



Education Quality and  
Policy Office

## Policy cover sheet

<b>Policy name</b>	Code of Practice: Access and Inclusion for Disabled Students
<b>Purpose</b>	To govern the expectations for providing support, inclusive practice, and reasonable adjustments for disabled students
<b>Owner</b>	University – General Board
<b>Contact</b>	Via <a href="mailto:educationalpolicy@admin.cam.ac.uk">educationalpolicy@admin.cam.ac.uk</a>
<b>Approved by</b>	General Board's Education Committee
<b>Approval date</b>	30 June 2021
<b>With effect from</b>	1 October 2021
<b>Next review due</b>	Summer 2022
<b>Version</b>	1.0 final

# **Code of Practice: Access and Inclusion for Disabled Students**

## Quick Reference Summary 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 SSD, or in specialist 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.
- 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.

### **a. Requirements for individual students**

The General Board has specifically approved the following three access requirements for individual students:

1. Permit the student to make an audio recording of lectures, seminars or supervisions<sup>1</sup> 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.

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 is on the Student Registry webpages.](#)

There is a separate [process for requests for Adjusted Modes of Assessment](#), where the standard mode of assessment is determined to be disadvantageous for the student.

### **b. 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:

<sup>1</sup> The University's recording agreement sets out the terms under which this permission is granted. <https://www.disability.admin.cam.ac.uk/students/current-students/advice-and-guidance/recording-lectures>

## **1. Curriculum design**

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

## **2. 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.

## **3. Lecture, Seminar and Supervisions**

- Hold teaching sessions in an accessible location;
- Allow or facilitate the recording of teaching for all lectures, seminars or supervisions for students' own use;
- Provide [closed captions](#) for recorded lectures;<sup>2</sup>
- Ensure that students are aware of other [live captioning options](#)<sup>3</sup>
- Use plain English and clear presentation in lectures.

## **4. 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.

## **5. 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.

## **6. Assessment and Examination**

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

<sup>2</sup> Where the software is accurate enough for a subject not to create confusion for the students and/or additional workload for the lecturer to then re-write. Disabled students (particularly students with hearing impairments or where there is a formal recommendation for note-taking support) may also be recommended individual captioning solutions, such as Caption.Ed. For some disabled students there is a legal duty to provide accurate closed captions.

<sup>3</sup> Disabled students who require live captions should be encouraged contact the DRC at [disability@admin.cam.ac.uk](mailto:disability@admin.cam.ac.uk) as they may be eligible for the enhanced Caption.Ed live captioning service.

# University of Cambridge General Board

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## **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 with regard to equitable access to teaching, learning and assessment for disabled students<sup>1</sup>. This includes actions which are required in order 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 required to read and be familiar with the Code of Practice.

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<sup>1</sup> 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))

## 1. Introduction and 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) 2020/21 Disabled Students' Allowance Guidance (New Students)<sup>2</sup> 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 HE<sup>3</sup> 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)<sup>4</sup> and Department for Education (DfE) guidance<sup>5</sup> 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
- 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.

<sup>2</sup> <https://www.practitioners.slc.co.uk/media/1879/2122-dsa-guidance-v10.pdf>

<sup>3</sup> [https://www.qaa.ac.uk/docs/qaa/quality-code qc-a-q-learning-and-teaching.pdf?sfvrsn=1f2ac181\\_6](https://www.qaa.ac.uk/docs/qaa/quality-code qc-a-q-learning-and-teaching.pdf?sfvrsn=1f2ac181_6)

<sup>4</sup> <https://www.oliahe.org.uk/media/1039/olia-good-practice-framework-supporting-disabled-students.pdf>

<sup>5</sup> [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](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)

The Office for Students (OfS) commissioned ‘Review of Support for Disabled Students in Higher Education in England’ (Institute for Employment Studies, 2019)<sup>6</sup> 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.

