Disability legislation:
practical guidance for academic staff
Revised 2010

Equality Challenge Unit

The Higher Education Academy

This guidance, produced jointly by Equality Challenge Unit (ECU) and the Higher Education Academy provides academic staff with information about how to apply Part 4 of the Disability Discrimination Act 1995 (as amended) to learning and teaching. It draws on a host of resources from across the sector, and signposts examples of inclusive practice when teaching disabled students.

The guidance was originally produced in October 2006 by Sue Cavanagh (ECU) and Yvonne Dickson (Higher Education Academy). This revised edition reflects developments in legislation and inclusive practice since 2006. It has been updated by:

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Equality Challenge Unit

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Contents

1 Introduction and how to use this guidance

This guidance aims to:

= raise awareness and understanding among academic staff in higher education of their responsibilities towards disabled students under current 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 practical examples of how academic staff can support disabled students to reach their full potential to succeed and participate at all stages of their programmes
= provide examples of relevant sources of support, indicating where more detailed information is available.

It draws together considerations for the higher education sector relating to the Disability Equality Duty and the Disability Discrimination Act 1995 (as amended) (DDA) for England, Scotland and Wales, and the Special Educational Needs and Disability (Northern Ireland) Order 2005 (as amended).

The DDA 1995 was amended in 2005 to include a public sector duty towards disabled people which, in the context of higher education institutions (HEIs), encourages academic staff to review their learning, teaching and assessment methods to become more inclusive for disabled students. The legislation supports a mainstreaming approach to disability, often referred to as the social model of disability.

As shown in Annex A, the social model recognises the disadvantages and social exclusion experienced by many disabled people, which stem from attitudinal and environmental barriers. The higher education sector can play a vital role in helping to eliminate these disadvantages by ensuring that policies and practices do not discriminate against disabled students.

To encourage a socially inclusive approach to disabled students, academic staff will need to respond appropriately to disabled students' needs.

1 Introduction and how to use this guidance

This includes ensuring that:

= staff have appropriate training to review their own practices and adopt more inclusive learning, teaching and assessment approaches
= they understand their duties to make reasonable adjustments
= they are aware of the advice and support services for disabled students within their institution.

This guidance is not intended as a blueprint for delivering inclusive learning, teaching and assessment practices; instead, it aims to raise questions, offer examples of good practice, and encourage 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. The guidance focuses mainly on academics working with students on undergraduate programmes; issues relating to disabled postgraduate/research students are covered comprehensively by the Premia project (**www.premia.ac.uk**) based at Newcastle University.

The authors have set out not to source new material for this guidance, but to use existing examples and illustrations from the many expert sources of information already available (see 'References and sources of further support' at the end of each section). Some of the equality issues and examples of inclusive practice in a learning and teaching context for disabled students have come from sources including:

= projects funded by the Higher Education Funding Council for England to improve provision for disabled students
= comments from staff engaging directly with disabled students
= contributions from leading disability specialists in the higher education sector
= excerpts from materials and publications available across the sector.

For the purposes of this guidance, the term 'academic staff' refers to all staff in contact with students in a learning and teaching context, regardless of their working contract. This includes lecturers, programme leaders, technical staff, lab assistants, academic tutors and IT staff with a remit for supporting e-learning, on either full-time, part-time, temporary or permanent contracts. The term 'programme' refers to a course of study, a programme of learning or 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 – to provide academic staff with opportunities to consider various learning, teaching and assessment practices and the barriers these might present to disabled students. The aim is to develop solutions to support effective access to learning for all students.

This guidance can be used in a variety of ways, for example:

= when reviewing modules or undertaking curriculum design and development
= when delivering interactive workshops
= in small group sessions for continuing professional development
= for reference and to raise awareness of the DDA legislation and responsibilities of academic staff
= subject centres may wish to expand on some sections by including subject-specific examples of practice that works.

Each of sections 3 to 13 of this guidance is structured as follows:

= Legislative guidance – highlights the key legal principles that can help HEIs work towards eliminating discriminatory practice and avoiding disputes
= Equality issues – identifies some of the disability equality issues that may arise during the admissions and learning, teaching and assessment processes
= Inclusive practice – provides ideas from the sector and elsewhere that can support inclusive practices
= References and sources of further support – links to useful websites and other sources of information.

Equality Challenge Unit (ECU) 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 and teaching and the responsibilities of academic staff in relation to disabled students.

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

1 Introduction and how to use this guidance

Feedback and enquiries relating to disability can be directed to:

= ECU: **disability@ecu.ac.uk** (disability equality policy and legislation)
= Higher Education Academy: **inclusion@heacademy.ac.uk** (inclusive learning and teaching)
= Action on Access: **help@actiononaccess.org** (widening participation).

2 Legislative context

2.1 Introduction

The DDA 1995 (as amended) addresses the discrimination disabled people face in a range of different settings. The following parts are of particular relevance to higher education:

= Part 1 – contains the definition of disability used throughout the DDA
= Part 2 – relates to employment
= Part 3 – relates to access to goods, services and facilities; students' unions and services offered by HEIs to the public, such as conference and sports facilities, are also covered by this part of the Act
= Part 4 – relates to all levels of education.

2.2 Legal developments

Provisions in the DDA relating to higher education have been significantly amended since it was first introduced in 1995. In particular, the Special Educational Needs and Disability Act 2001, the DDA 2005, and the DDA 1995 (Amendment) (Further and Higher Education) Regulations 2006 have fundamentally altered the application of the DDA to the provision of further and higher education in England, Scotland and Wales. These amendments are clarified in the brief outline of the law below.

In Northern Ireland, the DDA 1995 was extended in 2005 to cover education through the Special Educational Needs and Disability (Northern Ireland) Order 2005 (Amendment) (Further and Higher Education) Regulations (Northern Ireland) 2006 (SENDO), which amended the provisions relating to further and higher education so that they effectively mirror those for England, Wales and Scotland (see section 2.3).

