

Managing reasonable adjustments in higher education



Research conducted by Impact Associates

Written and compiled by Amy Felsing and Kate Byford

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Contact

Amy Felsing

Kate Byford

disability@ecu.ac.uk

Equality Challenge Unit

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Introduction

Equality Challenge Unit (ECU) has produced this guidance in response to sector evidence indicating that not all higher education institutions (HEIs) have appropriate strategies in place to anticipate or provide resources sufficiently to meet the requirements and entitlements of disabled students and staff. Consecutive annual reports from the Office of the Independent Adjudicator (OIA, 2007, 2008), the findings of the Commission for Disabled Staff in Lifelong Learning (NIACE, 2008), and activity on national JISCMail lists all point to a need for greater support for HEIs in developing a strategic approach to managing, resourcing and anticipating reasonable adjustments for disabled students and staff in higher education.

This guidance will assist institutions with the move towards planned and anticipatory decision-making for reasonable adjustments. Although it may not be possible to anticipate every required adjustment, such an approach, with a consistent process and sufficient resource allocation, is a prerequisite for disability equality in higher education.

This guidance is illustrated with examples of innovative and effective practice drawn from an ECU investigation into how institutions currently manage and fund the provision of reasonable adjustments.

Legal context

This section provides a brief introduction to the legislative context and duties upon HEIs. The Equality Act 2010 gives the definition of disability as follows:

'A person has a disability if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'

(Equality Act 2010, Section 6)

Schedule 1 of the Equality Act 2010 provides determination of disability, stating the effect of impairment as long term if:

- = it has lasted for at least 12 months,
- = it is likely to last for at least 12 months, or
- = it is likely to last for the rest of the life of the person

Introduction

The Equality Act 2010 replaces the Disability Discrimination Act (DDA) and its associated duties, and will introduce a new public sector equality duty which replicates the general duties in the disability equality duty (DED). As in current disability equality legislation, it is permissible to treat a disabled person more favourably than a non-disabled person. The Act will continue the existing duty upon HEIs to make reasonable adjustments for staff, students and service users in relation to:

- = a provision, criteria or practice
- = physical features
- = auxiliary aids

The new specific duties included in the public sector equality duty for England, Scotland and Wales are likely to change the way HEIs are required to report on actions and objectives for achieving disability equality. These are currently under consultation. The new general duty is likely to be introduced from April 2011; until this time, HEIs are required to comply with the DED.

As the Equality Act does not cover Northern Ireland, the Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDI) and the Disability Discrimination Order 2006 are likely to stand. SENDI, as amended, extended protection to young disabled people in schools and disabled persons in further and higher education. Furthermore, the Disability Discrimination Order 2006 makes some changes to the DDA.

Under the Equality Act 2010, reasonable adjustments are required where disabled staff, students or visitors personally experience substantial disadvantage in comparison with non-disabled people. The measure of what is a reasonable adjustment will depend on an institution's circumstances in relation to the:

- = resources available
- = cost of the adjustment
- = practicality of the changes
- = potential benefit to other staff, students and visitors

(DRC, 2007)

The extent of the duty to make adjustments will differ slightly depending on the context. Most significantly, there is no anticipatory duty in the employment field. However, there is an anticipatory duty to provide reasonable adjustments for students, which means service providers must plan ahead and take a strategic approach to addressing the barriers that potentially impede disabled students. This will involve institutions putting in place systems that can be activated as appropriate for disabled students, staff and/or visitors. Alongside this, disabled students and staff are entitled to individual reasonable adjustments for specific requirements.

Disabled staff and students should be actively involved in strategically identifying anticipatory adjustments, and in making decisions regarding their individual reasonable adjustments.

HEIs can monitor and evaluate the range of individual adjustments that have been made, in order to effectively resource and implement anticipatory adjustments across the whole institution, which may diminish the need for individual adjustments. HEIs should, however, be aware that individual adjustments may still be required.

This approach allows an institution to develop an accessible learning and working environment where a range of support mechanisms are available to all users of the institution. Such support would no longer need to be activated through individual requests. Furthermore, anticipatory adjustments can support staff and students who have not disclosed their disability.

Where the term 'reasonable adjustment' is used alone in this guidance, it refers to both individual and anticipatory adjustments.

Individual, anticipatory and inclusive approaches in practice

Changes to **provision, criteria or practice** require HEIs to consider how they do things. For example, an HEI may need to consider adjustments to assessment practices and the provision of alternative assessment methods.

Individual reasonable adjustment	Make individual arrangements for a student to sit in a separate room to take an examination, and/or to word process their answers using a computer with specialist assistive software.
Anticipatory reasonable adjustment	<p>Review assessment methods at the design, validation and delivery phase, in line with learning outcomes and competence standards, to provide a range of alternative assessment methods for measuring student knowledge.</p> <p>Recognising and anticipating students' needs through introducing a choice of formative and summative assessment methods (for example vivas, presentations, projects and coursework in addition to formal examination) as part of mainstream practice may lessen the need for case-by-case individual adjustments.</p>
Inclusive approach	<p>Develop a whole-institution approach to designing, approving, monitoring and reviewing assessment strategies for programmes and awards. Ensure appropriate means of assessment are used and academic standards are maintained to encourage effective learning.</p> <p>= www.qaa.ac.uk/academicinfrastructure/codeOfPractice/section6/COP_AOS.pdf</p>

HEIs may aim to improve **physical access** to the campus by looking at the needs of wheelchair-users and those with other forms of mobility impairment. However, they may not fully consider how to make adjustments and improve accessibility for those with sensory impairments (people who are blind or partially sighted, deaf or hard of hearing, or within the autistic spectrum).

