Disability Legislation:
Practical Guidance For Academics

The
Higher
Education
Academy

Equality Challenge Unit

Disability Legislation:
Practical Guidance For Academic Staff

This joint guidance produced by the Equality Challenge Unit and the Higher Education Academy provides academic staff with information about the application of DDA Part 4 to learning and teaching. It draws on a host of resources from across the sector and signposts examples of issues and good inclusive practice when teaching disabled students.

The publication has sections on the following topics: admissions and induction; programme design and validation; lectures; practicals; group work, seminars and tutorials; e-learning and distance learning; work placements, field trips and study abroad; assessment; retention issues; progression and transition; employability. The guidance is also intended to be used as a staff development and training tool.

Contents

1. Introduction and advice on how to use this guidance

This guidance has been produced as a joint initiative between the Equality Challenge Unit and the Higher Education Academy.

It aims to:

- raise awareness and understanding amongst academic staff in higher education of their responsibilities towards disabled students under recent disability legislation

- promote a more inclusive approach to learning, teaching and assessment processes

- explore some of the issues for disabled students during their academic study

- provide some practical examples of what academic staff can do to support disabled students to reach their full potential to succeed and participate at all stages of their programmes

- provide some examples of relevant sources of support which are intended to signpost where more detailed information is available.

The Disability Discrimination Act 2005 (DDA 2005), which has introduced a positive public sector duty towards disabled people, provides a timely opportunity for academic staff to reflect and review their learning, teaching and assessment methods and materials in relation to delivering more inclusive practice. This new legislation supports a mainstreaming approach to disability, often referred to as the 'social model of disability'. The social model recognises that the disadvantages and social exclusion experienced by many disabled people, for example in connection with employment or educational opportunities, are not the inevitable result of their impairments or medical conditions, but rather stem from attitudinal

and environmental barriers which discriminate against disabled people and limit their life chances. The higher education sector can play a vital role in helping to eliminate these disadvantages through ensuring that disabled students are not discriminated against through any of their policies and practices and can fulfil their educational potential.

To support a socially inclusive approach to disabled students, academic staff will need to be informed and supported to respond appropriately to disabled students' needs.

This includes:

- reviewing their own practices and adopting more inclusive teaching and learning approaches in accordance with *anticipatory* duties

- ensuring that they have appropriate training to make their teaching and learning and assessment practices more accessible to disabled students

- ensuring that they understand their duties to make *reasonable adjustments*

- ensuring that they are aware of the advice and support services which are available within the institution for disabled students.

The guidance is not intended as a 'blue print' for delivering inclusive learning, teaching and assessment practices. It is aimed at raising questions, offering examples of 'practice that works', encouraging staff to reflect on their own learning, teaching and assessment practices in relation to their subject discipline and to consider reasonable adjustments for disabled students if these are required, although they often will not be, if inclusive practices are adopted. The guidance focuses mainly on academics working with students on undergraduate programmes. Issues relating to disabled postgraduate/ research students are comprehensively covered by the Premia project, based at Newcastle University. See www.premia.ac.uk.

For the purposes of this guidance, the term 'academic staff' refers to all staff who have contact with students in a learning and teaching context. This could include lecturers, programme leaders, technical staff, lab assistants, academic tutors, IT staff with a remit for supporting e-learning etc. Also, the term 'programme' refers to a course of study or a programme of learning or even a series of modules that a student may undertake.

As well as being aimed at individual academic staff members, this guidance is intended to be useful as a tool for staff development and training purposes. Sections of the guidance could be used to provide academic staff with opportunities to consider various learning, teaching and assessment practices and the barriers that these might present to disabled students. The aim would be to develop solutions to support effective access to learning for ALL students.

This guidance has therefore been designed to be used in a variety of ways, for example:

- staff within departments may use the guidance when reviewing modules or undertaking curriculum design and development

- staff development units may use the individual sections in small group CPD sessions

- HEIs may circulate whole packs and/or individual sections to staff across the institution for reference and to raise awareness of the DDA legislation and responsibilities of academic staff

- staff presenting at seminars and events internally and externally to their institution may utilise sections of the guidance when delivering interactive workshops

- subject Centres may wish to expand on some sections by including subject specific examples of practice that works.

There are 11 main sub-sections which can be used as stand-alone or linked sections. For example staff engaged in direct delivery to students could draw on the Lectures, Practicals and Group work, Seminars and tutorials sections together. Others may find it useful to consider Course design and Assessment together.

Each subsection addresses the following:

- **Legislative guidance** - highlights the legal principles relating to the sub sections that can help HEIs work towards elimination of discrimination of disabled students and avoid disputes

- **Equality issues** - identifies some of the disability equality issues that may arise at this stage in the admissions, or learning, teaching and assessment process

- **Inclusive practice** - provides ideas from the sector and elsewhere that can support inclusive practices

- **Sources of support** - links to useful websites and other sources of information.

The guidance has attempted to draw together considerations for the higher education sector relating to the Disability Equality Duty (DED) and the Disability Discrimination Act (DDA) Part 4 duties, as applied to the post 16 Education sector in Great Britain, which came into force September 2006, with potential impact on the learning, teaching and assessment agenda for academic staff. In general, the authors have not set out to research new material for this guidance, but to use existing examples and illustrations from the many expert sources of information available that are referenced in the **Sources of support** section. However, some of the equality issues and examples of **Inclusive practice** in a learning and teaching context for disabled students have come from sources such as:

- projects funded by the Higher Education Funding Council for England (HEFCE) to 'improve provision for disabled students'

- comment from staff engaging directly with disabled students

- contributions from leading disability specialists in the HE sector

- excerpts from materials and publications available across the sector.

In addition, illustrative examples relating to the legal guidance can be found in the Disability Rights Commission (DRC) Codes of Practice, which are referenced in each section.

The Equality Challenge Unit and the Higher Education Academy would like to thank all contributors for their input and anticipate that staff will recognise the benefit of linking the legislation with learning, teaching and the responsibilities of academic staff in relation to disabled students.

We would also welcome feedback on the innovative ways that institutions use this guidance and any further examples of equality issues and practice that work in relation to effective, inclusive learning, teaching and assessment.

Feedback and enquiries relating to disability can be directed to:
ECU Disability Team: disability@ecu.ac.uk
HEA helpdesk: enquiries@heacademy.ac.uk
Action on Access helpdesk: help@actiononaccess.org

2. Legislative context

The Disability Discrimination Act (DDA) 1995 addresses the discrimination that disabled people face in a range of different settings, and it is made up of eight parts. Particularly relevant to higher education are:

- Part 1 of the DDA, which contains the definition of disability used throughout the DDA

- Part 2, which relates to employment

- Part 3, relating to access to goods, services and facilities. Student unions are covered by this part of the DDA, as are services offered by HEIs to the public, such as conference and sports facilities

- Part 4, which relates to education.

The DDA 1995, as amended

The provisions in the DDA relating to higher education have been significantly amended since the Act was first introduced in 1995. In particular, the Special Educational Needs and Disability Act 2001 (SENDA), the Disability Discrimination Act 2005, and the DDA 1995 (Amendment) (Further and Higher Education) Regulations 2006, have fundamentally altered the application of the DDA to the provision of higher education.

Set out below is a brief outline of the law as it now stands. This is only a summary of the main provisions, and does not seek to be in any sense comprehensive. Considerable guidance is given on this issue, and other aspects of the DDA, in the Code of Practice for Post-16 education published by the DRC.

There are now four types of discrimination against disabled students that are unlawful:

(i)   Direct discrimination

(ii)   Failure to make reasonable adjustments

(iii) Disability related discrimination

(iv) Victimisation

In addition harassment is specifically covered as a separate concept within DDA Part 4. Of the four types of discrimination, only disability related discrimination can now be justified.

Direct discrimination applies where a student is treated less favourably solely by reason of their disability, for example, if a person with a visual impairment is refused a place on an IT course, because it is assumed that she will be unable to complete the course because she cannot see, this would be direct discrimination. Direct discrimination can never be justified.

The duty to make **reasonable adjustments** applies where a disabled person is placed at a substantial disadvantage in comparison with people who are not disabled. In these circumstances, the HEI must make reasonable adjustments, to remove that disadvantage. What is and is not reasonable depends on all the circumstances. However, it is an important element of the duty to make **anticipatory** adjustments. This means that HEIs must think ahead about the type of adjustments that they may need to make to include students with a range of impairments, even before they know which disabled students are applying for admission to any course.

