

University of Cambridge General Board

Code of Practice: Reasonable Adjustments for Disabled Students

Unless otherwise stated, this Code of Practice applies to all matriculated students studying at the University.

Background

1. The Equality Act 2010¹ 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’.²
2. Section 20 of the Act³ imposes a duty on Higher Education Institutions 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)
3. 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 such steps as it is reasonable to have to take to avoid the disadvantage. 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 his or her 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.

¹ 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.

² 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/DG_4001068

³ <http://www.legislation.gov.uk/ukpga/2010/15/section/20>

4. The duty is anticipatory; the University should not wait until adjustments are proposed, rather look to ensure, where possible, that alterations to policies, practices and procedures have been made in advance to prevent disabled students suffering 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. 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 Act⁴.
5. **'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 and assessment practices.
6. The QAA has provided guidance on making reasonable adjustments as follows:

'The application of an adjustment will result from consideration of the circumstances of the individual student and will involve the student in discussion of possible courses of action. What is 'reasonable' for an institution will vary according to a range of factors and will depend on the circumstances of the individual case. Factors influencing the determination of what is reasonable will include the effectiveness of taking particular steps in enabling the student to overcome the relevant disadvantage, health and safety issues, the effect on other students and the financial cost to the institution.'⁵

7. 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.

Assessment of support and adjustment requirements

8. In some circumstances, a disabled student will have disclosed a disability but will not have a Student Support Document (SSD) (either because the student has not returned the requisite information to the DRC or the student did not make the disclosure to the DRC directly). Even without the SSD, the

⁴ <http://www.legislation.gov.uk/ukpga/2010/15/section/21>

⁵ Chapter B4 p20

<http://www.qaa.ac.uk/Publications/InformationAndGuidance/Documents/Quality%20Code%20-%20Chapter%20B4.pdf>

University is legally bound to act because a disclosure has occurred, and in disclosing to one part of the collegiate University, under the law a student is deemed to have disclosed to all parts of the University. Consequently, where a student makes a disclosure to their College, Faculty/Department that body must have appropriate procedures in place to seek written consent for information to be shared with DRC to ensure that he or she enters the established process for the determination of support requirements.

9. All disabled students who disclose a disability to the Disability Resource Centre, and who require support or adjustments, are issued with either a Student Support Document, or a shorter recommendation email (in the case of students with limited and very specific requirements, e.g. an ensuite room only) which sets out adjustments recommended to support them in their study at Cambridge. SSDs are produced by the DRC Disability Advisers drawing on available evidence of the impairment through a “diagnostic assessment” from a qualified professional such as a doctor or Educational Psychologist or Specialist Teacher and, in the majority of cases, 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 DRC’s Disability Advisers to produce the SSD.

SSDs are agreed jointly with the disabled student, and then sent to the named contacts in the College and Faculty/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 considered and put in place and of the College for adjustments to teaching in supervisions, College library provision and accommodation. The College, acting through the Tutor or Director of Studies, is also responsible for supporting the student by keeping a watching brief and monitoring that the reasonable adjustments to both departmental and College provision have been made.

Reasonable Adjustments in Teaching and Learning

10. A wide range of adjustments might be recommended for a disabled student depending on the student’s disability, and the particular disadvantage suffered by the student, but the General Board has specifically approved the following three adjustments (which are already common practice) as ‘reasonable’ within the terms of the 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 supervisions⁶ for their own use;
 - b. provide the student with electronic copies of lecture materials in advance, for their own use, when available;

⁶ A recording agreement sets out the terms under which this permission is granted.

- c. provide directed reading lists differentiating between 'essential' and 'desirable' items.
11. For students with a diagnosed Specific Learning Disability (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 SSD 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.