Individual reasonable adjustment	Offer a mentor to each disabled student entering the institution. Mentoring support can help students learn and navigate their way around campus, increasing their confidence in accessing all buildings and services.
Anticipatory reasonable adjustment	When decorating a building, define areas through strong visual colour contrasts between walls and other surfaces to provide a more accessible physical environment.
Inclusive approach	Ensure the institution's physical environments and services are fully accessible for all staff and students.

Auxiliary aids and services enable or facilitate disabled staff or students working or studying within HEIs.

Individual reasonable adjustment	Provide a blind or partially sighted student with a personal assistant to take notes during lectures and tutorials and read materials to the student. This enables the student to listen to the lecturer without trying to take notes at the same time.
Anticipatory reasonable adjustment	<p>Provide course materials and handbooks in alternative formats, such as digital talking books, to enable students to have greater independence.</p> <p>= www.open.ac.uk/disabledstudentservices/digitalaudioproject/index.shtml</p> <p>= www.daisy.org</p> <p>Ensure the institution's websites have text-to-speech technology that allows individual users to tailor accessibility to their own preferences.</p> <p>= www.brainhe.com/textinfo.htm</p> <p>= www.techdis.ac.uk/index.php?p=3_6</p>
Inclusive approach	Provide materials and resources in alternative formats, and include this in the institution's marketing and communications strategy.

Methodology

In June 2009, ECU commissioned a team of consultants to undertake an investigation into how HEIs currently manage and fund the provision of reasonable adjustments for disabled students and staff in higher education. A cross-sector advisory group met to consider the findings from the investigation and gave input into the guidance for the sector.

A questionnaire designed to elicit sector examples of current practice in managing and funding reasonable and anticipatory adjustments was sent to equality and diversity practitioners. The 30 responses were analysed to build the case for taking a strategic approach to providing an inclusive environment. The questionnaire was followed up by in-depth telephone interviews with ten institutions. These highlighted examples of innovative and inclusive practice for institutional provision of reasonable adjustments to staff and students.

In some areas, such as how to take an anticipatory approach beyond the university estates, HEIs were less able to provide examples of practice. This guidance attempts to address some of the gaps and presents the key findings of the investigation.

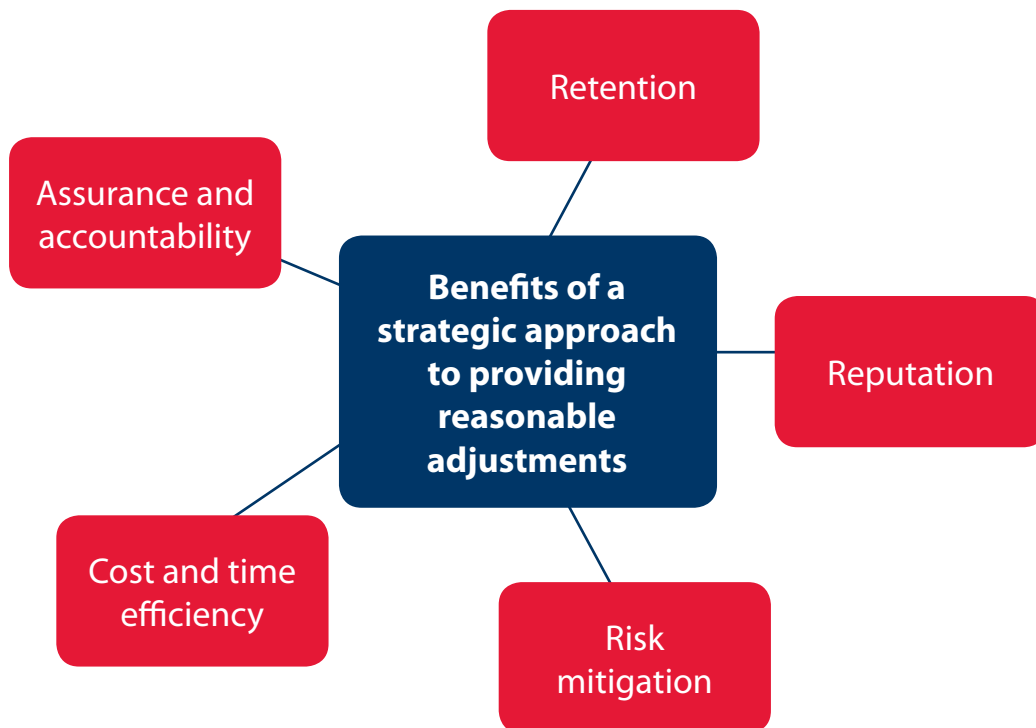
Making the case for an anticipatory approach

The revised version of the Quality Assurance Agency's code of practice for disabled students (QAA, 2010) states that to meet legislative requirements successfully, an HEI needs to have an ethos that embraces diversity, as well as senior managers who demonstrate a commitment to resourcing the disability equality agenda and take an active interest in accessibility. The QAA additionally proposes that institutions make consideration of the entitlements of disabled students and staff a core element of institutional practice relating to all decision-making activities. The statutory code of practice for post-16 education providers (DRC, 2006a) encourages institutions to take a strategic approach to the provision of reasonable adjustments.

Most of the participating HEIs demonstrate such an approach by incorporating explicit or implicit commitments to equality and diversity within their mission statements. Incorporating equality statements within institutional policy and practice embeds and promotes equality and diversity within an institution's ethos.