It should be noted that disability legislation in England, Scotland and Wales is likely to be amended again once the provisions of the forthcoming Equality Bill have been implemented. Northern Ireland is also considering introducing single equality legislation.

2.3 Current legal position

This section provides a summary of the main provision; it does not constitute legal advice and does not seek to be comprehensive.

Students are protected from discrimination in relation to admissions, student services (including learning and teaching, arranging work placements, and study abroad), and temporary or permanent exclusions from courses and qualifications conferred by the HEI.

Since 1 September 2006, there are four ways in which an HEI can discriminate against disabled students:

= direct discrimination
= failure to make reasonable adjustments
= disability-related discrimination
= victimisation.

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

2.3.1 Direct discrimination

Direct discrimination applies where a student, on the grounds of their disability, is treated less favourably than students without that 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 on the basis that she cannot see. Direct discrimination can never be justified.

Employees who are associated with disabled people (such as parents and carers) can be protected from direct discrimination by association and from harassment by association in the workplace. It may be that students would also be covered by associative discrimination, although this would have to be tested in the courts. In any event, the Equality and Human Rights Commission (EHRC), which subsumed the Disability Rights Commission (DRC) in 2007, stated in a parliamentary briefing on the Equality Bill in December 2008 that it wants to see associative discrimination extended beyond the employment field and embedded as a principle.

2.3.2 Reasonable adjustments

The duty to make reasonable adjustments applies where a disabled person is substantially disadvantaged in comparison with a non-disabled person, which may result from HEIs' provisions and practices, admissions criteria (other than competence standards), or a physical feature of premises. The HEI must make reasonable adjustments to remove that disadvantage. What is and is not reasonable depends on all the circumstances; however, HEIs must think ahead about the type of adjustments 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, and should keep their policies under review.

When deciding what is reasonable, HEIs need to consider:

= whether any particular adjustments would be effective in overcoming the difficulty 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 make the adjustments
= 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 chapter 2 of the *Code of Practice Post-16* (DRC, 2007) state 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.

2.3.3 Disability-related discrimination

Disability-related discrimination applies where a student is treated less favourably because of a reason related to their disability than others to whom that disability-related reason does not apply. An example would be a refusal to allow a student who uses crutches, due to a mobility impairment, to attend a site visit because of concerns about safety. The refusal is due not directly to the student's impairment, but to concerns about safety that relate to the impairment. Whether or not this disability-related discrimination is lawful would depend on whether or not it can be justified in the circumstances.

The position relating to disability-related discrimination changed following a House of Lords case in 2008 known as London Borough of Lewisham versus Malcolm, in which a disabled tenant was regarded as being evicted for a reason that did not relate to his disability and therefore as not suffering discrimination (see **www.ecu.ac.uk/law/case-law-london-borough-of-lewisham-v-malcolm**). In early 2009, the government's Office for Disability Issues (ODI) consulted on how to reinstate the lost protection for disabled people following the Malcolm case. The ODI favours the introduction of the concept of indirect discrimination to the disability provisions in the Equality Bill. The EHRC and other interested parties consider that provision in addition to the indirect discrimination model proposed by the ODI is necessary, in order to take account of the issues that are unique to disability, as opposed to other equality areas. The position at the time of publication is still not clear, and HEIs concerned about whether they may be discriminating for a reason relating to a student's disability should seek legal advice.

2.3.4 Victimisation

Victimisation occurs where a person is treated less favourably as a result of having brought – or helped a disabled person to bring – proceedings, given evidence, or made an allegation of unlawful discrimination. It is designed to offer protection to people who make or support a claim under the DDA, regardless of whether or not they are disabled.

2.4 Competence standards

Competence standards are defined by the DDA as 'an academic, medical or other standard applied by or on behalf of a[n HEI] for the purpose of determining whether or not a person has a particular level of competence or ability'. They are

potentially relevant 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 disability-related discrimination if the HEI can prove that the standard is genuine, that it is applied equally to all people, and that its application is proportionate to the aim sought. This means that HEIs must have genuine competence standards in place to ensure all candidates are able to demonstrate their ability in a particular area. This may mean HEIs will need to review all their entry, course and examination criteria to ensure they are not discriminatory and that appropriate anticipatory adjustments are in place.

For 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 be genuine competence standards only in circumstances where they 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 is assessed (see the example in section 5.78 of the *Code of Practice Post-16*; DRC, 2007). Further information about competency standards can also be found at **www.spa.ac.uk/good-practice/competence-standards.html**.

2.5 Disclosure and confidentiality

All staff need to be trained in the confidentiality of processes and procedures that relate to a disabled student's disclosure of a health condition or impairment.

Since 2006, direct discrimination and disability-related discrimination can occur even when an HEI is unaware of a person's disability. However, given the case law following the Malcolm case (see section 2.3.3), an HEI would now appear to have to know about a person's disability for disability-related discrimination to occur.

Under the duty to make reasonable adjustments, HEIs must consider the requirements of disabled people and the types of adjustment that may need to be made for them. A failure to anticipate reasonable adjustments may result in an HEI

being too late to comply fully with the duty when an individual disabled person requests an adjustment.

However, discrimination against an individual disabled student or prospective student in relation to a failure to make reasonable adjustments for them occurs only if the HEI knows, or could reasonably be expected to know, that a student has a disability. Therefore, if an HEI can show it did not know, and could not reasonably be expected to know, about the student's disability, it should have a defence against a failure to make reasonable adjustments.