When considering what is reasonable HEIs will have to consider:

- whether any particular steps would be effective in overcoming the difficulty that disabled people face in accessing the student service in question

- the type of service being provided

- the nature of the institution or service, and its size and resources

- the effect of the impairment on the individual disabled person or student

- the extent to which it is practicable for the HEI to take the steps

- the financial and other costs of the adjustment

- the financial resources available to the education provider

- the availability of grants loans and other assistance to disabled

students (and only disabled students) for the purpose of enabling them to receive student services (such as Disabled Students' Allowances)

- the extent to which aids and services will otherwise be provided to disabled people or students

- Health and safety requirements

- the relevant interests of other people including other students.

The recommendations in the DRC's Code of Practice: Post 16 Education, are that wherever possible, learning, teaching and assessment practices should be designed to be accessible from the outset so that only minimal adjustments need to be made for individuals. This will also help HEIs ensure that they are complying with the anticipatory aspect of DDA Part 4, as well as the Disability Equality Duty (DED) (see below).

Disability related discrimination applies where a student is treated less favourably because of a reason related to their disability. An example would be a refusal to allow a student who uses crutches, due a mobility impairment, to attend a site visit because of concerns about safety. The refusal was not directly due to the impairment itself, but due to concerns about safety, which related to the impairment. Whether or not this disability related discrimination is lawful depends on whether or not it can be justified.

Victimisation occurs where a person is treated less favourably as a result of having brought proceedings, given evidence or made an allegation of unlawful discrimination.

Competence standards

Competence standards are defined by section 28S of the DDA Part 4 as "an academic, medical or other standard applied by or on behalf of a [HEI] for the purpose of determining whether or not a person has a particular level of competence or ability."

Competence standards have potentially wide application to all requirements, assessments and standards that are applied to a student's performance throughout their time at university or college.

Competence standards cannot justify direct discrimination, but they

may justify less favourable treatment of a disabled person, where the standard is genuine, is applied equally to all people, and its application is proportionate to the aim sought.

This means that universities and colleges must have genuine competence standards in place to ensure that all candidates can demonstrate their particular competence or ability in a particular area. This may mean that universities and colleges will need to review all their entry, course and exam criteria to ensure that they are not discriminatory and that appropriate anticipatory adjustments are in place.

> Example: An entry requirement of being 'fit and healthy' for an English course may not be a genuine competence standard because it does not relate to a student's knowledge, competence in the subject or ability to understand the course. Issues such as attendance and time limited requirements may only be genuine competence standards in circumstances where these relate to knowledge, competence or ability

There is no duty to make reasonable adjustments in the application of a genuine competence standard, but what may need to be adjusted is the process whereby a competence standard has been assessed (See example in the DRC Code of Practice, 6.27).

Disclosure and confidentiality

All staff need to be trained in the processes and procedures that relate to disclosure and confidentiality and disabled students. DDA Part 4 acknowledges that students may be given several opportunities to disclose an impairment or condition, but fail to do so. In these circumstances an HEI may not be liable if a student makes a complaint under DDA Part 4. However the HEI will have to prove that they have taken reasonable steps to encourage disclosure and relying on questions on an application or enrolment form is unlikely to be regarded as sufficient.

DDA Part 4 states that once one member of an organisation knows about a student's impairment or condition, and explicit, written consent has been given by the student that this information can be shared, it is then the duty of the organisation to pass on appropriate information to relevant staff and not to leave this to the student. If any external organisation is involved in a disabled student's course delivery or assessment processes, then additional consent from the student for passing on relevant information

to that third party, and the form in which it is passed on, needs to be obtained.

A disabled person has the right to request that the existence or nature of his or her impairment or condition be treated as confidential. In these circumstances, when determining whether it is reasonable to make adjustments, the HEI will need to consider the extent that making the adjustment is consistent with a disabled person's request for confidentiality. In some cases this may mean that reasonable adjustments have to be provided in an alternative way in order to ensure confidentiality, and in some cases this may lead to less satisfactory adjustments being provided (DRC 2006: Code of Practice 5.26 -5.27).

The Disability Discrimination Act (DDA) 2005 and the Disability Equality Duty (DED)

The Disability Discrimination Act (DDA) 2005 also amended the DDA 1995. Among other things, it introduced a new Disability Equality Duty (DED) which will come into force in December 2006. The DED requires public bodies (including HEIs) to be proactive in ensuring that disabled people are treated fairly and equally, and that the opportunities available to disabled students, and their achievements, are equal to those of non-disabled students. This radical piece of legislation is about equality of outcome, as well as inclusion.

The specific duties of the DED require public bodies, including HEIs, to draw up Disability Equality Schemes (DES) on a three-yearly basis, and actively involve local disabled people, as well as disabled staff and students, in that activity.

The introduction of the duty reflects the government's desire for the public sector to act as an exemplar of inclusive practice and to contribute in a demonstrable way to a more inclusive society. Within the public sector, HEIs have the potential to make a considerable contribution towards achieving these aims, while at the same time advancing and enhancing their own image and reputation.

The DED requires HEIs to review all their functions, within realistic timetables, including learning, teaching and assessment, and to ensure that they actively promote disability equality. This process of 'impact assessment' may lead to curriculum change, and will factor in decisions about the complete range of courses an HEI offers and academic staff will

need to be involved in this work.

Advice for disabled staff

Disabled staff in the Higher Education sector may themselves feel unsupported and discriminated against. The European Council Directive has recently amended and strengthened disability discrimination law in employment.

The new position is set out in the DRC's Code of Practice on Employment and Occupation. The public sector duty on disability or 'disability equality duty' does not give additional rights to disabled people, but gives public sector employers substantial new duties, which are set out in the DRC's Code of Practice on the Duty to Promote Disability Equality.

References

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services** (www.drc.org.uk/the_law/legislation__codes__regulation/codes_of_ practice/new_dda_post-16_education_regu.aspx)
Word version (www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Note: Skill will be producing a new, fully updated DDA Guide for HE and FE institutions in the near future.

Disability Rights Commission (2005) **The Duty to Promote Disability Equality Statutory Code of Practice** (www.drc.org.uk/library/publications/disability_equality_duty/the_duty_to_ promote_disability1.aspx)

Disability Rights Commission (2004) **Disability Rights Commission: Code of Practice Employment and Occupation** (www.drc-gb.org/pdf/4008_323_employment_occupation_pdf.pdf)

Further information about disclosure and confidentiality

Finding Out About People's Disabilities: A good practice guide for further and higher education institutions: (www.lifelonglearning.co.uk/findingout/)

Do you have a disability? Yes or no? Or is there a better way of asking? Guidance on disability disclosure and respecting confidentiality: (https://www.lsneducation.org.uk/user/order.aspx?code=052243&src=XOW EB&cookie_test=true)

Guidance for post-16 universities and colleges on implementing the DDA Part 4: Disclosure, confidentiality and passing on information: (www.lsc.gov.uk/National/Documents/Keyinitiatives/EqualityandDiversity/ DDAPart4Disclosureconfidentialityandpassingoninformation.htm)

3. Admissions and induction

Legislative guidance

Admissions processes should not discriminate either directly, or for a disability related-reason, against disabled applicants or students. In relation to the arrangements an institution makes for determining admissions, the law relating to reasonable adjustments requires that a disabled person is not placed at a substantial disadvantage in comparison with a person who is not disabled, and in relation to student services, a disabled student is not placed at a substantial disadvantage to someone who is not disabled. (DRC Code of Practice: Post 16, 3.25/3.28)

HEIs must ensure that their admission requirements are non discriminatory and that they have set appropriate competence standards for specific course requirements (see **Legislative Context: Competency standards**)

Also, HEIs must not discriminate in their induction procedures and must ensure that a disabled person is introduced to an institution in a clearly structured and supported way, with an individually tailored induction programme if necessary. (DRC Code of Practice: Post 16, 9.7)

Equality issues

Admissions, induction and retention issues are closely interlinked and often the reasons that students 'drop-out' of a programme are related to the advice given at pre-entry and in the early stages of the first term/ semester. It may be useful for staff to also utilise the 'retention' section of this guidance when considering admissions issues in relation to learning, teaching and assessment and the disability legislation.

The barriers for disabled students could be perceived as greater at pre-entry and entry stages of their programme than for non-disabled students. Not only does the admissions process need to consider and meet the needs of the student in academic terms - what the programme will be providing in terms of delivery and meeting student expectations, but also,

how the programme can encompass any additional needs of disabled students, if these are necessary. If an individual's needs cannot be met, then the HEI needs to examine **why**?

Disabled students need to receive comprehensive information to help in their decision to apply for a programme. The language and images used in an institution's publicity may influence a disabled student's decision to apply so these should be carefully selected, and prospectus information, interview procedures, pre-selection tests, all need to ensure that clear, accessible and explicit information about what the programme will entail is provided.