In 2005, the European Commission conducted research to establish a link between economic success and effective equality and diversity practice. The large-scale study (EC, 2005) found a demonstrable correlation between successful private sector businesses and a commitment to diversity.

Taking a proactive and strategic approach to integrating disabled people's entitlement to reasonable adjustments into an HEI's planning cycle should not only lead to a more inclusive culture, but also has the potential for long-term cost and efficiency savings.



Retention

There is a clear case for ensuring all staff and students are supported through accommodation of their particular requirements, to encourage greater retention and increased diversity within the institution.

Against the backdrop of a range of national surveys (including the national student survey, the international student barometer and the Higher Education Academy's postgraduate research experience survey), student achievement and satisfaction levels have become increasingly public and important. HEIs are adopting a range of anticipatory approaches to facilitate better results and, arguably, correspondingly improved satisfaction rates, for example:

- = making available a range of assessment modes to allow a broader range of students to demonstrate their knowledge, which leads to improvements in overall student achievement
- = adopting an institution-wide approach to the provision of assistive technology can lead to increased general satisfaction with IT service provision, which may be reflected in student and staff surveys
- = enabling all teaching and learning staff to provide online feedback to students, saving staff time and leading to increased satisfaction for students as they receive feedback in a more timely and user-friendly format

The **University of Hertfordshire** recognises that using an anticipatory approach enables effective practice for all users. The university's virtual learning environment was designed with accessibility features built in as standard, so students and staff can change the colour of the screen, size of font, layout, etc to suit their requirements. The virtual learning environment was tested to ensure compatibility with screen readers.

Reputation and risk

Reputations can be quickly damaged by negative publicity, particularly with an ever-increasing reliance on online media. Allegations of the existence of discrimination or inequality (whether founded or not) have the potential to be hugely damaging to institutions keen to enhance their reputation for openness and inclusivity. A strategic response to meeting disability equality, including regular communication with disabled people about the support available and the programme of work towards disability equality, shows a genuine commitment to this agenda.

Cost and time efficiency

Implementing anticipatory reasonable adjustments reduces the number and extent of individual reasonable adjustments required, which results in time and cost savings in the long term, as individual reasonable adjustments are likely to have recurrent demands on staff time and budgets. It is also often more cost-effective to incorporate adjustments from the outset, during policy development and at the planning stages of new initiatives, rather than making adjustments to existing arrangements as a reactive measure.

Well planned anticipatory reasonable adjustments are more likely to be effective than ad hoc individual adjustments. 'Bolt-on' arrangements work less well because they do not fit in with existing procedures and tend to be reliant on individual staff knowledge or expertise.

The types of reasonable adjustment required may incur only minor expense or be cost-neutral, for example:

- = booking accessible transport, possibly at no extra cost, for all field trips allows all students to travel together and benefit from the informal learning and social aspects of the group trip
- = ensuring accessible rooms are available for all meetings, and that agendas and papers are circulated well in advance

At the **University of Staffordshire**, some academic staff routinely post digital recordings of their lectures to the university's virtual learning environment.

The Disability Rights Commission (DRC) calculated that the average cost of a reasonable adjustment is £100. Access to Work funding may be available for such adjustments; see appendix A for details.

The hidden costs of resourcing reasonable adjustments include the staff time needed to implement an adjustment, and funds required for maintenance and upgrading. Adjustments to working arrangements for disabled staff, such as changing hours or duties, are likely to have resource implications that need identifying and costing.

Some reasonable adjustments will have recurrent costs, such as the cost of upgrading assistive software. and this should be factored in over time. Consideration of reasonable adjustments is a necessary aspect of any new project. If funding for large projects is reduced, it is important that agreed reasonable adjustments for disabled people are not cut without proper consultation and involvement.

Anticipatory adjustments allow an HEI to plan ahead to avoid potential future demands on limited resources. A centralised funding structure, with associated procedures for approving expenditure, ensures that unforeseen required adjustments can be put in place quickly and consistently, saving staff time and preventing complaints or legal challenges.

The **University of Salford's** estates and property services department organised an extensive reasonable adjustments programme (budgeted at £1,000,000 over the period 2008–11) to reduce the need for individual adjustments. By incorporating accessibility standards into the estates project design software, the university hopes to eliminate the need to carry out costly ad hoc alterations.

Part of this programme has seen the development of assistive technology rooms in two of the libraries, with the aims of reducing the need for reasonable adjustments and developing areas of disability awareness and expertise among staff. In addition to this, the university will install an accessibility scanning unit to a multifunctional copier in each library to facilitate access to copy and print services for a wide range of people.

Coventry University ensures that different assessment modes, to suit students' learning styles, are designed into courses during validation and review. This inclusive approach avoids the need to make individual arrangements for disabled students at assessment time. In the medium and long term, this can be more cost-effective than making adjustments to existing examination arrangements.

Assurance and accountability

The DED includes a duty to collect and monitor evidence to determine the effects on disabled people of policies and practices – this duty is likely to remain in the Equality Act 2010. Institutions can demonstrate their commitment to disability equality through a year-on-year reduction in complaints from disabled people, an increase in satisfaction linked to the development of an inclusive culture, or the adoption of specific initiatives in response to consultation with disabled people. Such monitoring will be useful to include in annual reporting on the success of initiatives outlined in an institution's disability equality scheme.

Higher Education Statistics Agency (HESA) statistics from 2008 indicate that, nationally, 2.7 per cent of all staff employed in higher education and 7.3 per cent of all students declare themselves disabled. However, this is unlikely to equate to the true numbers of disabled staff and students in higher education, particularly when compared with national statistics, such as the labour force survey or statistics available from the Office for Disability Issues. For a range of reasons, disabled people may choose not to disclose their disability. Therefore anticipatory adjustments are important to ensure the needs of disabled staff and students are being met.