The government has issued guidance on the reasonable action an education provider should take to find out about people's disabilities (see section 2.8). The *Code of Practice Post-16* (DRC, 2007) states that an HEI must do all it can reasonably be expected to do to find out about a student's disability; just relying on questions on an application or enrolment form is unlikely to be regarded as sufficient.

Once one staff member within an HEI knows about a student's impairment or condition in their capacity as a member of staff, the HEI will not usually be able to claim there is no duty to make reasonable adjustments for that student on the basis that it did not know of the student's impairment. It is therefore advisable for an HEI to have processes in place to regulate how, and in what circumstances, information about a student's disability is shared throughout the institution. If any external organisation is involved in a disabled student's course delivery or assessment processes, then 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 to which making the adjustment is consistent with a disabled person's request for confidentiality. In some cases, this may mean reasonable adjustments have to be provided in an alternative way in order to ensure confidentiality, and in some cases this may lead to the provision of less satisfactory adjustments.

2.6 The Disability Equality Duty

The amended DDA saw the introduction of the Disability Equality Duty (DED). This new duty (which came into force in December 2006) requires public bodies, including HEIs, to comply with general duties to:

= promote equality of opportunity between disabled and non-disabled people
= eliminate discrimination that is unlawful under the DDA
= eliminate harassment of disabled people related to their disabilities
= promote positive attitudes towards disabled people
= encourage participation by disabled people in public life
= take steps to take account of disabled people's disabilities, even where that involves treating disabled people more favourably than non-disabled people.

In addition to the general duties, HEIs are subject to specific duties. These include the obligation to produce a three-yearly Disability Equality Scheme, and actively involve local disabled people – as well as disabled staff and students – in the production of the scheme. The DED also requires HEIs to review all their functions, including learning, teaching and assessment, to ensure they actively promote disability equality. This process of impact assessment may lead to curriculum change, and should be a factor in decisions about the complete range of courses an HEI offers.

The introduction of the duty reflected 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 government has announced its intention to introduce a single equality duty for public authorities, which will cover all the equality strands when the forthcoming Equality Bill comes into force. Details of the Equality Bill can be found on ECU's website at **www.ecu.ac.uk/subjects/equality-bill**.

Public authorities in Northern Ireland have been subject to a statutory equality duty since 1998 (S75 of the Northern Ireland Act). On 1 January 2007, new duties on public authorities in Northern Ireland came into force under the Disability

Discrimination (NI) Order 2006, which amended the DDA by the addition of Part VA. The Equality Commission for Northern Ireland has responsibility for enforcing the DED, and more information can be found in *A Guide for Public Authorities: Promoting Positive Attitudes towards Disabled People and Encouraging the Participation of Disabled People in Public Life* (Equality Commission for Northern Ireland, 2007).

2.7 Qualifications bodies

Sometimes HEIs may provide education, training or facilities for taking examinations or assessments leading to a professional or trade qualification, but do not confer the qualification itself. The HEI will have duties under Part 4 of the DDA as described in section 2.3 above, but the professional body will have similar duties towards the disabled student under Part 2 of the DDA.

Guidance on the duties owed by qualifications bodies for England, Scotland and Wales can be found in the *Revised Code of Practice: Trade Organisations, Qualifications Bodies and General Qualifications Bodies* (EHRC, 2008); for Northern Ireland, the relevant guidance is set out in the Equality Commission for Northern Ireland's (2005b) Disability Code of Practice: Trade Organisations and Qualification Bodies, however this has not yet been updated to reflect the amendments to the DDA 1995.

2.8 References and sources of further information

DRC (2004) *Code of Practice: Employment and Occupation*. Former Disability Rights Commission.
www.equalityhumanrights.com/uploaded_files/drc_employment_code.pdf

DRC (2005) *The Duty to Promote Disability Equality: Statutory Code of Practice: England and Wales*. Former Disability Rights Commission.
www.equalityhumanrights.com/uploaded_files/the_duty_to_promote_ disability_equality_statutory_code_of_practice_england_and_wales.pdf

DRC (2006a) *The Duty to Promote Disability Equality: Statutory Code of Practice: Scotland*. Former Disability Rights Commission.
www.equalityhumanrights.com/uploaded_files/the_duty_to_promote_ disability_equality_statutory_code_of_practice_scotland.pdf

DRC (2006b) *Code of Practice: Rights of Access: Services to the Public, Public Authority Functions, Private Clubs and Premises.* Former Disability Rights Commission. **www.equalityhumanrights.com/uploaded_files/code_of_practice_rights_of_ access.pdf**

DRC (2007) *Code of Practice Post-16: Code of Practice (revised) for Providers of Post-16 Education and Related Services*. Former Disability Rights Commission. **www.equalityhumanrights.com/uploaded_files/code_of_practice__revised__ for_providers_of_post-16_education_and_related_services__dda_.pdf**

EHRC (2008) *Revised Code of Practice: Trade Organisations, Qualifications Bodies and General Qualifications Bodies*. Equality and Human Rights Commission, London. **www.equalityhumanrights.com/uploaded_files/code_trade_organisations_ qualifications_bodies.pdf**

Equality Commission for Northern Ireland (2005a) *Disability Code of Practice: Employment and Occupation*. Equality Commission for Northern Ireland, Belfast. **www.equalityni.org/archive/pdf/DisEmploymentCOP05F.pdf**

Equality Commission for Northern Ireland (2005b) *Disability Code of Practice: Trade Organisations and Qualifications Bodies*. **www.equalityni.org/archive/pdf/DisTradeCOP05F.pdf**

Equality Commission for Northern Ireland (2006a) *Changes to SENDO in Relation to Further and Higher Education (from 1 September 2006)*. Equality Commission for Northern Ireland, Belfast. **www.equalityni.org/archive/word/summarySENDOFHEamendsF0906.doc**

