



University of
St Andrews

Academic adjustments for disabled students

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UNIVERSITY OF ST ANDREWS

POLICY ON ACADEMIC ADJUSTMENTS FOR DISABLED STUDENTS

1. Introduction

The policy outlines the processes and procedures through which all disabled students, both undergraduate and postgraduate, can request reasonable academic adjustments to both teaching and assessment. The policy addresses the key principles which frame the procedures, it describes the legal context, the scope of reasonable adjustments, and it identifies the responsibilities of all parties. Guidance documents with further information on the implementation of the policy are provided separately for both staff and students.

2. Principles

There are four high level principles which govern the policy:

2.1 Respect for individual dignity, privacy and confidentiality.

The University is committed to treating all students with dignity, respecting their privacy and ensuring personal information is dealt with confidentially and appropriately.

2.2 Inclusion, fairness and accessibility

The University is committed to an inclusive learning environment such that all students have equal opportunity to access and participate in educational benefits, facilities and services and to fulfil their academic potential in their learning and assessments.

2.3 Academic standards

The University is committed to maintaining academic standards of attainment which apply equally to all students. All students should have appropriate and equal opportunity to demonstrate achievement of the competence required for the award of credit in their studies.

2.4 Support

The University is committed to its responsibility to deliver best practice in providing support and a supportive environment for all students in their learning, assessment and wellbeing.

3. Legal Context

3.1 Equality Act 2010

Under the Equality Act 2010 (hereafter, 'Act') disability is a protected characteristic. As such, it requires universities not to discriminate against disabled students in the provision of education and access to any benefit, facility or service. To achieve non-discrimination, the Act imposes a duty on the University to adjust teaching and assessment for disabled students where it is reasonable to do so.

3.2 Definition of disability

Under the Act, a disabled person is defined as someone who has a physical or mental impairment which has both a substantial and long-term adverse impact on their capacity to carry out normal daily activities. This definition covers a wide range of physical, mental and sensory impairments, including severe disfigurement, specific learning difficulties such as dyslexia, mental health difficulties and chronic health conditions such as diabetes, epilepsy and depression as well as disabilities relating to sight and hearing. The definition also includes people with cancer, HIV and multiple sclerosis from the point of diagnosis.

The Act interprets the term 'substantial' as more than minor or trivial, for example, it takes much longer than it usually would to complete a daily task. 'Long-term' means that the condition has already lasted, or is likely to persist, for 12 months or more. A person with a disability would not normally be expected to recover, although they may become better at managing their disability. However, a person is also covered by the Act because of previous disability. For example, an individual who has recovered from a mental health condition that previously lasted more than 12 months is protected from discrimination under the Act.

The determination of whether a student is disabled will be based on an assessment of relevant evidence supplied by medical professionals and specialist services.

This policy is not normally applied in the case of any short-term disabling illness, condition, injury or unforeseen event or adverse circumstances which affect learning or teaching or performance in assessment. These are governed by the University policies on Student Absence, Fitness to Study, and Assessment Procedures. Where these policies prove insufficient, and on the recommendation of the Disability Team at Student Services, this policy on Academic Adjustments for Disabled Students may be applied to conditions which do not satisfy the definition of disability under the Act.

3.3 Categories of discrimination

Three principal categories of discrimination are identified by the Act:

(a) Direct discrimination is defined as treating a disabled person less favourably than other students because of the disability itself. For example, prohibiting a student from participating in lab work simply because they are physically disabled constitutes direct discrimination. Direct discrimination because of a disability may also apply to a student who is not disabled. For example, it is direct discrimination if a student is treated less favourably because of an association with a disabled student (discrimination by association) or because the student is wrongly perceived as disabled (discrimination by perception).

(b) Discrimination arising from the disability is defined as treating a disabled person less favourably due to a consequence of the disability and which puts that person at a clear disadvantage relative to other students. For example, it is discrimination arising from disability if a tutor declines to make alternative arrangements for a student with diabetes whose tutorial class coincides with a hospital appointment. Such discrimination is only lawful if it can be justified as a proportionate means of achieving a legitimate aim or if the University did not know and could not reasonably be expected to know the student had the disability.

(c) Indirect discrimination is defined as a policy, provision or criterion (defined widely to include formal or informal policies, arrangements, rules, activities or procedures) which serves to put

students sharing a specific disability at a disadvantage compared to others. Such discrimination is only lawful if it can be justified as a proportionate means of achieving a legitimate aim such as maintaining academic standards or ensuring the health and safety of students. An example of indirect discrimination is insisting that all students write examinations by hand which would disadvantage students with arthritis.