Mechanisms for delivering an anticipatory approach

HEIs use a range of methods to move towards an anticipatory approach in the provision of adjustments for disabled people. This section combines examples from this research with examples drawn from relevant sector literature.

Effective leadership and governance

Senior management commitment to disability equality is vital for a successfully integrated approach to the provision of anticipatory reasonable adjustments (HEFCW, 2009). The report from the Higher Education Funding Council for Wales found that advisory groups taking an institutional approach to reasonable adjustments had the greatest success when they were accountable to high-level institutional committees.

Empowering departments

Responsibility for achieving disability equality is shared across the institution. The QAA's revised code of practice for disabled students (QAA, 2010) recommends that department managers, as well as senior managers, undergo training to enable them to consider the potential barriers to disabled people in their area of responsibility. While centralised disability services should be available to provide expertise to the institution, it is important that they are not relied upon to raise all institutional issues with regard to disability.

A faculty manager at **De Montfort University** made the case for a hoist facility to be included in an accessible toilet in a proposed new building. This anticipatory adjustment proved to be useful as the university subsequently accepted a student who required this facility.

Considering evidence

The new public sector equality duty under consultation focuses on measurable results and publishing of data. Until the duties are introduced, HEIs are required to comply with the DED, which similarly requires HEIs to gather, monitor and analyse data. The approach to data can be invaluable in informing an anticipatory approach to reasonable adjustments through:

- = identifying any trends in individual reasonable adjustments provided over the past few years, enabling institutions to consider how these can be embedded in policies and procedures
- = determining the effects anticipatory adjustments could have on the cost of reasonable adjustments for students who are not eligible for the disabled students' allowance (DSA)
- = considering the evidence of how well current individual adjustments are working and whether the satisfaction level could be improved through anticipatory adjustments
- = analysing the response of disabled staff and student surveys and evaluating feedback

Monitoring complaints

The DED also requires HEIs to gather and monitor complaints. The pathway report (OIA, 2010) advises that students bringing complaints are much more likely to describe themselves as having a disability (23 per cent compared with 6 per cent nationally), and recommends that HEIs should publish summaries of formal decisions from the OIA as a means of encouraging active engagement with disabled students, to mitigate damaging complaints.

Some HEIs identified that meaningful responses to disability-related complaints can enable implementation of an anticipatory approach to ensure future instances of the complaint do not arise.

An HEI in the south of England has adopted a range of anticipatory adjustments in response to feedback from a partially sighted student that some course materials were inaccessible. This resulted from a largely 'chalk-and-talk' teaching style, which visually impaired students found difficult to access. The maths department subsequently designated a member of staff to transfer all lecture notes into LaTeX, a typesetting system that includes features designed for the production of technical and scientific documentation. This has had a positive impact and other departments have subsequently adopted the same approach.

Managing provision for students and staff

The Commission for Disabled Staff in Lifelong Learning report (NIACE, 2008) notes that processes to support students are far more developed than those for staff. When developing provisions for disabled students, considering whether the support would also benefit staff, and vice versa, is important to encourage effective use of resources.

Incorporating anticipatory approaches into planning activities

During routine departmental planning activities, consider whether discussion of anticipatory adjustments can be meaningfully incorporated, rather than making them retrospectively. For example:

- = during the planning for a building refurbishment, consider which anticipatory adjustments can be incorporated into the redesign, such as contrasting paint colours for visually impaired people
- = when an ICT upgrade is due, ensure the new system is compatible with assistive software
- = work with the marketing department to consider the representation, readability and availability of alternative formats of new materials
- = when purchasing new equipment, consider usability for disabled people

Following an analysis of feedback from students, an HEI academic department identified that dyslexic students are more likely to make negative comments about the format and layout of course handouts. To make such materials accessible, the department introduced a standardised template for course handouts and teaching materials. The template has since been adopted by other academic departments.

Using equality impact assessments

The DED requires HEIs to conduct equality impact assessments (EIAs) on existing and future policies to identify any policies or practices that would disproportionately disadvantage certain groups of users, such as disabled people. Although the use of EIA is not yet stipulated in the new public sector duties, EIAs can assist an HEI in planning and resourcing reasonable adjustments, and in reducing the number of individual reasonable adjustments they have to put in place, as they can enable an HEI to consider an anticipatory approach to updating and renewing policies and facilitate a move towards disability equality.

One HEI found that its sickness absence policy did not distinguish between ill-health and disability. This could have a disproportionate and negative impact on disabled people, who may have to take a leave of absence due to their impairment, but are otherwise in good health. Following a review, the HEI developed a separate disability-related leave policy.

Providing a centralised disability support service

Some institutions have a centralised service to provide disability advice and assistance to any staff members with enquiries about supporting a disabled student or member of staff.

This service is supplemented by regular training and information sessions for disability contacts within academic faculties and for line managers, which enhance understanding of the entitlements and support available to disabled students and staff, provide updates on impairment-specific policies, and discuss ideas about different adjustments that may be required.

Using standardised documentation

Adopting a standardised approach to the way adjustments are recorded aids decision-making and ensures consistency and confidentiality, for example, using standard student personal learning plans and staff workplace adjustment pro forma.

HEIs have found the Employers' Forum on Disability's reasonable adjustment form useful.