Equality Commission for Northern Ireland (2006b) *Disability Discrimination Code of Practice for Further & Higher Education*. Equality Commission for Northern Ireland, Belfast. **www.equalityni.org/archive/pdf/FHECOP(SENDO).pdf**

Equality Commission for Northern Ireland (2007) *A Guide for Public Authorities: Promoting Positive Attitudes towards Disabled People and Encouraging the Participation of Disabled People in Public Life*. Equality Commission for Northern Ireland, Belfast. **www.equalityni.org/archive/pdf/ECNIDisPlan.pdf**

2 Legislative context

Further information about disclosure and confidentiality
DfES (2002) *Finding Out About People's Disabilities: A Good Practice Guide for Further and Higher Education Institutions*. Former Department for Education and Skills, London. **www.lifelonglearning.co.uk/findingout**

ECU (2009) *Interventions for Staff Disclosure in Higher Education: Background Paper 2009*. Equality Challenge Unit, London.
www.ecu.ac.uk/publications/interventions-for-staff-disclosure-in-he

Rose, C. (2005) *Do you Have a Disability? Yes or No? Or is there a Better Way of Asking?* Former Learning and Skills Development Agency.
https://crm.lsnlearning.org.uk/user/order.aspx?code=052243&src=XOWEB

Skill (2005) *Disclosing your Disability*. Skill: National Bureau for Students with Disabilities, London.
http://skillcms.ds2620.dedicated.turbodns.co.uk/uploads/disclosure.doc

Further information about competency standards
Skill and SPA (2007) *A Briefing on Competency Standards and Admissions to Higher Education*. Skill: National Bureau for Students with Disabilities, London/SPA – Supporting Professionalism in Admissions Programme.
www.spa.ac.uk/good-practice/competence-standards.html

For further information about the Commission for Disabled Staff in Lifelong Learning, see **www.niace.org.uk/projects/commissionfordisabledstaff/Default.htm**.

3 Admissions and induction

3.1 Legislative guidance

HEIs should ensure they do not discriminate against disabled applicants or students in relation to:

= the arrangements they make for determining admission
= the terms on which they make an offer to a disabled student
= the refusal or deliberate omission to accept an application from a disabled person.

HEIs must ensure they have set appropriate competence standards for specific course requirements (see section 2.4); 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.

3.2 Equality issues

Admissions, induction and retention issues are closely interlinked – 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.

The pre-entry and entry stages of their programme are where many of the barriers for disabled students lie. The admissions process should meet the requirements of the student, both academically and experientially, through consideration of any additional needs of disabled students. If an individual's needs cannot be met, then the HEI needs to examine why.

Disabled students need to receive comprehensive information to help their decision to apply for a programme; prospectus information, interview procedures and pre-selection tests should be clear and accessible, and provide explicit information about what the programme will entail. The language and images used in an institution's publicity should be carefully selected to demonstrate positively the institution's approach to disability equality and supporting disabled students.

3 Admissions and induction

It is also important that students are encouraged to disclose an impairment in the early stages, and are made aware of the types of assistance that are available, so that students can receive appropriate support from the outset.

Once an impairment or condition has been declared by a student, a named person should be given responsibility for coordinating support for them, making sure the student is aware of their right to request that any disclosed information is kept confidential. If a student explicitly consents to sharing information about their impairment or condition, then all staff involved with that student should be aware of the need to pass on necessary information to other relevant staff (see section 2.5).

Advice and referral mechanisms are often 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. 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 *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 provides the legislative framework for professional bodies to consider and address issues of discriminatory practice in applying professional standards to ensure that 'competency standards' are 'objectively justifiable' – that they are clearly defined and are a distinct requirement for that trade or profession. Responsibility will be on the professional bodies to define competence standards clearly, but it will be admissions staff who are required to apply this framework when offering students places on programmes.

3.3 Inclusive practice

Many HEIs are becoming more effective in applying policy and practice on an individual student basis while maintaining fairness for the whole student cohort in the admissions process. The ways in which HEIs have achieved this balanced approach can be summarised as follows:

= provide training for admissions tutors to ensure they have reviewed competence standards for admissions, and 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 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.

3.4 References and sources of further support

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

DRC (2004) *Code of Practice: Employment and Occupation*. Former Disability Rights Commission.
www.equalityhumanrights.com/uploaded_files/drc_employment_code.pdf

DRC (2007) *Code of Practice Post-16: Code of Practice (revised) for Providers of Post-16 Education and Related Services*. Former Disability Rights Commission.
www.equalityhumanrights.com/uploaded_files/code_of_practice__revised__ for_providers_of_post-16_education_and_related_services__dda_.pdf

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EHRC (2008) *Revised Code of Practice: Trade Organisations, Qualifications Bodies and General Qualifications Bodies*. Equality and Human Rights Commission, London. **www.equalityhumanrights.com/uploaded_files/code_trade_organisations_ qualifications_bodies.pdf**

Equality Commission for Northern Ireland and Skill NI (2006a) *Special Educational Needs and Disability (NI) Order 2005 (SENDO) 1: A Practical Briefing Guide for Admissions and Marketing Staff in the Further and Higher Education Sectors*. Equality Commission for Northern Ireland and Skill NI, Belfast. **www.equalityni.org/archive/pdf/SENDOBrief01.pdf**

Equality Commission for Northern Ireland and Skill NI (2006b) *Special Educational Needs and Disability (NI) Order 2005 (SENDO) 9: A Practical Briefing Guide for Staff in Student Support Services in the Further and Higher Education Sectors*. Equality Commission for Northern Ireland and Skill NI, Belfast. **www.equalityni.org/archive/pdf/SENDOBrief09.pdf**

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

National Disability Team (2004) *Improving Provision for Disabled Students. Checklist – Admissions*. **www.sussex.ac.uk/equalities/documents/admissions_dda_checklist.pdf**

