Equality Act, as one that is more than minor or trivial. The key factor, therefore, in assessing whether adjustments are required is whether the disabled student is put at a substantial disadvantage relative to their non-disabled counterparts. Consequently, the purpose of the duty is not to confer an unfair advantage on disabled students, but to remove barriers to learning and objective assessment, where it is reasonable to do so.

The duty is anticipatory; staff should not wait until adjustments are proposed, rather they look to ensure, where possible, that alterations to policies, practices and procedures have been made in advance to prevent disabled students experiencing substantial disadvantage. The anticipatory duty would extend to a requirement to anticipate specific adjustments, which might be required for an individual student, including to examinations, without a specific request from them. Examples of such anticipatory adjustments include, providing electronic directed reading lists in advance; electronic and accessible teaching and learning materials in advance (e.g., lecture slides); moving a teaching session to an accessible location; providing recordings of lectures (with closed captions).

Disabled students represent over 20% of the current student population at the University of Cambridge. Therefore it is reasonable that colleges and departments can be expected to anticipate that each year they will have students who use screen-reading software and other assistive technologies and will need to be provided with accessible materials; that there will be students with physical or sensory impairments which require teaching and learning environments to be accessible; that there will be students with unseen disabilities, such as dyslexia, ADHD, Autism and mental health conditions: and students with long term health conditions who will need a range of adjustments and support. Advice and [guidance on how to anticipate the access requirements of all these cohorts](#) can be found on the Accessibility & Disability Resource Centre (ADRC) webpages.

There is no legal defence for the failure of an institution to make a reasonable adjustment.

This would be interpreted as discrimination under Section 21 of the Act¹⁴. The current guidance from the QAA, DfE and OfS stresses that wherever possible the requirements of disabled students should be anticipated and designed into the curriculum, with an aim to reduce the proportion of reasonable adjustments applied in those circumstances where inclusive design has not been possible. As well as improving the experiences of disabled students and their access to learning, this approach also means the removal of time and resource intensive administrative processes as well as academic staff having to manage short-notice requests for adjustments to teaching and learning materials and resources.

¹⁴ <http://www.legislation.gov.uk/ukpga/2010/15/section/21>

‘Reasonable adjustments’ must be made to existing academic practices or programmes in order to provide students with the opportunity effectively to demonstrate their abilities. Adjustments might cover a wide range of aspects of University and College provision, but this Code of Practice addresses only adjustments to teaching & learning and assessment practices.

The QAA has provided guidance on inclusive teaching and learning (making **anticipatory** reasonable adjustments) as follows:

“The nature, content and context of students’ learning experiences may vary but providers ensure parity of quality of learning opportunities by adopting inclusive learning and teaching practices. Providers ensure that practices take account of different ways of learning, modes of study, diverse educational, linguistic, social and cultural backgrounds, and abilities to provide a flexible and inclusive approach that enables and empowers every student to fulfil their potential and achieve a successful outcome.”¹⁵

The implementation of a reasonable adjustment aims to prevent the disabled student from experiencing substantial disadvantage as a result of their disability and hence to allow them to achieve their maximum potential but, in defining ‘reasonableness’, institutions are not required to compromise **‘competence standards’** of the courses in question. Within the Act, ‘competence standards’ are defined as the ‘academic, medical or other standard[s] applied for the purpose of determining whether or not a person has a particular level of competence or ability’. A competence standard must not in itself be unlawfully discriminatory. It must therefore apply equally to all students, be genuinely relevant to the course, and be a proportionate means of achieving a legitimate aim. Further information on competence standards, including examples from the Equality and Human Rights Commission: Equality Act Technical Guidance¹⁶ are in appendix 2 on page 13, below.

Factors to consider when assessing reasonableness.

The Technical Guidance on the Equality Act (2010) produced by the Equality and Human Rights Commission has some useful information on factors to consider when assessing reasonableness.