Funding and resourcing reasonable adjustments

Ultimately it will be for a court of law to determine whether or not an adjustment is reasonable. ECU advises HEIs to set aside funding for reasonable adjustments – it is highly unlikely that a lack of available funds will be considered a defence for not making an adjustment.

The Equality Act 2010 code of practice for further and higher education is expected to be published in April 2011. Until this time, the DDA 1995 codes of practice apply. The statutory codes of practice have been approved by parliament and are admissible as evidence in legal proceedings. Courts are required to take into account any part of the code that appears relevant to them. Making use of the codes to determine the institutional approach to reasonable adjustments will assist HEIs in making lawful decisions.

The statutory code of practice for post-16 education-providers (DRC, 2006a) asserts that 'many reasonable adjustments are inexpensive and in some cases disabled students' allowances or other funding will be available to cover some of the costs'. It also states that 'even when an education provider's specific disability budget has been exhausted, they will still be required to make reasonable adjustments'. The equivalent code for staff similarly asserts that 'effective and practicable adjustments for disabled people often involve little or no cost or disruption and are therefore very likely to be reasonable for an employer to have to make. Even if an adjustment has a significant cost associated with it, it may still be cost-effective in overall terms – and so may be a reasonable adjustment to make' (DRC, 2006b).

Some groups of students will be more likely to require HEI funding for adjustments, including:

- = those who are not eligible for DSA (eg some part-time students, students on short courses, international students and postgraduate students)
- = students who require support above DSA funding levels (eg those who need full-time personal assistance)
- = those who may find it difficult to receive DSA (eg students waiting on the assessment outcome)

An HEI should not discriminate against any students on the grounds of not being eligible for DSA. The main sources available to help fund reasonable adjustments are outlined in appendix A.

Institutional approaches to funding reasonable adjustments

Taking a centralised or departmental approach to resourcing funding

Some HEIs have adopted a centralised funding model to meet the costs of reasonable adjustments for students and staff. The centralised model is recommended by the Commission for Disabled Staff in Lifelong Learning as a way of ensuring that staff (and it can be as true for students) are not disadvantaged (NIACE, 2008).

In other instances, funding for disabled students has been delegated to departments, or there is an expectation on each department to meet the costs of reasonable adjustments from its budget. A risk of taking the delegated approach, identified by some survey respondents, is that departmental staff can perceive having to meet reasonable adjustments out of an already stretched departmental budget as a penalty for having recruited disabled people. Clearly, if this is the perception, this will do little to move departments or institutions towards an inclusive approach.

Using a mixed model of both central and departmental funds for specific purposes can be useful, particularly when such an approach is supplemented by clear policies to help facilitate parity and consistency for disabled people. The crucial thing is that it is clear how and from where specific adjustments are to be financed.

In one case of centralised funding, cases for reasonable adjustments are brought to the institution's director of student services, who then liaises with the director of finance. These central funds may be used to support students when the DSA is insufficient or not available.

HEIs responding to the survey reported that centralised funds support the HEI's contribution to Access to Work awards or supplement departmental budgets. Central budgets may be controlled by a variety of staff, including equalities managers, human resources staff and chief operating officers.

At **Staffordshire University**, once the cost of support required by disabled students who are ineligible for the DSA has been calculated, the responsibility for funding lies with the relevant faculty and is managed by the disabled student centre. As agreed by the university's disability forum, the disabled student centre then charges the faculty for any support provided. A number of faculties now ringfence a portion of their budget to allow for this, following advice from the DRC that the average cost of a reasonable adjustment is £100. Evaluation of the model since its inception indicates that the funding allocation is about right.

Where funding cannot be sourced externally or through the relevant faculty, the mainstream disability premium funding is used to support reasonable adjustments for individual disabled students. £50,000 has been set aside and used as an exceptional adjustments fund. The faculty disability coordinator prepares a formal bid to a panel that decides whether funding can be released. Panel members include the dean of students and academic registrar, deputy director of finance, head of the disabled student centre, and faculty disability coordinators. Each bid must be appropriate for the needs of an individual disabled student, and funding must not be available elsewhere within the university. Bids that do not meet these criteria are rejected.

HEIs may wish to reflect on the following questions when deciding between a central or departmental approach to funding reasonable adjustments.

- = Will departmental funding allocations result in greater ownership of responsibility and consideration of disabled people's needs than a centralised fund?
- = Will central funding help ensure that no single department is financially burdened if it has a greater number of disabled students or staff to support?
- = How will the HEI ensure parity and consistency in decision-making about allocation of funding to individual disabled students or staff in different parts of the institution?
- = Who will manage the reasonable adjustment budget, and will they have training to help them make fair and valid decisions?
- = How will the level of funding be determined?
- = What happens if the budget runs out?
- = How will funding be monitored and reviewed to take account of recurrent costs?

Additional resources

Equipment loan schemes have been introduced and were found to be fairly common. Specific examples include:

- = providing laptops for students awaiting DSA funding
- = making available digital recorders during the summer vacation to facilitate field work
- = making available a Braille embosser for visually impaired students

Funding from charitable organisations is a fairly common source of additional resource for universities, in particular the Snowdon Award Scheme, which provides grants to disabled students to help them complete further and higher education or training (www.snowdonawardscheme.org.uk).

The disability service at one HEI supported an international student with mobility difficulties with an application to the British Association of Health Services in Higher Education. Such funding provides reasonable adjustment funding for students who are ineligible for a DSA or Access to Learning Fund as well as for students who require greater assistance than is available through their DSA.

