UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE ON REASONABLE ADJUSTMENTS FOR STUDENTS

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1 Preamble

1.1 This Code of Practice provides a framework for the implementation of reasonable adjustments to support students with a disability. The University aims to ensure that all students achieve their full academic potential and that no student is disadvantaged because of a disability in their admission to, and participation in, the learning environment of the University and in demonstrating that they have achieved the learning outcomes of their programme of study.

1.2 The University of Birmingham Charter states:

> The University promotes equal opportunities and shall exercise no discrimination on the grounds of political opinion, age, colour, disability, ethnic or national origin, gender, marital status, race, religion or sexual orientation in the admission of students, or the appointment or promotion of staff or the awarding of any Degree, Diploma or Certificate, or generally, in the execution of any of its Objects as laid down by the Charter.

1.3 The University is subject to the Equality Act 2010 ("the Act") which consolidates the Disability Discrimination Act of 1995, the Special Educational Needs and Disability Act 2001 and the Disability Discrimination Act 2005. The Act requires that the University pays due regard to the need to:

"advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it"

1.4 The Act confirms that a person has a disability if:

(a) they have a physical or mental impairment, and
(b) the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

1.5 According to the Act, the effect of an impairment is a long-term effect if:

(a) it has lasted at least 12 months;
(b) the period for which it lasts is likely to be at least 12 months; or
(c) it is likely to last for the rest of the life of the person affected.

1.6 The Act (section 20) confirms the following requirements for reasonable adjustments:

(i) where a provision, criterion or practice of (an institution) puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(ii) where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(iii) where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is

reasonable to have to take to provide the auxiliary aid.

1.7 The University is also committed to operating within the precepts set out in Section 3 of the Quality Assurance Agency (QAA) Code of Practice for the assurance of academic quality and standards in higher education which relates to its treatment of disabled students. The Code defines reasonableness as follows:

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

1.8 The University has a duty to anticipate reasonable adjustments in the design of its programmes and their assessment, and in the development and provision of other facilities and services that support students and their learning.

1.9 A reasonable adjustment is a reasonable variation or alteration made to University processes so that a disabled student can access without disadvantage the higher educational opportunities of the institution without compromising the expected academic standards. Such reasonable adjustments could apply to:

(i) the process of admission to the University

(ii) the delivery of teaching, consistent with the learning outcomes of a programme or module

(iii) the examination and assessment process.

1.10 There is no duty on the University to make adjustments to genuine 'competence standards', which are academic, medical or other standards applied by or on behalf of the University for the purpose of determining whether or not a person has a particular level of competence or capability. However, the duty does apply to the way in which that standard is assessed.

1.11 This Code of Practice applies to all registered students of the University. Students on fitness to practise programmes may be subject to additional requirements detailed by the relevant professional bodies.

1.12 Reasonable adjustments are made on the basis of identifiable evidence verified by appropriate staff from Student Services. It should be noted that reasonable adjustments a student may have had prior to their starting a programme of study here will not necessarily be adopted by the University.

2 Responsibilities

University

2.1 The University as an institution accepts overall responsibility for implementation of this Code; however individual students and members of staff are required to abide by the principles set out under this Code of Practice and to assist the University in

complying with it.

2.2 Schools are responsible for monitoring the effectiveness of reasonable adjustments implemented (for example, by reviewing the performance of students with a disability in comparison to other groups of students through the annual module and programme review process). Student Services are responsible for compiling this data for consideration by the Equality Executive Group.

As far as possible any likely barriers to disabled students should be anticipated and removed. Where that is not possible, reasonable adjustments will be made to overcome those barriers as far as reasonably practicable.

Student Services should be consulted by appropriate groups to ensure that the needs of students with disabilities are considered at the planning stage

2.3 Student Services has primary responsibility for working with individual students with disabilities in advising on their support needs and recommending an appropriate course of action. Schools and the relevant Corporate Services are responsible for ensuring these are implemented satisfactorily.