12. It is the normal expectation that 'reasonable adjustments' to teaching recommended by the DRC through the SSD will be put in place. Implementation of adjustments 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 adjustments recommended, it should discuss this further with the College Tutor and student as appropriate, seeking further advice from the DRC, if required. If, as a result of further discussion, the Faculty/Department is of the view that the recommended adjustments are not 'reasonable adjustments' then they should request that the matter be reviewed by the Education Committee.
13. If a disabled student is not satisfied that adjustments recommended have been put in place, or that the adjustments are sufficient to address their specific disadvantage, they should raise the matter with their College Tutor, who may seek review of the position by the Education Committee.

Reasonable Adjustments in Assessment and alternative modes of assessment

A process exists to allow any matriculated student, providing there is sufficient specialist evidence, to request an alternative mode of assessment. The Board of Examinations or Board of Graduate Studies will be the authority on such matters.⁷

14. A number of standard adjustments are permitted in respect of assessment and are set out by the Board of Examinations in its Examination Access Arrangements - Notes of Guidance for Staff and Students and by the Board of Graduate Studies in its guide for graduates on examination access

⁷ Ordinances, Chapter 1, Special Regulations for Board of Examinations, regulation 4; Ordinances, Chapter VI, General Regulations for Admission as a Graduate Student, regulation 12; and Ordinances, Chapter VII, Doctor of Philosophy, Master of Science, Master of Letters and Master of Philosophy by Dissertation, regulation 6.

arrangements⁸. Those adjustments include: additional time; supervised rest breaks; alternative formats; alternative locations; and use of amanuenses. The adjustments are determined on a case-by-case basis, based on evidence and for all students are judged against UK norms. In the case of additional time, allowances in excess of 25% are unusual in the UK but each case is judged against individual requirements. This Code of Practice now incorporates the arrangements for consideration of alternative modes of assessment in paragraphs 18-24 and the appendix 1 to this Code. Colleges should bear in mind their anticipatory duties in considering what requests need to be made for their students in respect of examination adjustments.

15. 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 Board of Examinations setting aside the regulations for the examination where to do so 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 alternative 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 agreed by the General Board is set out in appendix 1.
16. Requests for consideration of adjustment to the mode of assessment will be for exceptional cases, and will be considered on a case-by-case basis. In determining whether an alternative form of assessment is appropriate, both the particular disability of a student and the particular standards of the course will be taken into account. The aim is to ensure a level playing field, (that is, that reasonable steps are taken to ensure that a disabled student is not placed at a substantial disadvantage because of a provision, criterion or practice in assessment in comparison to students who are not disabled) and not to give a disabled candidate an advantage over others.
17. While there is no duty to make reasonable adjustments to genuine competence standards, the duty does apply to the assessment of that standard: the Law distinguishes between requiring students to demonstrate they have reached a required standard, and the method by which this is assessed. There is a difference between a competence standard and the process by which the standard is assessed.⁹

⁸ <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>

⁹ <https://www.equalityhumanrights.com/en/publication-download/equality-act-2010-technical-guidance-further-and-higher-education>, para 7.36

18. It is unlikely, for example, that a Faculty Board or Degree Committee could lawfully claim that the ability to pass a three-hour examination (even with additional time or the use of a computer) is a competence standard in itself for all subjects. That is, it would be difficult to demonstrate that an ability to write within the specific time limit was an integral and irreplaceable component of the standards applied to determine whether a student has reached the standard required to pass the course.
19. In making a judgement on the appropriateness of an alternative mode of assessment, the Faculty Board (Degree Committee) will need to be guided by the competence standards for the award. Competence standards will vary between subjects, but the Programme Specification should in all cases provide a basis for determining them.
20. The Programme Specification sets out the course aims (which encapsulate the purpose of the course and what the Faculty/Department is trying to achieve in providing it), and the learning outcomes (which describe the knowledge and skills a student might expect to gain from the course)¹⁰. To be lawful, the knowledge and skills deemed to be competence standards must be proportionate means of achieving the course aims. Guidance issued by the Equality and Human Rights Commission on competence standards and assessment is included in appendix 2.
21. It should be borne in mind that it may not always be possible to provide an alternative mode of assessment, but where a request is declined the reasons for this decision will have to be stated with reference to the key competencies of the course or the evidence provided in relation to the student's disability. Alternative modes of assessment will be determined on a case-by-case basis, taking account of the course and the nature of the student's disability. Agreement to a particular alternative mode of assessment for a particular student will not be taken as setting an automatic precedent for others.
22. A method of assessment which requires candidates to demonstrate synoptic knowledge of material studied over the course or one or two years is likely to be regarded as an acceptable competence standard, but a method of assessing this knowledge which required high levels of stamina in order to complete a number of papers within a limited timescale would not be justifiable in cases where the student's particular disability made it impossible or difficult to engage in the examination process by comparison with non-disabled students. In such cases, a reasonable alternative would have to be considered.