Premia (2007a) *Inclusive Admissions*. Premia Resource Base, Newcastle University, Disability Support Service, Newcastle upon Tyne. **www.premia.ac.uk/downloads/ StaffResources/Section%202%20Inclusive%20admissions.pdf**

Premia (2007b) *Access to Registration*. Premia Resource Base, Newcastle University, Disability Support Service, Newcastle upon Tyne. **www.premia.ac.uk/downloads/ StaffResources/Section%203%20Access%20to%20registration.pdf**

Premia (2007c) *Delivering Accessible Induction Programmes to Research Students*. Premia Resource Base, Newcastle University, Disability Support Service, Newcastle upon Tyne. **www.premia.ac.uk/downloads/StaffResources/Section%204%20 Access%20to%20induction.pdf**

QAA (2009) *Code of Practice for the Assurance of Academic Quality and Standards in Higher Education. Section 3: Disabled Students*. Quality Assurance Agency for Higher Education, Gloucester. **www.qaa.ac.uk/academicinfrastructure/codeOfPractice/section3/draft09/COPsec3Draft.pdf**

Skill (2006) *The Disability Discrimination Act Part 4 – Admissions and Marketing Good Practice Guide*. Skill: National Bureau for Students with Disabilities, London. **http://skillcms.ds2620.dedicated.turbodns.co.uk/uploads/media/marketing_and_admissions.doc**

Skill (2008) *Into Higher Education 2009*. Skill: National Bureau for Students with Disabilities, London. **www.skill.org.uk/shop/shop_showProduct.asp?graphics=on&productID=62615585**

Skill and SPA (2007) *A Briefing on Competency Standards and Admissions to Higher Education*. Skill Supporting Professionalism in Admissions Programme. Skill: National Bureau for Students with Disabilities, London/SPA – Supporting Professionalism in Admissions Programme. **www.skill.org.uk/page.aspx?c=63&p=152** (see 'DDA Materials').

University of Cambridge (2007) *Supporting Disabled Students and Colleagues*. Disability Resource Centre, University of Cambridge. **www.admin.cam.ac.uk/univ/disability/practice/pdf/supporthandbook.pdf**

4 Programme design and validation

4.1 Legislative guidance

One of the purposes of including education within the DDA is to enable disabled people to gain access to learning opportunities. Course leaders and developers should play an active role in facilitating this access by building accessibility into all courses, ensuring that competence standards are non-discriminatory (see section 2.4). This will help HEIs ensure they are complying with the anticipatory aspect of the Act (see section 2.3) and the DED (see section 2.6).

The DDA also seeks to ensure that disabled people are respected as equal members of society. Accordingly, it lists a number of general duties requiring public bodies to have due regard for their need to promote equality of opportunity between disabled people and other people; to promote positive attitudes towards disabled people; and to encourage participation by disabled people (among others). Course leaders could play an active role in designing courses that take account of these general duties.

4.2 Equality issues

It can be difficult to get disability and diversity onto 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. Inclusive learning, teaching and assessment practices benefit all students, and should be considered from the stage of programme design and development to prevent the need for 'retrofitting' adjustments for disabled (and other) students at a later date. The methods used should be sufficiently flexible to enable all students to participate fully in all aspects of the course and demonstrate that they have met the learning outcomes. In order to do this, staff should seek training and ongoing support where necessary, and, where possible, encourage student participation in the design and review of programmes.

Institutions now recognise the need to revise existing validation and review processes, in order to incorporate an evaluation of the programme aims, learning outcomes and assessment strategies on equality grounds. An equality impact assessment can be used to determine the extent to which a course is inclusive of disabled students and to ensure potentially discriminatory practice is identified and

eliminated. This exercise could also usefully consider the impact and accessibility of the teaching and learning environment, including off-campus environments – distance learning, field work and work placements. Any outcomes of the impact assessment should be followed up and appropriate revisions made to the programme design. Institutions may need to work in partnership with external professional bodies to ensure competence or fitness to practice standards do not discriminate against particular student groups.

To promote a positive attitude towards disabled people, course developers could incorporate issues of equality and diversity into the course; for example, by questioning stereotypes and prejudice, or by including examples of a range of different perspectives, educational backgrounds, interests and prior experiences.

Equality issues arising during programme delivery can often be addressed through an anticipatory approach by considering questions such as:

= What is 'core' to the programme?
= How can learning outcomes or competence standards be expressed in a non-discriminatory way?
= Have the needs of disabled students been taken into account when designing programmes of study?
= What is the justification for using particular assessment methods?
= Are the course delivery methods sufficiently flexible to enable all students to succeed?
= How do the institution's programme templates prompt staff to consider disability and wider diversity issues?

It could be useful to apply the QAA *Codes of Practice for the Assurance of Academic Quality and Standards in Higher Education* (QAA, 2007) in the context of disability, not simply relying on the specific disability section. This would enable programme approval, monitoring and review, and examinations to be considered in the context of disability as a matter of course, as opposed to being a reactive add-on.

4.3 Inclusive practice

Examples of inclusive practice in programme design and validation are:

= incorporation of an equality impact assessment and subsequent revisions to the programme, especially for new courses

= clear guidance on developing non-discriminatory competence standards and/or learning outcomes

= clear guidance for use of templates – for example, subject, programme and module templates

= equality guidance and training for programme developers

= validation procedures that are clear and include reference to meeting the needs of disabled students

= diversity briefing for staff involved in validations, including legislative requirements, that may affect programme approval arrangements

= staff familiarity with the whole series of the QAA *Codes of Practice* (QAA, 2007, 2009), with particular focus on curriculum design

= diversity briefing for quality assurance units and other related staff, particularly in the preparation and presentation of validation documentation as an example of accessible practice

= reference to the needs of disabled students in generic student handbooks, with advice on institutional policy, disclosure, access, welfare support and facilities, and where to go for advice

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

= interlinked learning outcomes and assessment strategies to ensure relevant, non-discriminatory practice

= consideration of the range of general duties in the design of new programmes as well as course materials

= involvement of disabled students in the review, monitoring and validation processes

= work in partnership with professional bodies to ensure competence or fitness to practice standards does not discriminate against particular student groups.