It is also important that information provided in prospectuses, in student handbooks, and during early admissions procedures include encouragement to students to disclose an impairment, which may be unseen, so that the student can receive appropriate support from the outset. This will involve highlighting the types of assistance that are available. However, the student should also be made aware that it is their right to request that the nature of their impairment is treated as confidential.

Once an impairment or condition has been declared, a named person should be given responsibility for co-ordinating support for that student. If a student explicitly consents that the information about their impairment or condition can be shared, then all staff involved with that student will need to be aware of the need to pass on necessary information to other relevant staff (See **Legislative Context: Disclosure and confidentiality**).

Often advice and referral mechanisms are most robust and effective in situations where admissions tutors are engaged with Disability Officers. Communication across the institution enhances the quality of information offered to students to help them with decisions and choices. Moreover, a proactive link with staff development units supports the updating and training of admissions staff on programme provision and disability awareness raising, in the context of pre-entry and entry to programmes.

> "If students are to be retained and to progress within the educational system, they have to negotiate entry into university. Admissions officers are the 'gatekeepers' to universities. A central place needs to be given to admissions policies, staff development and practices."
> Moxley, D. et al (2001).

Admissions staff are often required to interpret a diverse range of qualifications and experience provided by students, in a wide range of formats. Many institutions find that trying to apply standard admissions policies and procedures does not work at an operational level and this makes advice to individuals difficult to interpret and apply. With regard to disabled students, guidance connected to specific impairments can sometimes provide a clearer steer for the admissions staff, but it has to be understood that this guidance cannot be applied across the impairment range without flexibility, and that an individual's needs must be considered. An overarching issue for many admissions staff is how to treat students as individuals in a mass admissions process that continues to view a full time student with A levels, progressing from school via UCAS, as the 'norm'.

The DDA Part 2 (October 2004) provided the legislative framework for professional bodies to consider and address issues of discriminatory practice in applying professional standards to ensure that 'competency standards' (previously termed professional standards) are 'objectively justifiable' - i.e. they are clearly defined and are a distinct requirement for that trade or profession. Responsibility will be on the professional bodies to clearly define competence standards, but it will be admissions staff who will be required to apply and advise on these issues when offering students places on programmes. (See also Page 10)

Inclusive practice

Many HEIs are now quite adept at applying policy and practice on an individual student by student basis whilst maintaining equity for the whole student cohort and fairness in the admissions process. The ways in which HEIs have achieved this balanced approach can be summarised as follows:

- provide training to ensure admissions tutors have reviewed competence standards for admissions to their courses

- provide training for admissions tutors to ensure that interviews provide an equal opportunity to all applicants to demonstrate their strengths

- liaise with community sector groups to encourage applications from disabled learners

- ensure that, as well as training admissions staff in equality legislation, there is sufficient capacity for staff to learn about the

particular characteristics of an impairment presented by an applicant and to think about how to adapt an approach accordingly

- admissions staff need to have the confidence to think clearly about selection criteria and whether their approach is providing the candidate with an effective opportunity to present their range of strengths.

Sources of support

CADISE (2006) **Being Inclusive in the Creative and Performing Arts – Learning and Teaching Tools – Admissions**
(www.bicpa.ac.uk/landt/admissions.html)

Cowork – widening access for disabled students. Useful staff development materials available online as standard HTML web pages, or as Word documents.
(old.techdis.ac.uk/archive/cowork/development/materials/)

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services**
(www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Disability Rights Commission (2004) **Disability Rights Commission: Code of Practice Employment and Occupation**
(www.drc-gb.org/pdf/4008_323_employment_occupation_pdf.pdf)

National Disability Team (2004) Checklist – Admissions
(aoa.ico3.com/resources/files/admissionscl.doc)

Skill (2006) **The Disability Discrimination Act Part 4 – Admissions and Marketing Good Practice**
(www.skill.org.uk/info/drc_guides/marketing_and_admissions.doc)

The University of Sheffield (2006) **Disability Awareness Information for Admissions Tutors**
(www.shef.ac.uk/disability/adtrain)

4. Programme design and validation

Legislative guidance

One of the purposes of the Disability Discrimination Act (DDA) Part 4 legislation is to enable disabled people to gain access to learning opportunities. Course leaders and developers therefore need to ensure that courses are designed to be accessible and that only minimal adjustments need to be made for individuals. Course leaders and developers need to ensure that the competence standards for their courses are non discriminatory. This will help HEIs to ensure that they are complying with the anticipatory aspect of the duty (see **Legislative Context**), as well as the Disability Equality Duty (DED).

Equality issues

It can be difficult to get disability and diversity on the agenda of staff who have not, to their knowledge, had direct contact with disabled students, or developed much awareness or experience of meeting a diverse range of needs. These may include staff with responsibility for programme design and validation.

Course developers need to be aware that inclusive learning, teaching and assessment practices are good for all students and therefore should be considered at the earliest possible opportunity, which is at the programme design and development stage. Also, many institutions are now recognising that by including equalities issues in advice and guidance for staff devising programmes, and/or modules of study, the need to make bespoke adjustments to meet the needs of disabled students is reduced. It is important that guidance on equalities for programme developers is continued through to validation/approval stage, so that the profile and priority given to developing and implementing inclusive practice is maintained.

Quality Assurance officers could play a key role in supporting the development of inclusive practices in course development. However,

they are often working under pressure to meet various requirements of academic staff, external examiners, audit committees, external agencies etc.

The challenge of engaging QA officers with disability equality could be be minimised by utilising the QAA Codes of Practice for the Assurance of Academic Quality and Standards in Higher Education more effectively, and ensuring that course developers are aware of the DED and DDA Part 4. This could include applying the whole set of QAA codes in the context of disability, and not just focusing on Section 3: Students with disabilities. If staff were to use the whole set of QAA codes, issues relating to programme approval, monitoring and review, external examining etc, would be considered in the context of disability as a matter of course, as opposed to being an 'add on' through a passing reference to Section 3: Students with Disabilities (1999).

Equality issues arising during programme delivery are often the legacy of poorly written and ill thought through programmes and module descriptors/ templates.

Important questions for staff to consider are:

- What is 'core' to the programme?

- How can learning outcomes be expressed in a non-discriminatory way?

- What is the justification for using particular assessment methods?

- How do the institutions 'templates' prompt staff to consider disability and wider diversity issues?

Institutions also need to ensure that validation panel staff are fully conversant with the validation procedures of the awarding HEI and that those procedures draw attention to issues such as meeting diverse student needs, legislative requirements, quality assurance requirements etc.

Inclusive practice

Examples of inclusive practice in programme design and validation are:

- Clear guidance on developing non-discriminatory competence standards

- Clear guidance on the DED and impact assessment, especially for new courses

- Clear guidance for use of templates e.g. subject templates, programme templates, module templates

- Examples of equality issues and solutions provided in guidance for programme developers

- Validation procedures that are clear and include reference to meeting the needs of disabled students

- Staff involved in validations are fully briefed on diversity issues and the legislative requirements, which may affect the programme approval arrangements

- Staff are familiar with the whole series of the QAA Code of practice for the assurance of academic quality and standards in higher education. Also specifically with Section 3: Students with disabilities – October 1999 and in particular precept 8 in the context of programme specifications

- QA units and other related staff are briefed on diversity issues particularly in the preparation and presentation of validation documentation as an example of accessible practice

- Generic student handbooks reference the needs of disabled students and offer advice on institutional policy, disclosure, access, welfare support and facilities and where to go for advice

- Subject specific handbooks offer advice on professional body criteria (if required), subject specific information and the provision of reasonable adjustments

- Learning outcomes and assessment strategies are interlinked to ensure relevant, non-discriminatory, practice.

Sources of support

Cowork – widening access for disabled students. Useful staff development materials available online as standard HTML web pages, or as Word documents.
old.techdis.ac.uk/archive/cowork/development/materials/

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services** (www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Disability Rights Commission (2005) **The Duty to Promote Disability Equality Statutory Code of Practice** (www.drc.org.uk/library/publications/disability_equality_duty/the_duty_to_promote_disability1.aspx)

Doyle, C., Robson, K., (Ball, S. and Campy, D., eds.) (2002) **Accessible Curricula: Good Practice For All.** University of Wales Institute Cardiff (www.techdis.ac.uk/resources/files/curricula.pdf)

QAA (1999) **Codes of Practice for the Assurance of Academic Quality and Standards in Higher Education** (www.qaa.ac.uk/academicinfrastructure/codeOfPractice/default.asp)

University of Gloucestershire (2005) **Developing an inclusive curriculum: A Guide for lecturers in geography, earth and environmental sciences** (www2.glos.ac.uk/gdn/icp/dlecture.pdf)

University of Strathclyde (2006) **Teachability Project funded by the Scottish Higher Education Funding Council** – evaluation of accessible course design (www.teachability.strath.ac.uk/originalteachabilitypage.html)

The Open University (2006) **Making your teaching inclusive project** (www.open.ac.uk/inclusiveteaching/)
This site has practical advice about teaching inclusively and will also help you meet the requirements of the Disability Discrimination Act. It gives an insight into what study is like for disabled students, and what can be done to make a difference.