Student Services should be consulted where the programme of study involves field work, work placements, study or work abroad and will discuss these with the student and the School to ensure all reasonable eventualities are anticipated and reasonable adjustments made.

2.4 Schools should be able to identify the competence standards that apply to their programme of study, as referred to in paragraph 1.10, and seek advice where appropriate.

2.5 Each programme of study will have associated with it a single clearly identified member of academic or support staff whose responsibility it is to manage reasonable adjustments for that programme (the Reasonable Adjustments Contact (RAC)). The structure of some Schools will mean that it is more appropriate for there to be a single contact at School, rather than programme, level. The name of the RAC will be provided to Student Services and any alterations notified. It will also be clearly publicised in any information that students are expected to read (e.g. in a Programme Handbook). This role might typically be taken by a Welfare Tutor, but may be taken by another member of staff with special responsibilities in this area. The RAC should ensure that contact is made with any student who has declared a disability and/or has a Student Support Agreement (SSA) in place. Where no SSA is in place, the student should be referred to Student Services and the Disclosure Protocol followed:

https://intranet.birmingham.ac.uk/as/studentservices/disability/index.aspx

The RAC should remind the student of support that is available from the University and of the student's responsibility to discuss any appropriate reasonable adjustments that should be considered.

2.6 Where there may be concerns about any student with a disability, or about the recommended adjustments, the RAC should consult with Student Services

2.7 All staff involved in teaching and assessment, including any such persons not actually employed by the University, have responsibility for ensuring that reasonable adjustments, as agreed between the student, School and Student Services are implemented as specified. In cases of uncertainty, expert advice should be sought in the first instance through the appropriate Key Worker from Student Services or (for adjustments to assessments only) the Examinations Office.

2.8 In the case of distance learning students, it is the responsibility of the RAC to ensure that the School, the student and Student Services work closely together ensure that all reasonable adjustments are made, and any necessary support is in place.

2.9 Staff are kept updated on good practice and current legislation through online resources, staff training programmes and briefings, co-ordinated by Student Services.

Students

2.11 Students are encouraged to disclose their disability at every possible opportunity and not just during the Admissions process. Once a student has disclosed a disability to any member of staff, the institution has a responsibility not to discriminate. When a student declares a disability to a member of staff of the University, the Disclosure Protocol should be followed:

https://intranet.birmingham.ac.uk/as/studentservices/disability/index.aspx

2.12 In order for reasonable adjustments under this Code to be put in place, students need to disclose their disability, and comply with University procedures (as defined under this Code) for determining and implementing their support and adjustments. Reasonable adjustments cannot be delivered unless a disability is disclosed, and appropriate consent given for dissemination of necessary information for implementation to a limited number of individuals on a 'need to know basis'.

2.13 Students should notify their Welfare Tutor if there are any problems in receiving support or if their condition changes so as to give rise to the need for an alteration to their level of support. The Welfare Tutor should ensure that Student Services and the relevant RAC is notified of any additional needs. The route for changing a SSA is via Student Services. A student is also free to seek confidential advice from the Advice and Representation Centre (ARC).

2.14 In the case of vocational and professional programmes of study, students must also ensure that they comply with any disclosure requirements specific to their programme of study in relation to ethical, registration or fitness to practise requirements of the University and the relevant registration authority. Please refer to the guidance on the University's website on Fitness to Practice:

https://intranet.birmingham.ac.uk/as/studentservices/conduct/index.aspx

2.15 Although every effort to make reasonable adjustments will be made, students are also required to show reasonable diligence in their conduct and programme of study. Please refer to the Code of Practice:

http://www.birmingham.ac.uk/Documents/university/legal/student-attendance-reasonable-diligence.pdf

2.16 Students are also encouraged to refer to the Student Charter, specifically to those points referring to their responsibilities as a student:

http://www.birmingham.ac.uk/students/birmingham/student-charter.aspx

3 Identifying the Need for Reasonable Adjustment

3.1 Apart from where it might impact on a student's fitness to practise, decisions on admission to the University are made regardless of any disability which a student may have declared prior to admission (such as on a UCAS form or a postgraduate application form). If a disability is declared at the admissions stage then the student will be contacted by Student Services and offered support in identifying needs and drawing up a SSA. Should students choose not to disclose in this way, they are invited to contact Student Services directly using a form in their offer packs.