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5 Lectures

5.1 Legislative guidance

The *Code of Practice Post-16* (DRC, 2007) suggests that, wherever possible, courses and teaching practices, including lectures, should be designed to be accessible so that only simple adaptations are required for individual disabled students. Staff need to develop an understanding of what is expected of them, and to have appropriate training if necessary.

5.2 Equality issues

The barriers that lectures present for disabled students are generally related to a 'one-size-fits-all' delivery style and the fact that adjustments for disabled students are often not anticipated at the lecture preparation stage.

Some academic staff have expressed concerns about providing handouts, notes or an electronic briefing 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 it would be worthwhile anticipating this requirement.

Sensory impaired students, in particular, may experience difficulties in a lecture setting. Examples of poor practice in this context are:

= lecturers turning away from their audience – a disadvantage to students who lipread
= poor-quality presentation/PowerPoint slides –inaccessible small font size, colour of type, or poor-quality reproduction of handouts
= lecturers not using microphones if provided – this renders hearing loops ineffective and creates a barrier for hearing-impaired students

= lecturers not trained in working with sign language interpreters, who do not provide adequate breaks

= use of moving images (for example, video) without a verbal description of what is being shown and/or not utilising subtitles.

Many of these barriers could be mitigated through staff training on disability equality issues and general inclusive teaching practice. By adopting practices such as advance preparation, planned delivery and follow-up evaluation, academic staff will be able to develop a more inclusive approach and enhance disabled students' learning experience.

5.3 Inclusive practice

Examples of inclusive practice in lecture preparation and delivery include:

= proactive reminders to students at the start of courses about the resources available, their rights as disabled students, and where they can access additional support

= availability of briefing notes and/or handouts in advance of lectures

= preparation of handouts in a standardised, accessible typeface (a minimum of 12 pt, preferably 14 pt, sans serif font), on coloured paper to enhance contrast

= PowerPoint presentations free from overcrowded text and distracting visual gimmicks

= accessible reproduction of charts, graphs and other images, with small diagrams printed one slide per page, as opposed to the more commonly used format of three slides to a page; diagrams and other pictorial aids are verbally described by the lecturer

= staff training in presenting to a diverse range of students, and in the use of technical support such as hearing loops, or in the production of podcast lectures.

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6 Practical sessions

6.1 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.

Qualifications bodies also have duties to make reasonable adjustments to enable the inclusion of disabled people in their assessment processes, which could involve practical sessions (see section 2.7). Further details are explained in the EHRC's (2008) *Revised Code of Practice: Trade Organisations, Qualifications Bodies and General Qualifications Bodies*.

Practical classes vary greatly in form and use of materials, so it is important to be thorough when looking at this 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, which requires creative and flexible thinking, can enhance the learning experience for all involved.

6.2 Equality issues

Practical classes tend to involve more individualised autonomous learning, teaching and assessment methods, so issues relating to maintaining confidentiality while providing reasonable adjustments can be difficult.

Although health and safety issues have sometimes been used spuriously to exclude disabled students from practical classes and access to laboratories, HEIs are now more aware of these discriminatory dangers, and have developed a more inclusive and robust assessment procedure. This does not focus on the individual impairment and what the student cannot do; instead, it focuses on bringing the disabled student and the relevant academic member of staff together with the disability officer, who can offer suggestions for safe and reasonable adjustments.

6.3 Inclusive practice

Academic staff and course developers need to analyse carefully the purpose of the practical session as a chosen learning, teaching and assessment method, so that suitable reasonable adjustments can be made if necessary.

6 Practical sessions

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 – for example, rubber grips may be 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 adjustable-height workbenches along with ordinary benches for a new laboratory; or by purchasing only those videos/DVDs with subtitles and other audio formats

= ensuring additional equipment, such as screen readers, is 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, and room maps before class

= including support staff and technicians in staff development and disability awareness

= checking that safety equipment is accessible.

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7 Group work

7.1 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 make sure every student's contribution is measured appropriately. Staff need to be aware of relevant issues connected to student disclosure and confidentiality in group work settings (see section 2.5).

7.2 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 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 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 include:

= some students may find the dynamics of group work hard or impossible to understand – to them, group work may not be a useful learning experience

= 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

= visually impaired students may find it difficult to make a spontaneous response to texts or other materials that they have not received in advance

= students with dyslexia may experience stress if they are asked to scribe for a feedback session, speak spontaneously to a group, or read materials in a short period

= students with unseen disabilities may be reluctant to seek reasonable adjustments in group settings, as this may breach their desire for confidentiality.

7.3 Inclusive practice

Assessment criteria and strategies require careful consideration by academic staff to ensure group assessments are fair and do not discriminate against disabled students. They must also 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 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.

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8 e-learning and distance learning

8.1 Legislative guidance

Options and opportunities to undertake courses using e-learning and distance learning systems can significantly increase access to those courses for disabled students. Such options may also form part of a reasonable adjustment for an individual disabled student and should be considered in the context of the general DED (see section 2.6), which requires a proactive approach to promoting equality of opportunity for disabled students.

e-learning and distance learning options may help to increase the number 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.

8.2 Equality issues

Equality issues related to e-learning and distance learning are often associated with the student feeling isolated from fellow students, staff and the support processes that are 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.