Waterfield, J. West, B. (2002) **SENDA Compliance in Higher Education: An Audit and guidance tool for accessible practice within the framework of teaching and learning**. South West Academic Network for Disability Support (SWANDS) (www.plymouth.ac.uk/assets/SWA/Sendadoc.pdf)

5. Lectures

Legislative guidance

Suggestions in the Disability Rights Commission (DRC) Code of Practice: Post 16 Education, relating to lectures, are that simple adaptations be made by tutors and lecturers to ensure disabled students are not substantially disadvantaged by the teaching methods and formats employed. (DRC Code of Practice: Post 16, 9.8/10).

Equality issues

The lecture is an established traditional teaching method frequently used for teaching large groups of students. The equality issues for disabled students are generally related to a 'one size fits all' delivery style and the fact that often adjustments for disabled students are not considered at the lecture preparation stage by the academic member of staff.

Some academic staff have expressed concerns about providing hand-outs, notes or a briefing electronically before a lecture, as they believe this could provide the student with an option not to attend the lecture at all. However, this assumption may be incorrect, as some HEIs that have monitored the effect of providing lecture notes in advance, have reported improved attendance to lectures. This practice may also provide opportunities for more useful/reflective contributions from students, who have had time to prepare for the lecture themselves. The availability of advance notes is likely to be a necessary reasonable adjustment for some disabled students, and therefore it would be worthwhile anticipating this requirement.

Barriers relating to the delivery of a lecture in an accessible way are often experienced by visually impaired and hearing impaired students. Examples of poor practice in this context are:

- The lecturer turning away from the audience - disadvantaging students who may lip read

- Poor quality presentation slides/PowerPoint etc - small font, poor quality reproduction of handouts disadvantaging visually impaired

students

- Lecturers not using microphones if provided – rendering hearing loops ineffective and creating a barrier for hearing impaired students

- Lecturers not being trained in working with sign language interpreters so that they do not provide adequate breaks

- Using moving images (e.g. video) without providing a verbal description of what is being shown and/or not utilising sub titles

Many of these barriers could be mitigated through staff training on disability issues and general inclusive teaching practice. If academic staff adopt practices such as: advance preparation, planned delivery and follow-up reflection on evaluation of what worked, then more inclusive and effective practice can be developed and the student experience enhanced.

Inclusive practice

- At the start of courses tutors and lecturers remind students about the resources available, their rights as disabled students and where additional support is available

- Briefing notes and/or handouts are made available on the intranet in advance of lectures

- Handouts are prepared in a standardised accessible font (min12pt preferably 14pt san serif font) and on coloured paper to enhance contrast for easier visibility

- PowerPoint presentations are not crowded with lots of text and distracting visual gimmicks

- Charts, graphs and other images are reproduced in an accessible manner with small diagrams perhaps printed one slide per page as opposed to the more commonly used format of three slides to a page. Diagrams etc are verbally described by the lecturer

- Staff are trained in presenting to a diverse range of students needs, and the utilisation of technical support such as hearing loops.

Sources of support

Bremer, Yvonne, et al. (2006), Developing Academic Literacy for Philosophy Students with Diverse Learning Needs: Project Report, **Discourse** Vol.6 No.1, There is also a user-friendly summary booklet of the report, entitled 'Developing Academic Literacy for Students with Diverse Learning Needs: Project Summary', available on the Subject Centre for Philosophical and Religious Studies website**:**
prs.heacademy.ac.uk

Cowork – widening access for disabled students. Useful staff development materials available online as standard HTML web pages, or as Word documents.
(old.techdis.ac.uk/archive/cowork/development/materials/)

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services**
(www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Disability Rights Commission (2005) **The Duty to Promote Disability Equality Statutory Code of Practice**
(www.drc.org.uk/library/publications/disability_equality_duty/the_duty_to_promote_disability1.aspx)

Open University (2006) **Making your teaching inclusive project**
(www.open.ac.uk/inclusiveteaching)

Universities of Sheffield and Dundee (2006) **Skills for Access: Producing High Quality Interactive Tutorial Materials on Accessibility** (e-Learning) (www.skillsforaccess.org.uk/)

University of Leeds (2005) **Deaf and Hearing Impaired Students** (www.equality.leeds.ac.uk/dis- serv/staff/academic/lt/deaf/)
Useful information for academics teaching D/deaf and hearing impaired students.

University of Leeds (2005) **Visually Impaired students - Learning and Teaching Considerations and Visually Impaired Students** (www.equality.leeds.ac.uk/dis-serv/staff/academic/lt/vi/)
Useful information for academics teaching Blind and visually impaired students.

SCIPS (Strategies for the Creation of Inclusive Programmes of Study) aims to support academic staff to improve access to the curriculum for disabled students in ten subject areas Computing, Dance, Drama and Performance, English Hospitality, Leisure, Sport and Tourism, Mathematics, Statistics and Operational Research, Music, Nursing, Physiotherapy, Social Work, Veterinary Science, Geography: (www.scips.worc.ac.uk)

Skill (2003) **Compliance with Part IV of the Disability Discrimination Act Recording of Lectures by Disabled Students** (www.skill.org.uk/news/policy/word/guidance.doc)

TechDis (2006) **Welcome to Sim-dis** (www.techdis.ac.uk/resources/sites/2/simdis/index.htm) Simulates Disabilities and assists lecturers in understanding the diverse range of students they may encounter in their lecturing.

The University of Strathclyde (2000 – 2004) **Teachability project – Creating accessible lectures for disabled students** (www.teachability.strath.ac.uk/chapter_3/tableofcontents3.html)

Waterfield, J. and West, B (2002) **SENDA Compliance in Higher Education: An Audit and guidance tool for accessible practice within the framework of learning, teaching and assessment**. South West Academic Network for Disability Support (SWANDS) (www.plymouth.ac.uk/assets/SWA/Sendadoc.pdf)

6. Practicals

Legislative guidance

As with lectures and other teaching formats, there is no reason why most practical sessions should not be accessible to disabled students. Specific adjustments may need to be made to meet the needs of particular individuals. (Disability Rights Commission (DRC) Code of Practice: Post 16, 9.12). The Code lists the following as services: practical sessions; research degrees and research facilities; learning facilities such as laboratories; studios, darkrooms, learning equipment and materials such as laboratory equipment, computer facilities, and information communication and communication technology and resources Qualifications Bodies also have duties under DDA Part 2 to make reasonable adjustments to enable inclusion of disabled people in their assessment processes (see **Legislative Context**).

Practical classes vary greatly in the forms they take and materials they use, so it is important to be thorough when looking at this particular aspect of the student experience. Practical sessions can be developed to involve and include disabled people without compromising academic standards. In many cases, the development of inclusive practical sessions can enhance the learning experience for all involved, as this involves creative and flexible thinking.

Equality issues

Practical classes tend to involve more individualised autonomous learning, teaching and assessment methods and so issues relating to maintaining confidentiality whilst providing reasonable adjustments can be difficult. For example, providing additional written instructions for a student with a hearing impairment who has chosen not to disclose (see **Legislative context/disclosure and confidentiality**).

Health and safety issues have sometimes been used spuriously to exclude disabled students from practical classes and access to laboratories etc. HEIs are now more aware of the discriminatory dangers of using health and safety as a tool to exclude students and have developed a more inclusive and robust assessment procedure, which does not focus on the

individual impairment and what the student cannot do. Instead it focuses on bringing together (in the assessment process) the disabled student, with the academic member of staff who has the subject knowledge, and the disability officer who can offer suggestions for safe and reasonable adjustments.

Inclusive practice

Academic staff and course developers need to analyse carefully the purpose of the practical as a chosen learning, teaching and assessment method. Reasonable adjustments can then be made if required once it is clear what the purpose of the practical is and what it actually being assessed.