3.4 Reasonable adjustments

The Act requires the University to make reasonable adjustments for disabled students to ensure they can fully participate in educational benefits, facilities and services. The process for investigating student support needs, including reasonable adjustments, is further explained in the Guidance for Staff and Guidance for Students documents.

There are three categories of reasonable adjustment which are required when failure to do so would place disabled students at a substantial disadvantage compared with students who are not disabled:

- Reasonable adjustments to a provision, criterion or practice (for example, in teaching and assessment methods).
- Reasonable adjustments through the provision of auxiliary aids or services (for example, induction hearing loops, digital recording devices, information in accessible formats or Non-Medical Assistance (NMA) support such as British Sign Language Interpreter).
- Reasonable adjustments to the method of providing a service or exercising a function when physical features are problematic (for example, lecture theatres, labs, teaching rooms which are not accessible to disabled students).

The reasonable adjustments should be designed to provide disabled students with access to the same quality of education as available to other students. An implication of the reasonable adjustment requirement is that, under appropriate circumstances, it is lawful for the University to make provision on more favourable terms for a disabled person compared to a non-disabled person. For example, it is often appropriate to provide additional time in an examination for a student with dyslexia.

Evaluation of what constitutes a reasonable adjustment will reflect consideration of the individual circumstances of a student and consultation with the student on possible actions. Factors which are taken into account on a case-by-case basis include:

- the effectiveness of alternative adjustments in overcoming the relevant disadvantage
- health and safety concerns
- the effect on other students
- the practical and financial feasibility of making the adjustment
- the need to preserve the student's confidentiality if requested

Some examples of potential adjustments are provided in the Guidance documents for staff and students.

An individual adjustment which may be considered reasonable with sufficient advance notice may not be reasonable if requested with little or no timely notification prior to an assessment or class. The Guidance documents provide information on deadlines for declaring a disability in order to permit reasonable adjustments to be made to arrangements for examinations.

It is expected that guidance provided by the Disability Team to Schools on reasonable adjustments to teaching and assessments for students will be implemented. If a School experiences difficulty with implementation, the School Disability Coordinator should discuss this directly with the Disability Team.

3.4.1 Anticipatory reasonable adjustments

The legal duty to make reasonable adjustments is anticipatory and proactive in taking actions to prevent or minimise the unfavourable treatment of disabled students. In its planning, the University must consider in advance the diverse needs of disabled students, including prospective applicants, and the various barriers which may hinder their learning and assessment. Such anticipation is embedded in the proposal form for new modules which requires submitters to confirm that the needs of disabled students have been anticipated. Inclusive teaching and assessment practices constitute important anticipatory reasonable adjustments and these are described in greater detail in the Guidance document for staff.

3.5 Competence standards

The Act defines a 'competence standard' as an academic standard applied to determine whether a student has achieved a specific level of competence or ability. Competence standards should be genuinely relevant to the module or programme, and a proportionate means of achieving a legitimate aim. An example would be the requirement that a student has demonstrated a required standard of knowledge or skill or fulfilled a learning outcome. Competence standards must apply equally to all students in any given programme and should not in themselves be unlawfully discriminatory.

3.5.1 Reasonable adjustments and competence standards

Given that competence standards are academically or professionally justified, the Act does not oblige the University to make any adjustments to competence standards themselves to accommodate a disability.

Insofar as a component of a programme is not itself a competence standard then the University has a duty to make reasonable adjustments to this component if it disadvantages a disabled student. This may include, for example, adjustments to activities requiring travel such as fieldwork or work placements.

In many cases it is appropriate to make reasonable adjustments to the process of assessing a competence standard if a disabled student is otherwise disadvantaged in demonstrating their learning. For example, it is reasonable to adjust the duration of an examination for a student with dyslexia if the ability to complete an assessment within a specified time limit is not in itself a demonstrable competence required to pass a module.

It is not a legal requirement to make an adjustment to the assessment process if the assessment is directly linked to the competence standard itself. An example is the case where the competence standard requires a student to be able to perform a practical skill and this can only be demonstrated by completing a specific practical task. The Guidance document for staff provides further information.