It is especially important for e-learning or distance learning packages to be tested for their design accessibility and structural inclusiveness, as when using such approaches it can be much harder to gauge when a student is experiencing difficulties. Students may flounder without adequate and timely support and, if undetected, small issues can become bigger problems.

8.3 Inclusive practice

The benefits of e-learning and distance learning for disabled students (and for all students) can be extensive, as most such 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.

While some students are adept at using mobile phones and laptops, inexperience in the use of these technologies can be a barrier to learning. Study skills support in advance of the course may help ensure the learning methodology does not deter from a student's learning experience. Mentoring and well resourced technical support can also alleviate this issue.

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

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9 Work placements, field trips and study abroad

9.1 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 DDA to not act in a discriminatory manner. Where a student is studying at another education institution within the UK, that institution may also have duties under the DDA.

The challenge for staff is to meet the requirements of individual students and ensure 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 work placement provider and the HEI – both may have some responsibility.

In relation to study abroad, an HEI must check that the host institution can meet the needs of its disabled students and do what it can to prevent any discrimination from occurring. The *Code of Practice Post-16* (DRC, 2007) suggests in an example that if the HEI is unable to prevent discrimination occurring at the host institution abroad, then it might decide to sever links with that host institution.

9.2 Equality issues

The HEI may have a placement unit that 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 that have disability equality issues embedded within them: for example, risk assessment, health and safety questionnaires and checklists, and policies regarding disclosure and confidentiality.

Students will need to be asked for explicit consent for information about their impairment or condition to be passed on to employers and other external organisations. The format for passing on this information should be agreed with the

student. It is important to make sure 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 country's legislation; however, UK students studying abroad are covered by the DDA and so checks need to be in place to ensure UK legislative requirements are met.

9.3 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 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 that incorporate questions relating to the DDA can ensure general issues are considered. Meetings and discussions between the student, the placement provider and, in some cases, the disability officer, at an early stage in the process, can often mitigate misunderstandings and complications arising while the student is undertaking the placement.

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

Placement and employability issues often go hand-in-hand; it is recommended that HEIs also consult section 13 of this guidance.

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10 Assessment

10.1 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 that HEIs need to review and change existing examination or assessment practices and make necessary reasonable adjustments without compromising competence standards.

While no reasonable adjustments can be made to a competence standard itself, adjustments can be made to the process by which competence is assessed. Identifying genuine competence standards is the key to ensuring there is no discrimination in relation to assessments and qualifications.

In relation to qualifications, it is unlawful for an HEI to discriminate against a disabled student in relation to:

= the arrangements it makes for the purpose of determining upon whom to confer a qualification
= the terms on which it is prepared to confer a qualification
= the refusal or deliberate omission to grant an application for such a qualification
= the withdrawal of such a qualification or variation of the terms on which they hold it.

Where a qualification is conferred by another body – a professional body or a general qualifications body – the *Code of Practice Post-16* (DRC, 2007) recommends that HEIs set up systems to ensure such bodies are informed at an early stage about an applicant's disability and its implications for examinations or other assessments, provided the student's consent is obtained first.

10.2 Equality issues

A great deal of work has already been done in many HEIs in relation to meeting the needs of disabled students in assessments. The issues of equity, maintenance of standards and the provision of alternative assessment practices have posed a

challenge for many academic staff, professional bodies, external examiners and a 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. By providing a student – disabled or non-disabled – with the choice of being assessed by, for example, portfolio, written examination or submission of course work for a particular module, the student is able to choose their assessment method without necessarily disclosing a disability or requiring adjustments. As 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, and so on. But the challenge is to consider what is being assessed and why; is the more traditional, written examination the best way to assess attitudinal or skills development.

10.3 Inclusive practice

Inclusive practice in assessment stems from careful consideration of learning outcomes, assessment criteria and the accessibility of assessment practices when the programme is being designed. When reviewing existing assessment practices, both modification of existing practices and 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; assessment practices in subjects such as Nursing and Midwifery, for example, could be transferable to students studying other health-related subjects.

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The type of programme also has an effect on the assessment methods used: academic staff engaged in the development and delivery of foundation degrees, sandwich degrees, and degrees that require field trips or study abroad tend to use similar assessment methods, so reasonable adjustments for disabled students can be shared as tested models.

Some examples of inclusive practice in providing reasonable adjustments in assessment include:

= 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 or 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 and examinations officers, 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.

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11 Retention

11.1 Legislative guidance

An HEI must not discriminate against a student who becomes disabled or has an impairment or condition that changes or fluctuates. Where such a condition puts the student at a substantial disadvantage, the HEI should consider suitable reasonable adjustments, such as 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. The *Code of Practice Post-16* (DRC, 2007) recommends that the HEI should consult with the disabled student at appropriate stages so that such adjustments can be planned.

11.2 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 moving from a protected home environment to one that requires self-management and independence – can be significant.

Other equality issues for disabled students will relate to whether the institution can provide sufficient services and support. Many HEIs acknowledge that inclusive practice in supporting the needs of disabled students is not applied uniformly 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.

11.3 Inclusive practice

Some institutions find the use of personal development planning and e-portfolios an effective means of maintaining contact and monitoring the experiences of disabled students, including highlighting any barriers they encounter.

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This practice is likely to benefit all students, but any additional issues and pressures that a disabled student may experience need to be recognised and supported. Variety in the provision of staff development – ranging from bespoke sessions on particular impairments to the availability of e-leaflets on the staff intranet – is likely to be effective. Staff may also become more receptive to identifying risk of drop-out through general awareness-raising in meetings, or through experiencing examples of inclusive practice.

Other activities that may help to reduce drop-out include:

= mentoring and buddying schemes
= utilising national resources (see below for examples) and contextualising them to the needs of the institution/subject/individual
= using individual learning plans to identify clear reasonable adjustment requirements
= encouraging early disclosure and providing a positive culture for disabled students to disclose comfortably
= ensuring learning, teaching and assessment practices are reviewed consistently and are as inclusive as possible
= providing effective academic tutoring as well as pastoral care.