Additional sources of funding to support disabled students were identified in the research, for example:

- = trust funding may be used to contribute towards the support costs identified during a student's needs assessment (for a fact sheet see Skill, 2007a)
- = a widening participation budget, hardship fund, or other fund held within student services may be used
- = resources available in other countries could offer additional support for international students
- = the FunderFinder database (www.funderfinder.org.uk), a key resource when searching for additional funding sources for domestic and international students, is used by a number of institutions
- = local, national or international businesses or donors known to the institution may be approached for support

Combining funding for individual reasonable adjustments

The following sources of funding were identified by HEIs to be used in combination with DSAs for students and Access to Work schemes for staff.

Disabled students

The following combinations of funding may be useful for students:

- = joint funding for student support workers, who may provide both academic and personal care support, by social services and the DSA

An HEI worked closely with social services to access disability living allowance and direct payments, which they used in combination with DSAs and Access to Learning Fund support. This approach was used to meet the needs and entitlements of a student living in campus accommodation with entitlement to 24-hour personal care support.

- = grants from charitable organisations can help fund the costs of individual reasonable adjustments for disabled students

An HEI cited an example of a profoundly deaf student who was a British sign language user studying a medical discipline. The student's support needs exceeded the DSA maximum, and a combined support package was arranged with funding from the DSA, the Snowdon Award Scheme, Access to Learning Fund and faculty budgets.

Disabled staff

Many institutions combine Access to Work funding with institutional funding as a means of implementing reasonable adjustments.

An academic school paid a small amount towards the cost of hearing aids for a member of their staff, and Access to Work paid the remainder. This enabled the staff member to continue effectively in their role and to move on to a more senior position in the institution.

A mix of institutional and Access to Work funding was used to support a staff member diagnosed with attention deficit disorder by providing equipment, a temporary administrative assistant and a mentor, as well as facilitating a review of the staff member's workload. This provided appropriate adjustments to reduce the stress resulting from a high workload.

An Access to Work grant complemented HEI funding to retrain a staff member who had undergone a shoulder replacement operation. This enabled the employee to recommence work in an adjusted role within the same team.

Ensuring sufficient funding for anticipatory reasonable adjustments

General approaches to ensuring adequate funding for both students and staff include:

- = a review of expenditure and ongoing adjustments by an equality and diversity committee to ensure the HEI is moving the disability equality agenda forward
- = monitoring faculties' expenditure on reasonable adjustments and reporting to the senior management team in the annual monitoring report

One HEI's senior management team reviewed, set and allocated annual funding in line with the estates programme of work in order to create a fully accessible campus environment.

Mechanisms to publicise entitlements and resources available

The development of a strategic approach to communicate entitlements and support mechanisms to staff and students will facilitate a consistent approach to disability equality across the HEI. Without a strategic approach, pockets of poor, adequate and excellent practice can exist simultaneously at one institution, and may mean it is down to luck whether an individual knows how to access the support they are entitled to. A lack of strategy can also lead to overreliance on individual staff with disability expertise or knowledge of disability services on campus. This section explores some of the practices used to communicate support initiatives to disabled staff and students.

Pre-arrival communication

Pre-arrival communication is essential to raise awareness of entitlements and support available. It can be a means of engaging and establishing a dialogue with prospective employees, students and visitors to consider their future involvement or use of an institution's service.

The most commonly cited mechanism of communicating disability provision to potential employees, students and visitors is the institution's website. The following mechanisms are also used.

Prospective employees

- = A broad range of information on institutional service provision demonstrating how the HEI meets the needs of different equality groups in recruitment literature.
- = A staff support section of the HEI's website that includes specific information on disability support and the institution's disability equality scheme.

Prospective students

- = Specific sections in undergraduate and postgraduate prospectuses on disability support.
- = Inclusive and accessible open days that consistently outline the range of support offered to disabled students.
- = Pre-enrolment weekends for disabled students, including campus tours and introduction to disability support staff.

Potential service users and visitors

- = A clear area on the institution's website outlining access for disabled people and the disability equality scheme and action plan.
- = Accessible online and hard-copy policies and resources.

Communicating the support available to current staff and students

While most HEIs appear to have strategies in place for communicating with disabled people who have already disclosed a disability, it is important to consider how the institution will communicate with people who have not disclosed their disability. The issue of creating a culture that encourages disclosure is explored in detail in *Developing staff disclosure* (ECU, 2009). Some of the ongoing communication strategies used by institutions are explored below.

Current staff

- = Build links with trade unions to disseminate key messages about the institution's support to disabled staff and encourage feedback about service provision.
- = Use disability contacts, staff who are trained and supported to act as disability or equality contacts or coordinators within departments. These staff can provide expertise and guidance on making reasonable adjustments as part of local decision-making.

Manchester Metropolitan University devised a booklet for staff and line managers called *Do you wish to inform us of a disability?* The guide ensures all line managers have a similar understanding of the steps they need to take to encourage disclosure and implement reasonable adjustments. It is an important resource in enabling disabled staff to feel confident in disclosing their impairment to their manager, and provides clear guidance and benefits of doing so.

Current students

- = Produce welcome packs for students to include details of the institutional approach to disability equality and the provisions available.
- = Designate areas of the institution and students' union websites for disability equality, citing the range of provisions available to disabled students, including how to get assessed.
- = Engage students through poster campaigns.
- = Create accessible promotional DVDs and podcasts outlining the institutional provisions.

