

06 June 2011

Code of Practice on Reasonable Adjustments

Purpose of Paper

1. APRC is asked to **receive**, and if thought appropriate, **approve** a new Code of Practice on Reasonable Adjustments to take effect from 2011/12, attached as Appendices One and Two.

Proposal

2. That the proposed new Code of Practice is placed in operation for the start of the academic year 2011/12.

Background and Working Group

3. The formation of a working group to draft a Code of Practice on Reasonable Adjustments was proposed by Chris Twine in August 2010. This was approved by Professor Jeff Bale via Chair's Action and reported to the APRC 06 October 2010. The working group members were as follows:

Professor Raymund Jones, (Physics and Astronomy, Chair)
Johnny Davis (Guild of Students)
Dawn Egging (Student Support and Development)
Sue Onens (Student Support and Development)
Jane Tope (Student Support and Development)
Nina Morris (Academic and Student Administration)
Alison Paris (Institute of Applied Social Sciences)
James Piggott, (Legal Services)

4. The group met as a whole twice, with additional meetings with individual group members convened to discuss specific points within the Code of Practice. Outcomes of all discussions were circulated to the group and group approval sought before proceeding.
5. It should be noted that the group were in agreement on all points save two. Appendix One includes the version of the document which the group agreed upon after plenary and individual discussions. Appendix Two includes an alternative form of words preferred by Legal Services at sections 3.10 and 4.3.
6. Staff from Student Support and Development, and Centre for Learning and Academic Development, will work together to ensure academic and administrative staff in Schools and Colleges have advice, information and guidance on how to locally implement reasonable adjustments.

Arguments to support implementation of the Code of Practice

7. The University of Birmingham is one of the very few HEIs in the UK that does not have clear policy on reasonable adjustments, which means that it is

difficult for applicants and admissions tutors to understand the extent to which particular needs can be negotiated.

8. The Equality Executive Group (which reports to UEB) are currently finalising a draft Single Equality Scheme, as required by the Equality Act 2010. The Scheme is a public document that details how the University will address the needs of staff and students with one or more of the “protected characteristics”. Disability is one of these characteristics and the effective deployment of a Code of Practice on Reasonable Adjustments will meet our statutory general duty, under the Act, to take actions aimed at eliminating discrimination.
9. A Code of Practice for Reasonable Adjustments would give guidance on how the University discharges its functions in accordance with the Disability Equality Duty which forms Part 5A of the Disability Discrimination Act 1995 (as amended in 2005).
10. The Quality Assurance Agency for Higher Education (QAA) in their ‘Code of Practice for the assurance of academic quality and standards in higher education’ (2010) state that the main principles underpinning a Code of Practice are:
 - A clear definition of responsibilities
 - Consistent application of policies and practices that are underpinned by principles of fairness and equality of opportunity
 - The availability of clear and accessible information
11. In the disability context, the QAA in the CoP Section 3 (Disabled Students) state that ‘the enhancement of the quality of provision is a shared responsibility of all staff in an institution, not just those with a disability or learning support remit. A[n institutional] Code of Practice would help facilitate this by ensuring that ‘effective communication and partnerships between staff can exist to ensure that students’ entitlements are met’ (QAA CoP section 3 2010 p 6). This is particularly important where anticipatory adjustments are concerned.
12. At a local level, the lack of a Code of Practice could heighten the risks that reasonable adjustments may not be made or are applied inconsistently, making it more difficult to encourage shared responsibility.
13. At a national level “disability issues” form a significant proportion of complaints which reach the Office of the Independent Adjudicator (OIA). As a result of a workshop reported in the OIA’s 2007 report, it was recommended ‘that reasonable adjustments should be made for applicants and potential applicants, students, graduates, staff and visitors, anticipatory and individual’. It added that ‘there is a substantial amount of complex law for universities and colleges to understand and apply: procedures need to be carefully chosen and there should be advance planning ... with staff’ (OIA 2007 Report p14). Having a CoP to ensure consistency of response and provision would help mitigate our statutory and reputational risk.