Examples of Inclusive practice for disabled students in practical classes could be:

- Undertaking Health and Safety/ risk assessments of practical sessions at the planning stage of courses (see Rose, 2005)

- Developing virtual or observation alternatives where appropriate

- Developing equipment to take into account various needs – e.g. rubber grips are added to various items of equipment for those with motor difficulties

- Anticipating the needs of students with impairments when purchasing equipment and furniture. For example by ordering two adjustable height workbenches along with ordinary benches for the new laboratory; only purchasing videos/DVDs with a subtitle facility

- Ensuring additional equipment such as screen readers are available where computers are necessary

- Considering flexible timetabling – some students may need longer to carry out practical work

- Providing safety instructions, outlines of class content, room maps, etc – before class

- Including support staff and technicians in staff development and awareness raising re disability issues

- Checking safety equipment is accessible – e.g. bulletin boards, fire extinguishers.

Sources of support

Cowork – widening access for disabled students. Useful staff development materials available online as standard HTML web pages, or as Word documents.
(old.techdis.ac.uk/archive/cowork/development/materials/)

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services**
(www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Disability Rights Commission (2005) **The Duty to Promote Disability Equality Statutory Code of Practice**
(www.drc.org.uk/library/publications/disability_equality_duty/the_duty_to_promote_disability1.aspx)

Disability Rights Commission (2004) **Disability Rights Commission: Code of Practice Employment and Occupation**
(www.drc-gb.org/pdf/4008_323_employment_occupation_pdf.pdf)

Equality Commission for Northern Ireland (2006) **Balancing Disability Rights & Health and Safety Requirements: A Guide for Employers**
(www.equalityni.org/uploads/word/DR&HS.pdf)

Hersh, M., Baker, N., and Macleod, M. (2006) Case study evaluating accessibility and use of a laboratory by a student who uses a wheelchair and a blind member of staff
(www.engsc.ac.uk/downloads/Disability/hersh.pdf)

University of Strathclyde (2006) **Teachability: Creating accessible practical classes for disabled students**
(www.teachability.strath.ac.uk/chapter_6/TableofContents6.html)

Rose, Christine (2005) **I don't want to sue anyone… I just want to get a life**
(www.lsda.org.uk/dda/files/pubs/inclusiveRiskAssessment041005.pdf)
London, Learning and Skills Development Agency.

Techdis (2006) **Welcome to the TechDis Technology Database**
(www.techdis.ac.uk/index.php?p=3_1)
Database of assistive technologies which can assist with practical work.

The Higher Education Academy: Physical Sciences Centre (2006)
Physical disability issues in the physical sciences
(www.physsci.heacademy.ac.uk/Publications/ToolkitsDetail.aspx?id=18)

7. Group work

Legislative guidance

Reasonable adjustments may be necessary to ensure that disabled students can contribute to and benefit from group projects. This may require supporting and advising other students within the group to ensure that necessary adjustments are made and assessing group work to ensure that every student's contribution is appropriately measured. (DRC Code of Practice: Post 16, 9.11) Staff need to be aware of relevant issues connected to student disclosure and confidentiality in group work settings (see **Legislative Context**).

Equality issues

Significant barriers can arise in group work for certain disabled students because the requirement to interact with group members can be difficult for people with social communication impairments. It is important that academic staff take care to ensure that group work is a positive learning experience for disabled students and that they pay due regard to eliminating opportunities for harassment of disabled students in a group setting.

Group work often includes a presentation of findings and this again can be an issue for some disabled students. In this situation alternative assessment methods are often employed such as video recordings of presentations.

Examples of barriers for disabled students undertaking group work are as follows:

- Some students may find the dynamics of group work hard or impossible to understand. This may mean that group work is not useful to them as a learning experience.

- Some students with hearing impairments may find group work difficult if it is not properly managed, for example in terms of turn taking, or reducing the number of multiple conversations and interruptions.

- Some visually impaired students may find it difficult if there is a requirement for spontaneous responses to texts or other materials which they have not had in advance.

- Some students with dyslexia may have stress related problems if they are asked to scribe for a feedback session, speak spontaneously to a group, or read materials in a short period of time.

- Students with unseen disabilities may be reluctant to seek reasonable adjustments in group settings as this may breach issues of confidentiality for them.

Inclusive practice

Some adjustments may be necessary to ensure that disabled students can fully contribute to, and benefit from group work. This may require supporting and advising other students within the group to ensure that reasonable adjustments are made. Of course this should only be done in conjunction with the disabled student to ensure that issues of confidentiality are observed.

Assessment criteria and strategies require careful consideration by academic staff to ensure that group assessments are fair and do not discriminate against disabled students. However, they must ensure that demonstration of the requirements of the task can be attributed to all students. Students with social communication impairment may need adjustments to ensure that they can demonstrate participation in group discussion.

For many students engaging in group work, support for interaction might be provided by a 'subject mentor' - someone who will provide the opportunity for them to talk about the subject.

Sources of support

Cowork – widening access for disabled students. Useful staff development materials available online as standard HTML web pages, or as Word documents.
(old.techdis.ac.uk/archive/cowork/development/materials/)

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services** (www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Disability Rights Commission (2005) **The Duty to Promote Disability Equality Statutory Code of Practice** (www.drc.org.uk/library/publications/disability_equality_duty/the_duty_to_promote_disability1.aspx)

Open University (2006) **Making your teaching inclusive project** (www.open.ac.uk/inclusiveteaching/)

Rose, Christine (2005) **I don't want to sue anyone… I just want to get a life** (www.lsda.org.uk/dda/files/pubs/inclusiveRiskAssessment041005.pdf) London, Learning and Skills Development Agency.

Universities of Sheffield and Dundee (2006) **Skills for Access: Producing High Quality Interactive Tutorial Materials on Accessibility (e-Learning)** (www.skillsforaccess.org.uk/)

University of Leeds (2005) **Deaf and Hearing Impaired Students** (www.equality.leeds.ac.uk/dis-serv/staff/academic/lt/deaf/) Useful information for academics teaching D/deaf and hearing impaired students.

University of Leeds (2005) **Visually Impaired students - Learning and Teaching Considerations and Visually Impaired Students** (www.equality.leeds.ac.uk/dis-serv/staff/academic/lt/vi/) Useful information for academics teaching blind and visually impaired students.

The University of Strathclyde (2000 – 2004) **Teachability project – Creating accessible lectures for disabled students**. (www.teachability.strath.ac.uk/chapter_3/tableofcontents3.html)

Waterfield, J. and West, B (2002) **SENDA Compliance in Higher Education: An Audit and guidance tool for accessible practice within the framework of teaching and learning**. South West Academic Network for Disability Support (SWANDS) (www.plymouth.ac.uk/assets/SWA/Sendadoc.pdf)

8. E-learning and distance learning

Legislative guidance

Options and opportunities to undertake courses, or some modules, using e-learning and distance learning systems can significantly increase access to those courses for disabled students. These should therefore be considered by HEIs as a possible proactive approach that would promote equality of opportunity for disabled students. This would also demonstrate that due regard and an anticipation the needs of disabled students has been made in compliance with intentions of the Disability Discrimination Act (DDA) Part 4 (DRC Code of Practice: Post 16, 2.10). E-learning and distance learning options could help to increase the numbers of disabled students enrolling and enable flexibility throughout the course, for example if a student is unable to attend classes for a period because of his or her impairment or condition.

Equality issues

Equality issues related to e-learning and distance learning are often associated with the student feeling isolated and/or remote from the fellow students, staff and support processes available 'on campus'. This can be an issue for all students, not just disabled students. However many disabled students, for example, those with mobility related impairments, or with debilitating illnesses can find this learning method an advantage.

If learning packages are designed in an inaccessible format, or the tutorial support and structure of the programme is poorly thought through or tested in terms of inclusive practice, then the difficulties that a disabled student might encounter, can be difficult to identify or recognise. Students may flounder without adequate and timely support, and, if undetected, small issues can become bigger problems.

Inclusive practice

The benefits to disabled students and ALL students in relation to e-learning and distance learning can be extensive. This is because most e-learning and distance learning programmes are designed to be:

- portable

- flexible in terms of time

- effective in immediacy of communication

- empowering to the student

- active as a learning method

- able to meet the needs of a diverse range of students with different learning styles.

However, while some students are adept at using new technologies, such as mobile phones, laptops, which can enable them to feel comfortable with this learning style, inexperience in the use of these technologies can pose a barrier. A requirement to undertake additional 'study skills' support, perhaps in advance of the course starting, may be required to ensure that the learning methodology does not act as a barrier to the student's learning experience. The use of mentoring/ buddying and the provision of well resourced technical support can often alleviate this issue.