Mechanisms to publicise entitlements and resources available

- = Hold induction events, welcome weeks and freshers' fairs attended by key staff explaining how to initiate communication.
- = Use a text reminder system to provide students with details of seminar or lecture cancellations and any room changes. Where a student has disclosed a disability, the system should ensure room changes to allow accessible teaching and learning spaces.
- = Make all course materials available electronically and on virtual learning environments.
- = Advertise the importance of disability components to personal learning plans.

Staffordshire University has a member of academic staff in each faculty who has a part-time agreement to act as a disability coordinator. It is their responsibility to monitor the implementation of reasonable adjustments at departmental level as indicated in disabled students' support agreements.

Communicating the duty to provide reasonable adjustments

In practice, the responsibility for making (or knowing about the duty to make) adjustments for disabled staff usually falls to line managers or human resources departments, who may not have expertise in disability issues. The responsibility for students, appears to fall on a range of cross-departmental staff, including disability specialists, personal tutors, estates staff, library staff, health and safety staff, and IT specialists.

Achieving disability equality at an institutional level should be viewed as the shared responsibility of all staff of the institution, and an appropriate programme of work to promote good practice across the HEI is required.

University of Leeds has produced a booklet, *Building disability confidence: supporting disabled staff*, which is distributed to all current and new staff and is available on the website, providing detailed information on Access to Work and practical examples of reasonable adjustments.

London School of Economics and Political Science provides a managing disability toolkit in hard copy and available to internal users on the human resources section of the website.

Recommendations for action

An anticipatory approach to reasonable adjustments develops a more inclusive learning and working environment. It will make the provision for disabled students and staff more reliable and consistent, and can lessen the need for individual reasonable adjustments, reducing expense in the long term.

The following recommendations are intended to support HEIs to meet their legal duties and take active steps to strategically implement anticipatory reasonable adjustments and consider the funding, publicity and evaluation processes involved.

Strategic recommendations

- = Ensure senior management teams and governing bodies take visible and unqualified ownership of the duty to make reasonable anticipatory and individual adjustments, to deliver a clear message to staff and students about the importance of disability equality.
- = Adopt a coordinated approach to the development and delivery of reasonable individual and anticipatory adjustments across all HEI functions.
- = Identify and protect resources across HEI functions, especially during central or departmental planning and restructuring.

Planning

- = Ensure those involved in strategic and operational planning decisions know how to implement individual and anticipatory reasonable adjustments.
- = Undertake an audit of current practice to inform and prioritise actions and objectives for future planning and resource allocation.
- = Involve disabled staff and students throughout the planning and development process to ensure an effective approach to anticipatory reasonable adjustments.
- = Ensure all staff understand and are aware of their duty to implement reasonable adjustments by providing appropriate guidance and support.

Funding

- = Introduce or review mechanisms to ensure fair and equitable access to available funding for reasonable adjustments for disabled students and staff. This may involve establishing a central budget for funding reasonable adjustments, with

Recommendations for action

clear criteria for allocation, or creating procedures to monitor decision-making around the allocation of funding.

- = Ensure all budgetary processes recognise the need to designate adequate and appropriate funding to cover the likely costs of reasonable adjustments.
- = Explore the full range of combined funding packages for reasonable adjustments, taking into consideration external funds and bursaries from charities.
- = Allocate specifically designated resources for disabled students and staff who are ineligible for DSA or Access to Work funds, or who receive inadequate funds from these sources.

Publicising

- = Develop a clear, well publicised process by which individuals can request adjustments.
- = Publicise the full range of entitlements available to disabled staff and students and how these can be accessed. This should be done via accessible formats and through a wide range of methods, including marketing and recruitment literature, websites, institutional policies and handbooks, tutorials and institutional events.
- = Actively promote funding packages to students and the Access to Work scheme to disabled staff and line managers and, as appropriate, to disabled students, particularly those on work placement or who are applying for internships or employment. Support may also be required to assist with applications.
- = Develop and publicise materials to encourage greater staff awareness of the need for appropriate reasonable adjustments in relation to working practices, to emphasise that reasonable adjustments do not refer just to additional aids or equipment, but can involve changes to working practices.

Evaluating effectiveness

- = Conduct ongoing evaluations to assess the impact of individual and anticipatory reasonable adjustments to develop future objectives. This should incorporate an assessment of whether the reasonable adjustments are fit for purpose and sufficiently resourced.
- = Produce anonymised progress reports on the number, range and effectiveness of reasonable adjustments implemented for staff and students.
- = Gather examples of effective anticipatory and individual reasonable adjustments and share them with staff responsible for implementation to achieve consistency of provision. This could include sharing best practice among relevant staff, as well as providing examples to prospective and current staff and students about the types of adjustment that can be, and have been, made.

- = Actively seek feedback from disabled staff and students to identify necessary improvements and develop effective future planning.
- = Consider publishing the results of evaluations to ensure transparency, aid planning and meet the requirement of the DED to gather, monitor and analyse institutional evidence relating to disabled people.

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- = Scottish Funding Council: www.sfc.ac.uk
- = Skill, National Bureau for Students with Disabilities: www.skill.org.uk
- = Student Awards Agency for Scotland: www.saas.gov.uk

Appendix A: Funding sources for reasonable adjustments

Disabled students

The disabled students' allowance (DSA) is the main funding source for eligible disabled students undertaking undergraduate and postgraduate courses. Students need to be personally eligible and to be undertaking an eligible course at an eligible institution. In practice, this generally precludes non-UK nationals (although exceptions exist) and students who are undertaking less than 50 per cent of an equivalent full-time course each year.