Factors to consider¹⁷ include:

- Competence standards or Provision, Criteria or Practice?
- Health and Safety considerations
- Efficacy

¹⁵ Learning and Teaching (qaa.ac.uk) , p.3

¹⁶ <https://www.equalityhumanrights.com/sites/default/files/equalityact2010-technicalguidance-feandhe-2015.pdf>

¹⁷ Summarised from Chapter 7 Equality Act 2010
Technical Guidance on Further and Higher Education, p.106

- The financial and other costs of making the adjustment¹⁸
- The resources of the education provider
- Practice across the HE sector
- Relevant OIA and court judgements
- That the costs of reasonable adjustments cannot be passed onto the disabled person
- That there is no legal defence for not making a reasonable adjustment
- The provisions of the Equality Act apply equally to international students.

When assessing whether a request for an adjustment (assuming this has not already been designed into the curriculum) the following questions should be applied:

1. Is the student disabled (do they fall under the legal definition)?
2. Are they facing substantial disadvantage?
3. Is the requested/suggested adjustment 'reasonable'?
 - Is it possible to implement?
 - Is there an unreasonable financial cost¹⁹?
 - Will the adjustment effectively reduce the disadvantage?
 - Does it affect a competence or academic standard?
 - Are there any health and safety considerations?
 - Does the adjustment confer any unfair advantage?

The Office of the Independent Adjudicator²⁰ asks universities to consider the following questions when assessing the reasonableness of their policies and procedures:

1. Is the student disabled?
2. If so, what provisions (for example, policies and procedures) are we now applying to him or her?
3. Do these provisions place him or her at a disadvantage?
4. What could be done to prevent that disadvantage?
5. Would it be reasonable for us to take those steps?

The following extracts from the Equality and Human Rights Commission's publication "Equality Act 2010 Technical Guidance on Further and Higher Education", and the Office of the Independent Adjudicator (OIA)'s "The good practice framework: Supporting disabled

¹⁸ It should be noted that, when considering the cost of a recommended access requirement, when this is determined to be a reasonable adjustment, the financial resources of the Institution as a whole are considered, not specific budgets or sources of funds which have been set aside for disability support.

¹⁹ It should be noted that when considering the cost of a reasonable adjustment the financial resources of the institution as a whole are considered, not only budgets which have been assigned for supporting disabled students.

²⁰ OIA (2017), The good practice framework: Supporting disabled students, p.19

students” might be useful to Faculties and Departments in discussing competence standards. Further advice on interpretation of the Equality Act can be obtained from Education Quality and Policy Office and the Legal Services Office.

Extract 1: Equality Act 2010 Technical Guidance on Further and Higher Education

What is the duty to change a provision, criterion or practice?

- 7.31 An education provider might have a provision, criterion or practice which places disabled students at a substantial disadvantage in accessing education and any benefit, facility or service. In such a case, the education provider must take such steps as it is reasonable for them to have to take, in all the circumstances, to change the provision, criterion or practice so that it no longer has such an effect. This may simply mean waiving a criterion, amending a practice to allow exceptions, or abandoning it all together. Often, such a change involves little more than an extension of the flexibility and individual approach which most education providers already show to their students. This duty does not apply to competence standards – see paragraphs 7.33-7.38 below.

What is a provision, criterion or practice?

- 7.32 The phrase ‘provision, criterion or practice’ is not defined by the Act. These concepts should be construed widely so as to include, for example, any formal or informal policies, rules, practices, arrangements, criteria, procedures, activities or provisions. They can cover one-off decisions and actions. In simple terms, they are about the way an education provider does things.

Example: A student with a visual impairment has difficulty using the IT services at his university because his screen reading software is not easily compatible with the IT system and does not allow him to upload the software. He raises this issue with the IT department, who agree to make changes to the system so that the software is compatible and install the screen reading software permanently on his user account. This is likely to be a reasonable adjustment to the way in which the university provides access to IT facilities.

Example: A lecturer on an English Literature course at a FE college does not use slides, handouts or other visual materials, expecting the students to bring the set texts so he can refer to them as needed. However, a blind student who uses audio versions of the texts cannot navigate to the

relevant portion of the text while continuing to listen to the lecture. It is likely to be a reasonable adjustment for the lecturer to indicate in advance which passages will be used in the lecture, and to read key passages aloud in the course of discussion.