Inclusive practice in the provision of staff development can help to ensure that those who are developing, implementing and evaluating e-learning and distance learning design accessible programmes from the start. Working with technical support staff, who themselves have expertise in accessible formats, can help support dynamic and innovative programme design without compromising the learning experience for disabled students.

Sources of support

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services** (www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Disability Rights Commission (2005) **The Duty to Promote Disability Equality Statutory Code of Practice**
(www.drc.org.uk/library/publications/disability_equality_duty/the_duty_to_promote_disability1.aspx)

JISC (2006) **Innovative Practice with e-learning**
(www.jisc.ac.uk/eli_practice.html)
Information and a guide to Inclusive practice in embedding mobile and wireless technologies into everyday practice

Phipps, L., Sutherland A. and Seale J. (eds) (2002) **Access All Areas: disability, technology and learning**
(www.techdis.ac.uk/resources/files/AAA.pdf)

Universities of Sheffield and Dundee (2006) **Skills for Access: Producing High Quality Interactive Tutorial Materials on Accessibility (e-Learning)**
(www.skillsforaccess.org.uk/)

University of Durham and the University of Bournemouth (2006) **ALERT Accessible Learning Environments and Related Technologies**
(www.dur.ac.uk/alert) or (www.bournemouth.ac.uk/alert)

Dunn, S. (2003) Return to SENDA? **Implementing accessibility for disabled students in virtual learning environments in UK further and higher education**
(www.saradunn.net/VLEproject/index.html)

TechDis (2006) **Accessible e-learning – Staff development packs**
(www.techdis.ac.uk/resources/sites/staffpacks/index.xml)
A series of self-supporting staff development packs containing easily adaptable resources designed for use within staff development courses or processes.

The University of Strathclyde (2000 – 2004) **Teachability project – Creating accessible lectures for disabled students**.
(www.teachability.strath.ac.uk/chapter_3/tableofcontents3.html)

9. Work placements, field trips and study abroad

Legislative guidance

Study beyond the boundaries of the institution is increasingly important for many programmes, and an absolute requirement for some. With careful planning and monitoring, work placements, field trips and study periods abroad can be accessible to most disabled students.

When a student is undertaking practical work experience as part of their vocational training, the work placement provider will have duties under the Disability Discrimination Act (DDA) Part 2 not to act in a discriminatory manner. Where a student is studying at another education institution within the UK, that institution will also have duties under the DDA Part 4. (DRC Code of Practice: Post 16, 9.13) The challenge for staff working to provide placements for disabled students is to meet the requirements of individual students and endeavour to ensure that the work placement provider or employer will not discriminate against the student. However, the responsibility for not discriminating against a disabled student while on work placement, will depend on the precise nature of the arrangement between the placement and the HEI and both the HEI and the third party may have some responsibility (DRC Code of Practice: Post 16, 11.8).

DDA Part 4 legislation only relates to placements which form a 'legitimate' part of a vocational training. The legal position is often mis-interpreted when a placement is not regarded as a 'legitimate' requirement of the programme. The tenuous nature of this definition can cause confusion for both host placements and students.

Equality issues

HEIs often have a Placement Unit, which takes responsibility for locating

employers who will provide work based experience. Where this is the case there are often processes and procedures to work through, which have disability equality issues embedded within them - for example, risk assessment, Health and Safety questionnaires and checklists, policies regarding disclosure and confidentiality.

Students will need to be asked for explicit consent for information about their impairment and condition to be passed on to employers and other external organisations. The format for passing on this information should be agreed with a student. It is then important that employers and other external organisations are aware of any requirements for confidentiality, and that they abide by them.

Study abroad can raise additional concerns. Employers abroad may consider their procedures are robust in accordance with their own countries' legislation; however students studying abroad are covered by the DDA Part 4 legislation and therefore checks need to be in place to ensure that the UK legislative requirements are met.

Inclusive practice

Equality issues with placements tend to arise when disabled students are the last to be considered in the preparation for placement. Adequate forward planning time and more detailed discussion with placement providers are essential to ensure the needs of the student are met, and that there is rapport and understanding of the nature of the placement activity between relevant parties.

Health and Safety assessments and placement checklists, which incorporate questions relating to the DDA, can ensure that general issues are considered. Meetings and discussions between the student, the placement provider and, in some cases, with the disability officer, at an early stage in the process, can often mitigate against mis-understandings and complications arising while the student is undertaking the placement.

An example of inclusive practice cited in the draft Code of Practice: Post 16 Education (p150) is as follows:

> As part of a life skills programme, students attend a centre for outdoor activities. The institution ensures that the centre has the necessary expertise of working with disabled students and is aware of any requirements that the students may have. They also ensure that risk assessments are carried out where necessary and give the disabled students the opportunity to raise any issues with them relating to the activity.

Placement and employability issues often go hand-in-hand. Utilisation of the employability section of this guidance is therefore recommended.

Sources of support

Canning J. (2006) **Disability and Residence Abroad**
(www.llas.ac.uk/resources/goodpractice.aspx?resourceid=2241)

Cowork – widening access for disabled students. Useful staff development materials available online as standard HTML web pages, or as Word documents.
(old.techdis.ac.uk/archive/cowork/development/materials/)

Department for Education and Skills (2002) **Providing Work Placements for Disabled Students. A good practice guide for further and higher education institutions**
(www.lifelonglearning.co.uk/placements/front.htm)

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services**
(www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Disability Rights Commission (2005) **The Duty to Promote Disability Equality Statutory Code of Practice**
(www.drc.org.uk/library/publications/disability_equality_duty/the_duty_to_promote_disability1.aspx)

Disability Rights Commission (2004) **Disability Rights Commission: Code of Practice Employment and Occupation**
(www.drc-gb.org/pdf/4008_323_employment_occupation_pdf.pdf)

DIVERSE (2004) **DIVERSE The UK Veterinary Medicine Disability Project**
(www.medev.ac.uk/diverse/index_html/)

Higher Education Academy, History, Classics and Archaeology Subject Centre (2006) **Inclusive, Accessible Archaeology Project**
(www.hca.heacademy.ac.uk/access_archaeology/inclusive_accessible/)

Higher Education Academy Subject Centre for Languages, Linguistics and Area Studies (2006) **Learning and Residence Abroad Project – Case Studies**
(www.lang.ltsn.ac.uk/lara/casestudies.html)
Three case-studies about the experiences of students with disabilities who have spent a period of residence abroad.

University of Manchester (2006) **Toolkits for Success: Managing off campus Learning for Students with Disabilities**
(www.disabilitytoolkits.ac.uk)
Project which produced a web-based resource to enable disabled students to find and make the most of their off campus learning opportunities.

The University of Nottingham (2006) **Factsheet on work placements and fieldwork**
(www.nottingham.ac.uk/studentsupport/disability/Placementsandfieldwork.doc)

The University of Strathclyde (2000 – 2004) **Teachability project – Creating accessible lectures for disabled students**
(www.teachability.strath.ac.uk/chapter_3/tableofcontents3.html)

Waterfield, J. and West, B (2002) **SENDA Compliance in Higher Education: An Audit and guidance tool for accessible practice within the framework of teaching and learning**. South West Academic Network for Disability Support (SWANDS)
(www.plymouth.ac.uk/assets/SWA/Sendadoc.pdf)

Wray, J. et al (2005) PEdDS: **Best Practice Guide: disabled social work students and placements**
(www.hull.ac.uk.pedds)

10. Assessment

Legislative guidance

The purpose of assessment is usually to determine a student's competence in a particular area. Although examinations and assessments need to be rigorous in order to test students against a benchmark, disability legislation requires the process to be flexible so that each student has an equal opportunity to demonstrate their competence. This may mean HEIs reviewing and changing existing examination or assessment practices and making necessary reasonable adjustments without compromising competence standards. Identifying genuine competence standards is the key to ensuring there is no discrimination in relation to qualifications. It is unlawful for an HEI to discriminate against a disabled student in relation to:

- the arrangements which it makes for the purpose of determining upon whom to confer a qualification

- in the terms on which it is prepared to confer a qualification

- by refusing or deliberately omitting to grant an application for such a qualification

- by withdrawing such a qualification or varying the terms on which they hold it.

(DRC Code of Practice: Post 16, 10.1)

Acts which can constitute unlawful conduct in relation to qualifications are:

- Direct discrimination (DRC Code of Practice: Post 16, Chapter 4)

- Failure to make reasonable adjustments (DRC Code of Practice: Post 16, Chapter 5)

- Disability related discrimination which cannot be justified (DRC Code of Practice: Post 16, Chap 6)

- Victimisation (DRC Code of Practice: Post 16, Chapter 7)

- Harassment (DRC Code of Practice: Post 16, Chapter 7)

Where a qualification is being conferred by another body, such as a professional body awarding a professional or trade qualification, or a general qualifications body awarding a general qualification, it is advisable for HEIs to set up systems for working with these bodies in order to ensure that they obtain the information they need to make adjustments for students taking examinations or other assessments.