3.5.2 Reasonable adjustments and alternative modes of assessments

There may be occasions where reasonable adjustments to the arrangements for a given mode of assessment are insufficient to alleviate the substantial disadvantage experienced by a disabled

student, where substantial is defined as more than minor or trivial and exceeds normal differences in ability which may exist between people. In such circumstances, and where appropriate, the student may submit a request to the Disability Team to be assessed by an alternative examination mode. The alternative mode of assessment must satisfy the following conditions:

- (i) The alternative mode of assessment is reasonable and serves to mitigate the disadvantage.
- (ii) The alternative mode of assessment permits the student to demonstrate the required competence standard.
- (iii) There is no alternative mode of assessment which is more reasonable and effective at mitigating the disadvantage and demonstrating the competence standard.

The determination of the appropriate alternative mode of assessment will be made on a case-by-case basis jointly by the Disability Team and relevant Schools, and with regard to individual disabilities, the specialist evidence submitted and competence standards.

A request for an alternative mode of assessment can be declined if any of the following conditions apply:

- (i) Insufficient evidence is provided with respect to the inadequacy of reasonable adjustments to alleviate substantial disability-related disadvantage under the standard mode of assessment.
- (ii) Alternative assessment modes are ineffective in overcoming the disadvantage suffered by the student.
- (iii) Alternative assessment modes are unsuitable for demonstrating the required competencies.
- (iv) It is not reasonable to implement an alternative mode of assessment within the time available.

These conditions assume that the standard method of assessment can be shown to be testing a genuine competence standard. If this is not the case, the University is required in law to provide an alternative mode of assessment or a reasonable adjustment to the standard method of assessment which alleviates or removes the substantial disadvantage for the disabled student.

The presumption is that requests for alternative modes of assessment are exceptional. Given the wide range of possible circumstances, an outcome in a specific case will not set a precedent for others.

3.6 Appeals and Complaints

If a student is not satisfied with the adjustment recommended by the Disability Team and considers that the level of service or treatment they have received from the University has fallen short of what might reasonably have been expected then a student may consider making a complaint under the [Complaints Handling Procedure](#).

If a student is not satisfied with the implementation of the adjustment then there may be grounds for requesting a review under the University [Policy on Student Academic Appeals](#). In order to have grounds to lodge an appeal under the Appeals Policy the student would have to demonstrate that the alleged unsatisfactory or improper implementation of the adjustment constitutes improper

conduct of an examination or assessment, or irregular application of academic regulations, which had materially impacted on the result or outcome.

The Student Education Advocate at the Students' Association can provide impartial and independent advice on appeals and complaints procedures and how to formulate a submission.

4. Responsibilities and procedures

4.1 Responsibilities of the Disability Team at Student Services

The University will do all that can be reasonably expected to find out if a student has a disability. Once a disability is declared, the Disability Team is responsible for:

- Offering support and advice throughout the University application process
- Collecting information and evidence to assess disabled students' needs, and the needs of disabled applicants to the University, and identifying reasonable adjustments to teaching and assessment for individual students
- Liaising with Academic Schools to identify core programme requirements and competence standards, fitness to practise requirements and any requirements set by external professional bodies
- Obtaining the student's consent to share identified adjustments with other University staff, including staff in their Academic Schools
- Communicating information on identified adjustments to Academic Schools and their Disability Co-ordinators
- Supporting the provision of inclusive risk assessments, where appropriate, in liaison with relevant Schools and services
- Reviewing students' individual needs on a periodic basis and monitoring the impact of individual adjustments
- Supporting the provision of support workers in classes and examinations in liaison with Academic Schools and the Examinations Office
- Supporting students to access specialist study skills support, assistive technology training and alternative formatting of information
- Providing advice, training and guidance to Disability Coordinators, Academic Schools and other service Units on inclusive practice and the University's responsibilities under the Act

4.2 Responsibilities of Disabled Students

4.2.1 Declaring a disability

Disabled students are strongly encouraged to declare a disability or a long term condition or an impairment on their University application form and, if relevant, at interview to ensure the University can best respond in terms of appropriate support and advice at an early stage. Disabled students are also asked to provide full information about their disability on their University accommodation application form if they wish to benefit from an adapted room.

Students can declare a disability at any point during their studies by contacting the [Disability Team at Student Services](#). If a student declares a disability to a member of staff, the staff member is legally required to pass on the information to the Disability Team. A disabled student has a right to request that the Disability Team treat the existence or nature of their disability as confidential. Alternatively, the student can ask that the recommended support is shared by the Disability Team with relevant

Schools but request that the nature of the disability remains confidential. Where confidentiality has not been requested, relevant details will only be shared with parties who need to be informed in order for reasonable adjustments to be implemented.