Competence standards

What is a competence standard?

- 7.33 The Act defines a ‘competence standard’ as an academic, medical, or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability.
- 7.34 Education providers are likely to impose various requirements and conditions in respect of courses. However, any such requirement or condition only amounts to a competence standard if its purpose is to demonstrate a particular level of a relevant competence or ability such as a requirement that a person has a particular level of relevant knowledge of a subject.

Example: The admissions criteria for a course in choreography include a requirement to demonstrate ‘a high level of physical fitness’. The course itself, however, is predominately theory-based and does not involve any strenuous physical activity. This is unlikely to be a competence standard.

Example: The requirement for students studying for a law degree to demonstrate a particular standard of knowledge of certain areas of law in order to obtain the degree is a competence standard.

- 7.35 On the other hand, a condition that a person can, for example, do something within a certain period of time will not be a competence standard if it does not determine a particular level of competence or ability.

Example: A requirement that a person completes a test in a certain time period is not a competence standard unless the competence being tested is the ability to do something within a limited time period.

Competence standards and assessment process

- 7.36 Sometimes the process of assessing whether a competence standard has been achieved is inextricably linked to the standard itself. The passing of an assessment may be conditional upon having a practical skill or ability which must be demonstrated by completing a practical test. Therefore, in relatively rare circumstances, the ability to take the test may itself amount to a competence standard.

Example: An assessment for a practical course in car maintenance cannot be done solely as a written test, because the purpose of the test is to ascertain whether someone can complete car repairs.

What is the significance of this distinction?

- 7.37 A provision, criterion or practice does not include the application of a competence standard. Therefore the duty to make reasonable adjustments does not include a duty to make reasonable adjustments to the application of a competence standard.
- 7.38 Although there is no duty to make reasonable adjustments to the application of a competence standard, such a duty does apply to the process by which competence is assessed. So although an education provider has no duty to alter a competence standard, it needs to consider whether or not a reasonable adjustment could be made to some aspect of the process by which it assesses a competence standard.

Example: When assessing the competence standard of a person's ability to read French it would be a reasonable adjustment to provide a visually impaired student with text in large font (if that was the adjustment the student required).

Example: A law student has severe arthritis in her hands. When assessing her level of knowledge, it might be a reasonable adjustment to provide an oral exam or viva instead of a timed handwritten exam. However, there may be an overlap between a competence standard and any process by which an individual is assessed against that standard.

Example: A woman taking a written test for a qualification in office administration asks the education provider for extra time for the test

because she has dyslexia. This is likely to be a reasonable adjustment for the education provider to make. She also asks if she can leave out the questions asking her to write a business letter and to précis a document, because she feels that these questions would substantially disadvantage her because of her dyslexia. The education provider would not have to make this adjustment because these questions are there to determine her competence at writing and précising, so are part of the competence standard being tested.

Extract 2: Office of the Independent Adjudicator (OIA): The good practice framework: Supporting disabled students

Assessing competence standards

22 The Equality Act 2010 does not require providers to make reasonable adjustments to a provision, criterion or practice that is defined as a competence standard. It is good practice for providers to identify what the competence standards are for each course and assessment, why they are competence standards, to record that information, and to share it with students. Information on competence standards, assessment and reasonable adjustments should be made available to students so they can make informed decisions when applying to courses²¹.

23 Section 7.34 of the Equality Act 2010 technical guidance states that: "... a requirement or condition only amounts to a competence standard if its purpose is to demonstrate a particular level of a relevant competence or ability such as a requirement that a person has a particular level of relevant knowledge of a subject." Requiring students to demonstrate a certain level of knowledge in a particular subject is a competence standard. However, "a condition that a person can, for example, do something within a certain period of time will not be a competence standard if it does not determine a particular level of competence or ability."²²

24 Where a provider decides that a particular format of assessment (for example, a timed examination; an examination with unseen material; an oral presentation; a practical demonstration of a particular skill) is required to test a competence standard, it should record its reasons.