¹⁰ <http://www.admin.cam.ac.uk/offices/education/curricula/aims.html>

Appendix 1

Procedure for consideration of requests for alternative modes of assessment (for all matriculated students)

1. Where evidence suggests that both the standard modes of assessment and the standard access arrangements already permitted would not alleviate any substantial disadvantage which a disabled student experiences because of an assessment provision, criterion or practice, and would not allow a disabled student to demonstrate the requisite knowledge and skills required by their course, the relevant University authority¹¹ must consider any specific request submitted by their College on behalf of the student to be assessed by an alternative mode. Modes considered might be, for example, to substitute submitted work in place of written papers, for alternative shorter unseen papers to be set to allow them to take them over the course a longer time period, or taking the examinations over more than one year.
2. Students are expected to have discussed their request with a College Tutor prior to the College submitting a formal application for consideration of an alternative mode of assessment. The Tutor is encouraged to consult informally with the Head of the Student Registry before making any application.
3. The College must submit a formal request to the Secretary of the relevant University authority, which must include current and comprehensive medical evidence and/or an assessment from an appropriate expert. The request should clearly state the disadvantage suffered by the student and the alternative mode of assessment that it is considered would overcome it.
4. The request must be submitted before the end of Michaelmas term to ensure that any appropriate teaching and support can be put in place, and that alternative modes can be discussed with the Faculty/Department concerned and suitable arrangements put in place. It might not be possible to accommodate requests made after the end of the Michaelmas term and such accommodation will usually be limited to cases where there is a late diagnosis, or where the adjustments relate to the next academic year.
5. The Secretary of the relevant University authority will call a case conference to include the College, appropriate academic representatives from the Faculty/Department (to include the Chair or Senior Examiner or Chair of the Degree Committee), and the student's Disability Adviser/or Head of the DRC to discuss possible options. The student is welcome to attend. The case conference may seek additional independent specialist medical advice.
6. After the case conference, the Chair of Examiners, Senior Examiner, or Chair of the Degree Committee will inform the Secretary of the Board of Examinations whether they recommend an alternative mode of assessment.

¹¹ Board of Examinations or Board of Graduate Studies

The Chair or Senior Examiner may request as part of that recommendation that specific conditions, such as a deadline, or word limit are set.

7. The request will then be considered by the relevant authority and a decision made. In the case of the Board of Examinations that decision will be final.
8. Where a student requires ongoing alternative modes of assessment, the College must apply each year to the Secretary and before the end of the Michaelmas term. That application must state if the medical condition has changed, if the nature of the examinations are the same and summarise the effect of the previous adjustments. The Secretary will also ask the Chair of Examiners to confirm if the adjustments provided a level playing field. Where the medical condition has not changed, the nature of the examinations are the same and confirmation that the previous adjustments provided a level playing field then a case conference might not be required.

Appendix 2

The following extract from the Equality and Human Rights Commission's publication "Equality Act 2010 Technical Guidance on Further and Higher Education" might be useful to Faculties and Departments in discussing competence standards. Further advice on interpretation of the Equality Act can be obtained from Educational and Student Policy and the Legal Services Office.

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.