Equality issues

A great deal of work has already been done in many HEIs in relation to assessment and meeting the needs of disabled students. The issue of equity, maintenance of standards and the provision of alternative assessment practices has posed a challenge for many academic staff, professional bodies, external examiners and a whole host of other staff connected with the delivery and assessment of a high quality student experience.

Generally the most useful changes and adaptations to assessment methods for disabled students are created by providing **choice** rather than **an alternative**. For example a student (disabled or non-disabled) may have the choice of being assessed by portfolio, by written examination or by coursework submission for a particular module. This choice enables disabled students to choose their assessment method without necessarily disclosing a disability or requiring adjustments. So long as the same criteria are assessed to the same standard, the assessment method can be flexible.

Two of the most common Equality issues identified in the context of assessment choice are efficacy and effectiveness. Written examinations undertaken by hundreds of students at the same time are more cost effective than other forms of assessment such as observation, portfolio assessment etc. But the challenge is to consider what is being assessed and why? For example, is the more traditional, written exam the best way to assess attitudinal or skills development?

Inclusive practice

Inclusive practice in assessment stems from careful consideration of learning outcomes, assessment criteria and ensuring that assessment practices are accessible when the programme/module is being designed. When reviewing existing assessment practices, the possibilities of both modification and of devising genuinely alternative strategies should be

considered. As mentioned earlier, providing choice of assessment method often mitigates the need to provide adjustments for many of the student cohort.

HEIs often utilise advice from external examiners in the further development and improvement of effective assessment practice. The sharing of practical examples of what has worked in assessment situations provides robust evidence and therefore gives staff confidence to agree reasonable adjustments and/or adaptations to assessment methods for different activities.

Subjects can also learn from each other. For example assessment practices in subjects such as Nursing and Midwifery could be transferable to students studying other health related subjects.

The type of programme also has an effect on assessment methods utilised e.g. Foundation degrees, Sandwich degrees and degrees which require field trips and/or study abroad. Academic staff engaged in the development and delivery of these programmes tend to utilise similar assessment methods and therefore a positive 'spin-off' is that reasonable adjustments for disabled students can be shared as tested models.

Some examples of Inclusive practice in providing reasonable adjustments in assessment:

- flexible deadlines for those with variable conditions

- support in researching booklists for those unable to 'browse' in the library

- adjustments to assignments, such as allowing a student to submit a piece of work on video rather than in writing

- provision of study skills support covering essay writing or dissertation skills

- comments/ feedback on course work in alternative formats

- adjustments to the design or delivery of an examination

- altering the mode of an assessment if a particular method, for example an examination, sets up unnecessary barriers.

There are practical implications to consider when providing reasonable adjustments for disabled students:

- Who decides what assessment adjustments are required?

- Does the disabled student need to **do** anything to gain access to assessment adjustments?

- Who organises examination adjustments?

If these questions are addressed by academic staff, disability officers, examinations officers etc then the process for providing adjustments is often a smooth procedure. Ill thought through adjustments, with little forward planning, often leave the student feeling disadvantaged, which can be even more detrimental to the outcome of the assessment.

Sources of support

Cowork – widening access for disabled students. Useful staff development materials available online as standard HTML web pages, or as Word documents.
(old.techdis.ac.uk/archive/cowork/development/materials/)

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services**
(www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Disability Rights Commission (2005) **The Duty to Promote Disability Equality Statutory Code of Practice**
(www.drc.org.uk/library/publications/disability_equality_duty/the_duty_to_promote_disability1.aspx)

Disability Rights Commission (2006) **Examinations and Assessment Good Practice**
www.drc-gb.org/employers_and_service_provider/education/higher_education/examinations.aspx)

National Disability Team (2005) **External Examiners Checklist**
(aoa.ico3.com/resources/files/eeclist1005.doc)

National Disability Team (2005) **External Examiners Institutional Focus Checklist**
(aoa.ico3.com/resources/files/eeinstitutional.doc)

Nottingham Trent University (2004) **Plant, Knowledge**
(www.plantknowledge.info)
Accessible resources to meet the needs of HE teaching and support staff.

Open University (2006) **Making Your Teaching Inclusive – Academic Assessment**
(www.open.ac.uk/inclusiveteaching/pages/inclusive-teaching/assessment.php)

Sheffield Hallam University (2005) **Accessible Assessments – Staff Guide to Inclusive Practice**
(www.shu.ac.uk/services/lti/accessibleassessments/index.html)

SPACE Project (2003, 2004) **Staff-Student Partnership for Assessment Change and Evaluation (SPACE) Project**
(www.space.ac.uk)
The SPACE project aimed to develop and promote alternative forms of assessment as a way of facilitating a more inclusive approach to assessment.

The University of Strathclyde (2000 – 2004) **Teachability: Creating accessible examinations and assessments for disabled students**
(www.teachability.strath.ac.uk/chapter_8/tableof contents8.html)

Waterfield, J., and West, B., (2002) **SENDA Compliance in Higher Education: An Audit and guidance tool for accessible practice within the framework of teaching and learning**. South West Academic Network for Disability Support (SWANDS)
(www.plymouth.ac.uk/assets/SWA/Sendadoc.pdf)

11. Retention issues

Legislative guidance

An HEI must not discriminate against a student who becomes disabled or has an impairment or condition which changes or fluctuates. In such a case, the HEI should consider whether it is possible to modify a course to accommodate a student's changing needs. This could be by changing teaching methods or providing practical aids or adaptations to premises or equipment or allowing the disabled person to study at different times or places. It may be that a change to part-time study or distance learning is appropriate (DRC Code of Practice: Post 16, 9.41)

Equality issues

Institutions are becoming quite adept at identifying common issues that students cite as reasons for dropping out. There has been a great deal of emphasis on getting the right students on the right programmes and then keeping them there. The issue of retaining disabled students is no different.

The additional issues that some disabled students will face, particularly those leaving a protected home environment, to an environment which requires self management and independence, can be significant.

Other equality issues for disabled students will relate to whether the institution can provide the services and support that was suggested in pre-admission information. Many HEIs acknowledge that inclusive practice in supporting the needs of disabled students is not uniformly applied across the whole institution and that staff in some faculties and departments can be negative towards disability equality issues. This will have an adverse effect on the learning experience for disabled students and can be a reason cited for students dropping out of programmes.

Inclusive practice

Some institutions are finding the use of Personal Development Planning (PDP) and e-portfolios an effective means to communicate, maintain contact and monitor the experiences of and the barriers encountered by

disabled students.

This practice is likely to benefit all students, but any additional issues and pressures that a disabled student may be experiencing need to be recognised and supported.

Variety in the provision of staff development, ranging from bespoke sessions on particular impairments, to electronic distribution of e-leaflets on the staff intranet, is likely to be effective. Also general awareness raising during meetings and committees and by providing examples of inclusive practice is likely to encourage staff to be more receptive to identifying risk of drop-out.

Other activities that may help to reduce drop-out are as follows:

- mentoring and buddying schemes

- utilising national resources (see below for examples) and contextualising them to an institution/subject/individual's needs

- using Individual Learning Plans to identify clear reasonable adjustment requirements

- encouraging early disclosure and providing a 'positive' culture for disabled students to comfortably disclose

- ensuring learning, teaching and assessment practice is consistently reviewed and is as inclusive as possible

- providing effective academic tutoring as well as pastoral care.

The nature of the adjustments which an institution may have to consider will depend on the circumstances of each case, but if the needs of the students are monitored on an ongoing basis then it is likely that the issue of drop-out can be reduced.

Engaging the student in ongoing dialogue throughout the programme regarding general progress is standard practice, but additional support on a regular basis for disabled students can prevent a small issue from becoming a crisis.

Practice such as providing mentoring support for a student with Asperger's syndrome can help the student to adapt to differing situations and to receive support at times when additional pressure (e.g. assessment

times) may have an adverse effect on the student's performance. Other considerations can be seen as inclusive practice for example:

- The institution should consult the disabled person at appropriate stages about what their needs are, if the student has a progressive condition, they will need to consider what effect the impairment might have in the future, so that reasonable adjustments may be planned.

- In appropriate cases, the institution should also consider seeking expert advice on the extent of a disabled person's impairment and, with the student's involvement, what might be usefully done to change premises or study arrangements. Where a student has been absent, a phased return might be appropriate.