Short term conditions

25 Providers should treat fairly students with short term conditions such as incapacitating injury or acute illness. Mitigating (extenuating) circumstances procedures should be well-

²¹ Equality Challenge Unit: Guidance on competence standards and reasonable adjustments

²² Equality Act 2010 Technical Guidance on Further and Higher Education | Equality and Human Rights Commission (equalityhumanrights.com)

signposted and clearly written. Providers should be alert to the fact that students who repeatedly submit mitigating (extenuating) circumstances claims in relation to the same illness may have an underlying long-term condition.

CHECKLIST: Is it a competence standard?

Has the provider:

- Identified the specific purpose of the standard and considered how the standard achieves that purpose?
- Considered the possible impact of the standard on disabled people and, if the standard might have an adverse impact, asked whether the standard is necessary?
- Reviewed the purpose and effect of each competence standard in the light of changing circumstances, for example, technological developments?
- Examined whether the purpose of the standard might be achievable in another way which does not have an adverse impact on disabled students, and
- Documented its discussions and conclusions on the above issues? Where a requirement is a genuine competence standard – has the provider:
- Considered the difference between the competence standard and the method of assessment?
- Designed the assessment inclusively?
- Anticipated appropriate reasonable adjustments to the assessment?
- Ensured that information about these reasonable adjustments is known to staff and students so that they are incorporated into students' normal working practices?

CASE STUDY 6: Good practice – competence standard

1: A provider decides that a competence standard in relation to a course is the ability to reproduce and apply knowledge under timed conditions without access to reference materials. A student has a specific learning disability. The provider requires the student to sit a timed examination under controlled conditions but puts in place adjustments to the examination arrangements including additional time; a separate room; examination papers on coloured paper; and use of a computer (only to record his answers). This ensures that the assessment still tests the student's ability to reproduce and apply knowledge appropriately but minimises the disadvantage to the student.

2: A student who uses a wheelchair is studying on a radiography course. Some wards are difficult to access because they are upstairs. However, being able to get up and down stairs is not one of the standards of proficiency for radiographers: it is not a competency. Being unable to use stairs would not prevent them from meeting the professional standards for entry into radiography. The provider makes reasonable adjustments to the study and work environment so that they can access patients.

3: A student with a visual impairment studying a course that requires extensive background reading has difficulty in accessing necessary reference materials. Students who do not reference a broad range of materials in their assessments are marked down: the ability to read, assimilate and apply research is a competence standard. To assist the student in completing her assessments, the provider:

- Gives the student reading lists in advance to give her time to order material in accessible format through the library service.
- Identifies an accessible on-line ordering catalogue.
- Puts in place library support to assist the student in finding and accessing books and articles.
- Asks lecturers to direct the student where appropriate to specific chapters of relevance and journal articles.

With this support in place the student is able to access the necessary materials without compromising the competence standard.

Appendix 3: Disclosure

Disclosing information: Consent form

You have disclosed information to [insert name of Department/College/other], which may indicate that you have a disability.

[Insert details of impairment or condition]

[Attach any documents evidencing your disability]

Subject to your consent, the information will be disclosed to the University's Accessibility and Disability Resource Centre (ADRC) for the purposes of assessing reasonable disability-related support needs and for making decisions regarding adjustments that may reasonably be required in the circumstances. More detailed information about the role of the ADRC can be found at [About us | Accessibility and Disability Resource Centre \(cam.ac.uk\)](http://cam.ac.uk), which should be read before signing this consent form.

Student's consent

You are entitled to refuse consent to disclose the information to the ADRC. Given the important role that the ADRC fulfils for disabled students and applicants, refusing consent may mean that it will not be possible to make some or all of the reasonable adjustments that are required, or it may be possible only to implement alternative, less satisfactory adjustments.

Tick as appropriate, sign and return to [Department/College/other].

☐ I consent to the information outlined above being disclosed to the University's ADRC

☐ I do not consent to the information being disclosed to the University's ADRC

Signature of student:	
Print name:	
Date:	
Signature of recipient of information (member of College or University staff/other member of staff):	
Print name:	
Date:	