## **2. 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, 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.”<sup>7</sup>

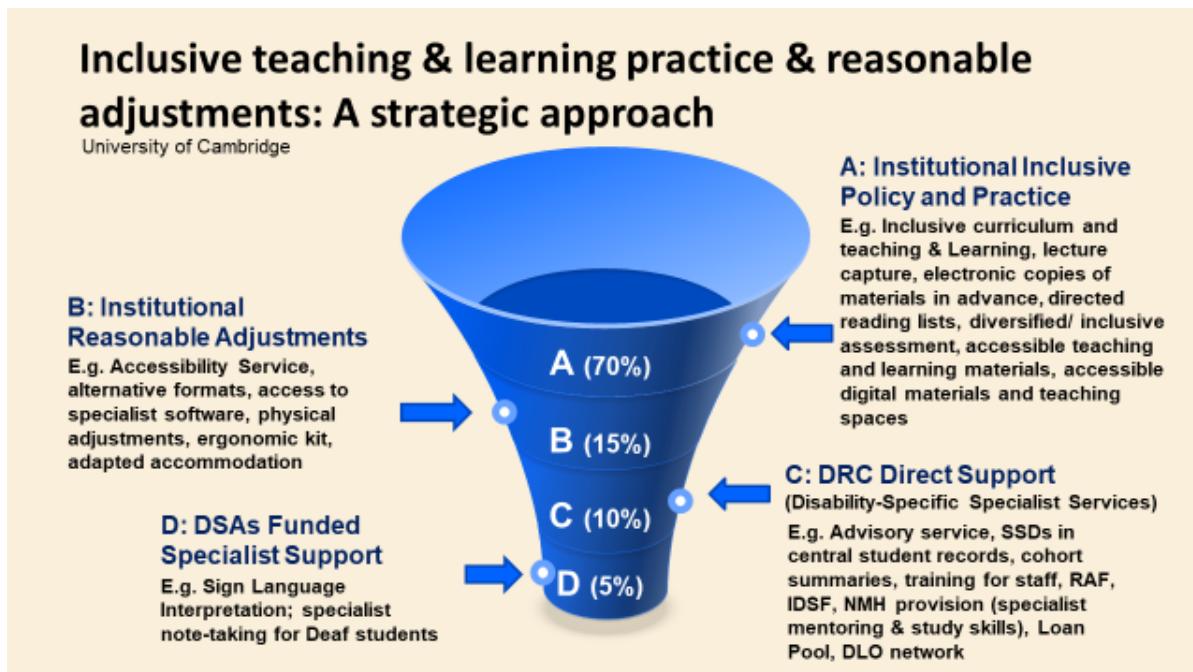
“...in my experience, relatively small but intelligent interventions can really be transformative in allowing disabled students to fully realise our potential”.

**Quote from University of Cambridge Disabled Student Survey.**

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 are able to 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.

<sup>6</sup> <https://www.officeforstudents.org.uk/media/a8152716-870b-47f2-8045-fc30e8e599e5/review-of-support-for-disabled-students-in-higher-education-in-england.pdf>

<sup>7</sup> The Social Model of Disability Factsheet – Inclusion London.



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

### 3. Legislative Background

The Equality Act 2010<sup>8</sup> 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’. <sup>9</sup>

Section 20 of the Act<sup>10</sup> 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)

<sup>8</sup> The Equality Act 2010 replaced the Disability Discrimination Act (DDA, 1995, amended 2001, 2005). The Special Educational Needs and Disability Act (SEND, 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.

<sup>9</sup> Further guidance issued by the Secretary of State on the definition of disability can be downloaded at <http://www.direct.gov.uk/en/DisabledPeople/RightsAndObligations/DisabilityRights/>

<sup>10</sup> <http://www.legislation.gov.uk/ukpga/2010/15/section/20>

- **auxiliary aids** (whose definition includes auxiliary services) (for example hearing loops, information in accessible formats or the provision of Non-Medical Assistance (NMA) support).

**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 nearly 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 DRC 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 Act<sup>11</sup>. 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

<sup>11</sup> <http://www.legislation.gov.uk/ukpga/2010/15/section/21>

manage short-notice requests for adjustments to teaching and learning materials and resources.

**'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."<sup>12</sup>

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 Guidance<sup>13</sup> are in appendix one on page 12, below.

#### **4. Assessment of support and adjustment requirements**

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

<sup>12</sup> Learning and Teaching (qaa.ac.uk) , p.3

<sup>13</sup> <https://www.equalityhumanrights.com/sites/default/files/equalityact2010-technicalguidance-feandhe-2015.pdf>

appropriate, the College and Faculty/Department, and is then consolidated and contextualised by the DRC's Disability Advisers to produce the recommendations.