3.2 In the event that a student's needs are significant and the adjustments are likely to go beyond standard baseline adjustments, appropriate adjustments will be considered and, where reasonable, agreed by the School, student and Student Services on a case-by-case basis. Additional input may be sought from relevant Corporate Services or individuals, including the University Medical Officer.

3.3 Students can declare a disability at any time whilst they are at University. All students who consent to their information being shared will be provided with an SSA and students are advised of a likely timescale for support to be organised. Where there are any concerns within the School regarding the support that is recommended, Schools are advised to contact the key worker and a case conference will be arranged as appropriate. Similarly, should a student have any concerns about their support at any time during their course, they are advised to speak to their Welfare Tutor in the first instance or their key worker and a case conference can be convened.

3.4 Each Programme (or School) must clearly publicise the availability of support through the School's own Welfare system and the availability of confidential help and advice on disability at Student Services and the ARC.

3.5 If a disability which might require reasonable adjustments emerges or is disclosed after the student has been admitted to their programme of study, then the student is advised to discuss matters with the School's Welfare Tutor whose duty it is to draw attention to the availability of professional help at Student Services and to follow the Disclosure Protocol:

https://intranet.birmingham.ac.uk/as/studentservices/disability/index.aspx

Any student is free to refer themselves to Student Services without informing the School.

3.6 Information regarding a student's disability is confidential and Student Services, the Welfare Tutor and the RAC must respect the dignity and confidentiality of a student disclosing a disability. Apart from cases where failure to do so might put at risk the health and safety of the student or others, or otherwise in accordance with the Data Protection Act, information will not be disclosed further without the student's written consent and if this consent is given, any further disclosure will be on a need to know basis. Should a student disclose to a member of staff at the University, or should a member of staff become aware of a student with a disability, the protocol for disclosure and consent should be followed:

https://intranet.birmingham.ac.uk/as/studentservices/disability/index.aspx

If a student declines to make this full disclosure then it should be understood that the help and support offered may be significantly limited.

3.7 The RAC is responsible for implementing the recommendations in a SSA and should discuss and agree with the student the practical implementation of the recommendations. Should any element of the SSA or its implementation give cause for concern, the RAC should consult with the Student Services Key Worker who will review the SSA and implement any necessary changes. Where appropriate, staff are encouraged to discuss the practical implementation of a SSA with Student Services before a final SSA is agreed. The outcomes of any discussion between the RAC and the student should be agreed by both student and the appropriate member of staff and recorded in writing. Student Services should be consulted regarding the need for any significant alteration or addition to the SSA.

3.8 The RAC is responsible for disseminating the adjustments recommended in the SSA to all appropriate staff within the School – for example the Personal Tutor, Timetabling and Examination Tutors and all teaching staff involved with that student.

In consultation with teaching staff, the RAC should consider all aspects of the programme of study to include lab work and practical sessions, field work, placements, study or work abroad and distance learning. These should be discussed with the student and Student Services to ensure that where possible reasonable adjustments are made in advance.

3.9 For students with disabilities as defined by the Act, adjustments are only made from the point at which a SSA comes into effect. A new SSA must be put in place for any new programme of study undertaken by the student. Reasonable adjustments such as extra time for examinations can only be put in place once students have received official confirmation of their disability or Specific Learning Difficulties and an SSA has been drawn up - screening results for dyslexia or other Specific Learning Difficulty do not constitute a diagnosis.

3.10 It is good practice for the School to hold a review with each disabled student, at least annually, and to direct the student to Student Services for further advice if this seems appropriate. In some cases including where a student's condition changes or concerns are raised with the Welfare Tutor, it may be appropriate for the School to hold a review with individual students more frequently.