The nature of the adjustments that 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, it is likely that the incidence of drop-out can be reduced.

Ongoing student engagement regarding general progress is standard practice, but additional support for disabled students on a regular basis 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 may have an adverse effect on the student's performance (for example, assessment times).

Other examples of inclusive practice include the following.

= The institution consults the disabled person at appropriate stages about what their needs are – if the student has a progressive condition, they will need to consider the future effects of the impairment so that reasonable adjustments may be planned.

= In appropriate cases, the institution considers seeking expert advice on the extent of a disabled person's impairment and, with the student's involvement, what might usefully be done to change premises or study arrangements.

= Institutions should have clear procedures in respect of disability leave so that a student is not disadvantaged by taking leave. 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.

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12 Progression and transition

12.1 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. The HEI will need to make sure requirements for progression or transfer are genuine competence standards for the course.

Issues of disclosure and confidentiality about individual disabled students' 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 section 2.5).

12.2 Equality issues

Many of the barriers students face at the point of progression or transition are due to the need to make adjustments for different learning and teaching methods. All students may find a move from a programme that uses didactic methods to one requiring a high level of interactive communication skills challenging; it may be particularly difficult for disabled students to adapt 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.

Students studying at a further or higher education college may experience difficulties connected to group dynamics, blending and bonding with an established group when progressing to year two or year three of an existing degree programme. 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 additional support to enable students to integrate into new surroundings with new peers more easily and effectively, and there need to be effective processes to tackle any incidents of harassment.

12.3 Inclusive practice

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

Examples of inclusive practice are:

= providing a taster week at the host HEI for students transferring from a college of higher education to university for the final year of a degree
= providing students with subject and/or programme handbooks well in advance of starting
= allowing a day-release arrangement over a period of weeks before transition to enable students to experience the requirements of their new programme in a staged way
= ensuring reasonable adjustments are made across the whole of a student's course, including elective modules in other departments.

As with other aspects of student services, an HEI will be better placed to ensure progression and transfer arrangements do not discriminate against disabled students if it has established and implemented policies and practices to counter discrimination generally, in line with the DED. 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.

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13 Employability

13.1 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 towards which HEIs can make a substantial contribution. It is important that courses are linked to the needs of employers and that disabled students are able to access 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 their own employment processes are not discriminating against disabled applicants or retention of disabled members of staff.

13.2 Equality issues

The coping strategies that disabled students develop while on their higher education programme may not be readily transferable to a work context, which can prove a challenge in transition to employment. An HEI can assist students by delivering employability skills as part of all programmes and provide opportunities for students to consider the core skills required as they progress to employment.

While there is some similarity here to the equality issues discussed in section 12 relating to progression and transition, it is worth noting that disabled students may find entering employment particularly isolating and bewildering after benefiting from a range of HEI support services during their period of study.

13.3 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. By raising awareness of employers' needs, HEIs have provided many opportunities to develop innovative practice and deliver a wide range of options to meet students' different needs.

Some examples of inclusive practice in relation to disabled students and employability include:

= HEIs encouraging employers to provide positive support and action in meeting the needs of disabled students as they progress to employment – this is often the outcome of effective communication, joint work on programme design and delivery, and effective staff development on disability issues for employers, work placement providers, etc.

= HEIs providing effective subject-specific careers guidance and support for disabled students

= HEIs continuing contact with the student through, for example, alumni events and employer forums

= HEIs informing disabled students entering work of their potential entitlements to Access to Work support (see **www.direct.gov.uk/en/DisabledPeople/ Employmentsupport/WorkSchemesAndProgrammes/DG_4000347**).

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Remploy (undated) 'Employability Programme for Graduates'. **www.remploy.co.uk/employmentservices/school-leavers-graduates/employability-programme-graduates.ashx**

14 Further reading

Adams, M. and Brown, S. (eds) (2006) *Towards Inclusive Learning in Higher Education: Developing Curricula for Disabled Students*. Routledge, London.

DRC (2006) *Doing the Duty: An Overview of the Disability Equality Duty for the Public Sector*. Disability Rights Commission, 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., Healey, M., Gallop, R. *et al.* (2005) *Disability. CPD Guide: Continuing Professional Development for Staff Involved in the Learning and Teaching of Disabled Students*. University of Gloucestershire, Cheltenham.

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

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

Equality Commission for Northern Ireland and Skill NI have produced 11 practical briefings (some of which are referred to in this guidance).
www.equalityni.org/sections/default.asp?cms=Publications_Special%20 Educational%20Needs%20and%20Disability&cmsid=7_42&id=42&secid=8

Annex A The social versus medical model of disability

Adapted from DRC (2005) *Citizenship and Disability*. Lesson 3, Worksheet 2. Former Disability Rights Commission, London.

Social or structural model

Realisation that **societal barriers** need tackling through:

- well-designed buildings
- assistive technology
- alternative formats
- sign language interpreters
- inclusive workplaces

- independent living
- inclusive methods of assessment
- positive and non-discriminatory attitudes
- accessible environments

Medical or individual model

Perception of **disabled people** as the problem:

- "unable to get up steps"
- "unable to use their hands"
- "unable to see"
- "unable to hear"
- "ill and in need of a cure"

- "in need of help and carers"
- "having a specific learning difficulty"
- "having a mental health difficulty"
- "confined to a wheelchair"

Equality Challenge Unit

www.ecu.ac.uk

Equality Challenge Unit supports the higher education sector to realise the potential of all staff and students whatever their race, gender, disability, sexual orientation, religion and belief, or age, to the benefit of those individuals, higher education institutions and society.