Access requirements are agreed jointly by the Disability Adviser with the disabled student, and then made available to named college and departmental contacts. 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.

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 Department, Faculty to ensure this happens. Where agreed adjustments are still not in place and the student is dissatisfied with their Department/Faculty'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.

The University is legally bound to act when a student discloses a disability. In disclosing to one part of the collegiate University, under the law a student is deemed to have disclosed to all parts of the collegiate University. Consequently, where a student makes a disclosure to their College, or to their Faculty/Department that body must have appropriate procedures in place to seek written consent for information to be shared with the DRC to ensure that the student begins the established process for the determination of access requirements. A record of the disclosure and the action taken should be recorded and held securely.

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 Department/Faculty/Institution and in the case of Colleges, the Senior Tutor.

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.

## **5. Reasonable Adjustments in Teaching and Learning**

A wide range of access requirements may be identified for a disabled student and 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 to minimise the need to make reasonable adjustments (i.e., they are mitigated by being part of the course design). The General Board has specifically approved the following three access requirements for individual students (if they are not already in place for all students, as in many cases they are) 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 supervisions<sup>14</sup> for their own use.
- 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.

For students with a diagnosed Specific Learning Difficulty (SpLD) the General Board has agreed that the above adjustments should be regarded as baseline provision and should be put in place without specific mention in the student’s access requirements together with the following additional adjustments:

### **Practicals**

Practical organisers should break information down if task details are long. Repetition of information may be necessary, and instructions should be provided in written form.

### **Libraries**

Libraries should provide extended library loans/ additional library privileges as appropriate within library constraints.

It is expected that access requirements recommended by the DRC as ‘reasonable adjustments’ will be put in place. 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

<sup>14</sup> A recording agreement sets out the terms under which this permission is granted.

implementing the access requirements recommended, it should discuss this further with the College Tutor and student as appropriate, seeking further advice from the DRC, where required. If, as a result of further discussion, the Faculty/Department is of the view that the recommended access requirements are not 'reasonable adjustments' then they should request that the matter be reviewed by the Education Committee. 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.

## **6. 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 consider<sup>15</sup> include:

- Competence standards or Provision, Criteria or Practice?
- Health and Safety considerations
- Efficacy
- The financial and other costs of making the adjustment<sup>16</sup>
- 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 cost<sup>17</sup>?
  - 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?

<sup>15</sup> Summarised from Chapter 7 Equality Act 2010  
Technical Guidance on Further and Higher Education, p.106

<sup>16</sup> 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.

<sup>17</sup> 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.

The Office of the Independent Adjudicator<sup>18</sup> 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?

## **7. 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 [Examination Access Arrangements - Notes of Guidance for Staff and Students](#) and by the Postgraduate Committee in its guide for postgraduates on examination access arrangements<sup>19</sup>. 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 DRC after an assessment of specialist/medical evidence provided by the student. However, as students cannot be compelled to register with the DRC, it is also permissible for colleges to make

<sup>18</sup> OIA (2017), The good practice framework: Supporting disabled students, p.19

<sup>19</sup> <http://www.admin.cam.ac.uk/students/studentregistry/exams/undergraduate/Access.html> and <http://www.cambridgestudents.cam.ac.uk/your-course/examinations/graduate-exam-information/examination/examination-access-arrangements>

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 DRC 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 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 [procedure and policy for Adjusted Mode of Assessment \(AMA\)](#) are set out on the Student Registry Webpages and are the responsibility of the [Examination Access and Mitigation Committee \(EAMC\)](#).

## Appendices

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 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.

### **Appendix 1: 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.

## **Appendix2: 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 courses<sup>20</sup>.

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."<sup>21</sup>

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-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

<sup>20</sup> Equality Challenge Unit: Guidance on competence standards and reasonable adjustments

<sup>21</sup> Equality Act 2010 Technical Guidance on Further and Higher Education | Equality and Human Rights Commission ([equalityhumanrights.com](http://equalityhumanrights.com))

- 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.

## 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) [2020/21 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](#)