Eligible students are required to submit evidence of their impairment and to have an assessment of need to identify appropriate support, which may entitle them to a range of allowances that pay for equipment, personal study support, general expenses and travel. The amount of each allowance is set, but tends to increase annually to keep pace with inflation. Part-time DSA is calculated on a pro rata basis. DSA is not always sufficient to pay for the individual adjustments required by a disabled student; it also does not fund reasonable adjustments regarded as the responsibility of the HEI, such as purchase of a height-adjustable laboratory workbench or payment for additional examination invigilators. DSA arrangements are linked to student finance terrain coverage of England, Wales, Scotland and Northern Ireland.

- = England: www.studentfinance.direct.gov.uk
- = Northern Ireland: www.studentfinancenir.co.uk
- = Scotland: www.saas.gov.uk
- = Wales: www.studentfinancewales.co.uk

Access to learning (and equivalent) funds

Eligible students (again, generally UK-resident) who need additional funds for individual reasonable adjustments may be eligible to apply to the institution for discretionary funding, which is allocated on behalf of the relevant Higher Education Funding Council to support students in hardship. These funds are:

- = England: Access to Learning Fund
www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/StudentFinance/Extrahelp/DG_171615

Appendix A: Funding sources for reasonable adjustments

- = Northern Ireland: Support Fund
www.nidirect.gov.uk/index/education-andlearning/university-and-higher-education-1/student-finance-5/student-finance-otherfunding/access-to-learning-fund.htm
- = Scotland: Hardship Fund
www.adviceguide.org.uk/nm/scotland/family_parent/education_scotland/the_hardship_fund_scotland.htm
- = Wales: Financial Contingency Fund
www.studentfinancewales.co.uk/portal/page?_pageid=56,1275515&_dad=portal&_schema=PORTAL

In England and Wales, disabled students are one of a range of priority groups to receive funding, and in all nations the amount of funding allocated to student applicants is at the HEI's discretion. HEIs may use this funding to provide additional assistance where the DSA is insufficient to meet a disabled student's needs. ECU research identified that some HEIs use these funds to pay for the high cost of diagnosis of specific learning difficulties (such as dyslexia), which is required before students can apply for the DSA.

Other funding sources

Where a disabled student eligible for DSA and Access to Learning (or equivalent) funds exhausts these resources, there may be additional government financial support they can claim. The Directgov webpage Guide to financial support for disabled people (www.direct.gov.uk/en/DisabledPeople/FinancialSupport/Introductiontofinancialsupport/DG_10020535) summarises benefits, allowances, tax credits and concessions. A leaflet on Funding higher education for disabled students (www.skill.org.uk/uploads/he_fund.doc) is also available from Skill.

For disabled students ineligible for DSA and Access to Learning (or equivalent) funds (that is, most international and EU students, or students studying less than 50 per cent of a full-time course), bursaries are sometimes available from charitable trusts (see www.skill.org.uk/uploads/trusts.doc) to help meet disability-related costs, but often these disabled students are reliant on their HEI to fund the costs of the individual reasonable adjustments they need.

Disabled staff

The main external source of funding for individual adjustments for disabled employees is Access to Work (www.skill.org.uk/uploads/emp_jobcentre.doc). It provides grants towards additional costs in the workplace that arise because of the employee's impairment. It can fund assistive aids and equipment, adaptations to premises and support worker assistance. A grant can be obtained for up to 100 per cent of the additional costs for new employees within the first six weeks of starting work.

For those already in work (beyond the first six weeks), there is a cost-share element for two parts of this funding: Special Aids and Equipment, and Adaptation to Premises and Equipment.

From April 2010, the employers share threshold contribution will depend on the number of employee it has:

- = employers with one to nine employees will have costs covered
- = employers with between 10 and 49 employees will pay the first £300 and 20 per cent of the costs up to £10,000
- = employers with between 50 and 249 employees will pay the first £500 and 20 per cent of the costs up to £10,000
- = employers with 250 employees and above will pay the first £1000 and 20 per cent of the costs up to £10,000

Access to Work will pay 100 per cent of additional costs above £10,000, and will continue to meet 100 per cent of costs under the Travel to Work, Communicator Support for Interview, and Support Worker elements of this scheme. Although the disabled employee has to make the application, it makes financial sense for HEIs to support disabled staff to apply for Access to Work funding as soon as possible after starting work, to minimise the contribution they are asked to make. It also enables HEIs to put in place provisions to allow disabled staff to reach their full potential. The Access to Work team have concerns that not all disabled staff are aware of the support they may receive from Access to Work, and human resources staff need to think about how they can publicise its availability.

Buckinghamshire New University secured Access to Work funding for a deaf staff member, which involved having a palantypist to provide real-time transcription of what people say in meetings so that the member of staff can participate effectively.

Appendix A: Funding sources for reasonable adjustments

The costs of diagnosis of an impairment or specific learning difficulty are not met by Access to Work. The HEI must identify and allocate any resources needed to make reasonable adjustments to working practices. This might include allocating some of the disabled person's duties to another person, or providing additional supervision, particularly at the start of employment (the supervisor is likely to need relieving of some duties to fulfil this extra role).

A member of staff from the **University of Surrey** was involved in an accident and required a major operation. Due to the development of mobility issues, a consultant advised that the staff member's role would exacerbate the problems over time. Through partnership between Access to Work and the HEI, funding and support was provided to this employee, who was retrained and recommenced work in an adjusted role within the same team. This process took approximately three months to arrange.

Although every effort is made to ensure the information contained within this publication is accurate and up to date, ECU cannot be held responsible for any errors or omissions. The information is not a substitute for legal advice, and should you require more specific advice you should consult an appropriately qualified professional adviser.



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