4 Implementing Reasonable Adjustments

4.1 The following would be considered standard baseline reasonable adjustments for all students with a confirmed diagnosis of Specific Learning Difficulties:

1. Provision of an 'advance organiser' for lectures. This may include outline lecture notes, copies of Powerpoint or presentation slides and reading materials 24 hours prior to the lecture.
2. Provision of reading lists well in advance.
3. 25% extra time for examinations and class tests.
4. Extended library loans

<u>Additional reasonable adjustments</u>

For students with Specific Learning Difficulties with more complex needs, together with those with other disabilities including mental health conditions or other health conditions, reasonable adjustments including consideration of alternative forms of assessment will be determined on a case by case basis. In such cases, Student Services should be contacted in the first instance to discuss individual adjustments as appropriate.

4.2 Alternative examination and assessment arrangements are put in place by the Examinations Office (in the case of centrally administered Examinations) or by the School (in the case of locally administered class tests) and are given only on the recommendation of appropriate staff from Student Services or from the University Medical Officer (or Deputy). For further information on the Examinations Office and relevant procedure, visit:

https://intranet.birmingham.ac.uk/as/studentservices/index.aspx

4.3 In cases where the School is unable to implement a certain adjustment on the basis that it is not reasonable, it should record the reasoning for this in writing and retain a copy of this in the student file. A decision not to implement a certain adjustment should be included in the review of support carried out in accordance with paragraph 3.10 above.

5 Adjustments for Short Term Conditions

5.1 Although short term health conditions are not specifically referred to in the legislation, Schools are encouraged to take a flexible and sympathetic approach to significant and properly verified short term conditions.

5.2 This Code of Practice defines a “short term condition” as any condition not covered by the definition of a disability as defined by the Act as noted in section 1.4. and 1.5 of this Code of Practice.

5.3 Schools may seek the advice of Student Services or the University Medical Officer in handling such issues and may, at their discretion put in place short term adjustments provided that properly verified evidence of the need has been produced.

5.4 The Code of Practice on Extenuating Circumstances could also be used as a way of handling some short term conditions and should be consulted in addition to this Code of Practice.
http://www.birmingham.ac.uk/Documents/university/legal/extenuating-circumstances.pdf

5.5 In the event of a short term condition or other health concern arising during the examination period, Schools should act on a case by case basis. Requests for exam accommodations are dealt with directly by the Schools or by central Examinations on a case by case basis as appropriate. Medical or other appropriate evidence must always be sought and the Examinations Office informed.

6 Further Information

6.1 In cases where it is felt that the disability of the student is such that they are not ‘fit to study’ and that embarking on, or continuing with, their programme of study is impossible, the University Medical Officer will review any medical evidence,

consulting with the Student as necessary in order to make recommendations to the Registrar and Secretary on this basis. Please refer to the Code of Practice on Suspension from Study on Health Grounds for full details on the procedure:

http://www.birmingham.ac.uk/Documents/university/legal/suspension-health-grounds.pdf

6.2 Schools should also consider whether it is appropriate in any given circumstances to discuss with the student the option of taking a Leave of Absence.

6.3 If Schools or students have any concerns or queries about the implementation of this Code of Practice, advice and assistance is available from the Disability and Learning Support Service or in the case of students the ARC at the Guild of Students. The ARC can also advise students about the University's extenuating circumstances, appeals and complaints processes, if appropriate

References and sources of information

The Quality Assurance Agency Code of Practice for the Assurance of Academic Quality and Standards in Higher Education Section 3: Disabled students - February 2010 (QAA 2010)

http://www.qaa.ac.uk/academicinfrastructure/codeOfPractice/section3/Section3Disabilities2010.pdf

Equality Act 2010, http://www.legislation.gov.uk/ukpga/2010/15

Code of Practice (revised) for providers of post 16 education and related services - http://www.equalityhumanrights.com/uploaded_files/code_of_practice__revised__for_providers_of_post-16_education_and_related_services__dda_.pdf.