In some instances, not declaring a disability will limit the University's ability to implement reasonable adjustments or result in no adjustments. If the University has not been informed, or could not reasonably be expected to know, that a student is disabled then unfavourable treatment because of something arising from disability may be justified.

Adjustments are not put in place automatically but require the student to make an appointment with the Disability Team. It is recommended that students liaise with the Disability Team as early as possible to discuss their support needs, and on a regular basis thereafter, so that adjustments can be identified, modified where necessary, and implemented to meet their individual needs. This is particularly important for any adjustments to examination arrangements.

4.2.2 Evidence

Requests for reasonable adjustments should be supported by evidence of the nature and extent of the disability and supplied by qualified and registered professionals (e.g. a doctor's letter, report from an Educational Psychologist, Consultant, Speech Therapist, Audiologist, Occupational Therapist). The evidence provided must be independent of the student. A letter from a family member, for example, would not be appropriate even if they are medical professional. The Disability Team will provide assistance in identifying the required documentation. The University reserves the right to contact the independent professional supplying the evidence to confirm the details provided.

4.2.3 Study Support

Where all reasonable adjustments are provided, it is the responsibility of students to seek guidance from the Disability Team, Schools, Disability Coordinators and CAPOD, as appropriate, and to develop independent study strategies to compensate as far as possible for any remaining disability related challenges with accessing the curriculum and undertaking assessments.

4.3 Responsibilities of Disability Coordinators

Disability Coordinators are the main point of contact between the Disability Team and School staff. They are responsible for:

- Sharing adjustments received from the Disability Team with all relevant staff within their Academic School, including all teaching staff, teaching technicians, visiting lecturers, and postgraduate tutors/demonstrators
- Providing a point of contact within the School for disabled students and applicants to discuss the core requirements of the School's degree programmes as early as possible to ensure that adjustments are identified and made known to relevant staff and to enable disabled applicants to make informed choices
- Clarifying policy and liaising with the Disability Team
- Enabling disabled students to discuss any emerging needs and identifying appropriate courses of action to address these in liaison with the Disability Team
- Raising awareness of their role with disabled students in their Academic School
- Making appropriate staff aware of disability information on MMS
- Ensuring the contact details of the Disability Coordinator are included in School handbooks, module handbooks and web pages, and at induction events

4.4 Responsibilities of Academic Schools

In collaboration with the Disability Team, Schools are responsible for:

- Advising all applicants who declare a disability of the availability of support from the Disability Team and encouraging early contact with them
- Providing opportunities in advance for students to declare a disability, particularly at key points in the academic year and especially for new activities e.g. prior to field trips or work placements
- Implementing and monitoring individual adjustments in collaboration with the Disability Team, including the provision of adjustments for disabled students in class tests, examinations outwith the main exam diet and practical classes
- Advising the Disability Team of any difficulties with the implementation of adjustments
- Identifying and implementing anticipatory reasonable adjustments
- Developing and delivering inclusive teaching and assessment practices (including accessible e-learning materials) and designing modules and programmes in keeping with inclusive curriculum principles
- Liaising, where appropriate, with external professional bodies to clarify the core competence standards and any fitness to practice requirements of the School's modules and programmes.
- Liaising with the Examinations Office to ensure the provision of alternative formats of examination papers
- Discussing with the Disability Team any feedback from disabled students in their School and responding appropriately

4.5 Responsibilities of Admissions and Student Recruitment

- Where an applicant has declared a disability on their application form, it is the responsibility of Admissions to pass this information to the University's Disabilities Team to make an initial assessment of the declared information and follow up as appropriate. The disability assessment is completed independent of the application decision-making process.

4.6 Responsibilities of the Examinations Office

The Examinations Office is responsible for:

- Ensuring provision is made for approved reasonable adjustments for disabled students in examinations, including alternative accommodation as appropriate
- Liaising with Academic Schools to ensure the provision of alternative formats of examination papers
- Liaising with the University's IT Service to ensure the provision of approved IT adjustments for examinations including access to secure computers, assistive technology and ergonomic adaptations
- Maintaining the security of the examination process
- Preparing and circulating accessible examination timetables in a timely and data protection compliant manner

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