- Institutions should have clear procedures in respect of disability leave so that a student is not disadvantaged by taking leave. Also a planned gradual return to study may be appropriate. A student should be supported by his/her personal tutor and by the disability office to manage his/her workload and meet other demands of university life.

It may be possible to modify a programme to accommodate a student's changing needs. This might be by adapting teaching methods, or by providing practical aids or adaptations to premises or equipment, or allowing the disabled person to study at different times or places. It may be that a change to part time study or distance learning is appropriate (see Section on E and Distance learning).

Sources of support

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services** (www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Disability Rights Commission (2005) **The Duty to Promote Disability Equality Statutory Code of Practice** (www.drc.org.uk/library/publications/disability_equality_duty/the_duty_to_ promote_disability1.aspx)

Newcastle University (2006) **Improving provision for disabled postgraduate research students – Premia** (www.premia.ac.uk/) Retention and development of students from Taught to Research courses.

Baker, P. Comfort, H. (2004) **Responding to Learners Voices: Resources for widening participation and enabling transitions in FE and HE**, Leicester, NIACE.

12. Progression and Transition

Legislative guidance

HEIs must ensure that arrangements for progression, or for transferring between programmes, do not discriminate against disabled people. Reasonable adjustments may need to be made to the various stages in the progression or transfer process. (DRC Code of Practice: Post 16, 9.14/15)

Issues of disclosure and confidentiality about individual disabled student's impairments or condition are also likely to be relevant as students transfer between programmes and correct processes and procedures will need to be followed (see **Legislative context**).

Equality issues

Many barriers for students at the point of progression or transition relate to adjusting to differing learning and teaching methods. Moving from a programme of study that has more didactic methods to a programme which requires a high level of interactive communication skills can be challenging for all students. However this may be particularly difficult for disabled students to adapt to if reasonable adjustments and inclusive practice have not been considered and adopted by academic staff. Students may also find moving to a new campus and engaging with new staff quite challenging. Help with reorientation and effective support, both face-to-face and via student handbooks, will be crucial for effective transition.

If students have been studying HE in an FE College and are progressing to year two or year three of an existing degree programme, equality issues connected to group dynamics and blending and bonding with an established group can present difficulties. This may be particularly difficult for disabled students who may have become comfortable when working with their peers and staff in the former programme. Introductory sessions, buddying and mentoring can provide the additional support to enable

students to integrate into new surroundings with new peers more easily and effectively, and there needs to be effective processes to tackle any incidents of harassment.

Inclusive practice

Effective planning for transition is essential to ensure that time is not lost making adjustments when the student should be focusing on the demands of a new programme or institution.

Examples of Inclusive practice are:

- an institution provides a 'taster' week for students transferring from a college of HE to university for the final year of a degree at the host HEI

- students are given subject and/or programme handbooks relating to their new programme well in advance of starting

- a day release arrangement over a period of weeks prior to transition enables students to experience the requirements of their new programme in a staged way

- a disabled student opts to take an elective module in another department as part of his course. The department that delivers the elective module asks what reasonable adjustments the student will require, makes these adjustments to the application process and informs its staff of the adjustments they will need to have in place in advance of the student starting the course.

As with other aspects of student services, HEIs will be better placed to ensure that progression and transfer arrangements do not discriminate against disabled students if they have established and implemented policies and practices to counter discrimination generally, in line with the DED duties. These will help institutions check, for example, that the requirements for progression or transfer are genuine competence standards for the course, and to monitor other arrangements so that they do not exclude disabled students who are capable of completing the course.

Sources of support

Disability Rights Commission (2005) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services** (www.drc.org.uk/library/publications/education/code_of_practice_post_16_educ.aspx)

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services** (www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

National Disability Team (2002) **Case Study - Tracking transition experiences from FE to HE** (aoa.ico3.com/resources/files/case_study-uce.doc)

National Disability Team (2004) **Final Report: Aspiration raising and transition of disabled students from Further Education to Higher Education** (www.actiononaccess.org/?p=2_5_4_3_7)

13. Employability

Legislative guidance

Currently, disabled people are under-represented both in the general workforce and in many key professions. This is a situation the government is actively seeking to redress and which HEIs can make a substantial contribution towards. It is important that courses are linked to the needs of employers and that disabled students have equal access to, are aware of and take advantage of employment related opportunities. Career guidance, work-placements and mentoring schemes, can all help to increase their chances of future employment.

HEIs can also assist by making sure that their own employment processes are not discriminating against disabled applicants or retention of disabled members of staff.

Equality issues

The issue of transition to employment provides a challenge for disabled students as they may have developed various coping strategies whilst on their HE programme that might be difficult to apply in the work context.

Employability skills are most often delivered as part of HE programmes (often an assessed component) and provide opportunities for students to consider the core skills required as they progress to employment.

Equality issues discussed in the transition section of this guidance can be similar to those experienced by a student progressing to employment, but the abrupt termination of contact and support that the institution provides as students progress to the world of work can be isolating and bewildering.

Inclusive practice

Preparation for work is now considered a key priority for many academic staff who consciously try to prepare graduates to succeed in employment. The raising of awareness in HE of the needs of employers has provided many opportunities for development of innovative practice and delivery of a wide range of options for a wide range of students' needs.

Examples of inclusive practice in relation to disabled students and employability are as follows:

- Positive support and action from employers on meeting the needs of disabled students as they progress to employment is often the outcome of effective communications, joint work on programme design and delivery and effective staff development on disability issues for employers, work placement providers etc.

- Effective careers guidance and support for disabled students linked to their academic study.

- Partnership approaches to transition with continued contact between the institution and the student (e.g. alumni, employer forums with the HEI and other relevant partners).

Sources of support

Department for Education and Skills [DfES] (2002) **Providing Work Placements for Disabled Students: A good Practice Guide for Further and Higher Education Institutions**
(www.lifelonglearning.co.uk/placements)

Disability Rights Commission (2006) **Disability Rights Commission: Code of Practice Post -16 Education and Related Services**
(www.drc-gb.org/docs/Post_16_Code_of_Practice.doc)

Disability Rights Commission (2005) **The Duty to Promote Disability Equality Statutory Code of Practice**
(www.drc.org.uk/library/publications/disability_equality_duty/the_duty_to_ promote_disability1.aspx)

National Disability Team (2005) **Checklist – Employability**
(aoa.ico3.com/resources/files/employabilitycl.doc)

National Disability Team (2004) **Inclusion Spring 2004**
(www.inclusion.ac.uk/newslett/inc2.pdf)

University of Bolton (2006) **ABECAS: Professional Careers in Construction for people with mobility, hearing or visual impairment**
(www.bolton.ac.uk/be/research/projects/abecas.html)

Shah, S. (2005) **Career Success of Disabled High-Flyers**. London, Kingsley.

The Higher Education Academy (2006) **Case studies- Developing employability skills for students with disabilities** (Cabinet Office) (www.heacademy.ac.uk/2608.htm)

14. Further reading

Adams, M., and Brown, S., (eds) (2006), **Towards inclusive learning in higher education :developing curricula for disabled students**, London, Routledge.

Disability Rights Commission. (2006) **Doing the duty An overview of the Disability Equality Duty for the public sector**. London.

Fuller, M., et al. (2004) **Barriers to learning: a systematic study of the experience of disabled students in one university**, Studies in Higher Education, 29, 3.

Gravestock, P., et al (2005) **Disability CPD Guide continuing professional development for staff involved in the learning and teaching of disabled students,** Cheltenham.

Higher Education Academy (2006), **Embedding Success – Enhancing the Learning Experience for Disabled Students**, York.

Moxley, D., Najor-Durack, A., Dumbrigue, C., (2001), **Keeping Students in Higher Education: Successful Practices and Strategies for Retention**, London, Kogan-Page.

Oliver, M., (1996) **Understanding Disability. From Theory to Practice**. Palgrave, Basingstoke.

Shah, S. (2005) **Career Success of Disabled High-Flyers**, London, Kingsley.

The University of York, The Higher Education Academy and Institute for Access Studies. (2006) **Review of widening participation research: addressing the barriers to participation in higher education** (www.heacademy.ac.uk/wpreview.htm)

Waterfield, J., West, B., (2002).**SENDA Compliance in Higher Education: An Audit and guidance tool for accessible practice within the framework of teaching and learning.** South West Academic Network for Disability Support (SWANDS).

Disclaimer

The information provided in this publication is not intended to be either legally binding or contractual in nature. Should you require more specific advice regarding the application of equalities legislation, it is recommended that you consult an appropriate qualified legal professional.

Disability Legislation:
Practical Guidance For Academics