

UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE ON REASONABLE ADJUSTMENTS FOR STUDENTS

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1 Preamble

- 1.1 This Code of Practice provides a framework for the implementation of reasonable adjustments to support disabled students. The University aims to ensure that all students achieve their full academic potential and that no student is disadvantaged because of a disability in their admission to, and participation in, the learning environment of the University and in demonstrating that they have achieved the learning outcomes of their programme of study. The Codes of Practice on Leave of Absence Procedure and Extenuating Circumstances should also be followed where applicable.
- 1.2 The University of Birmingham Charter states:
The University promotes equal opportunities and shall exercise no discrimination on the grounds of political opinion, age, colour, disability, ethnic or national origin, gender, marital status, race, religion or sexual orientation in the admission of students, or the appointment or promotion of staff or the awarding of any Degree, Diploma or Certificate, or generally, in the execution of any of its Objects as laid down by the Charter.
- 1.3 The University has a legal responsibility to adhere to the Equality Act 2010 (“the Act”) which includes the Disability Discrimination Act of 1995, the Special Educational Needs and Disability Act 2001 and the Disability Discrimination Act 2005. The Act requires that the University pays due regard to the need to:
“advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it”
- 1.4 The Act confirms that a person has a disability if:
(a) they have a physical or mental impairment, and
(b) the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.
- 1.5 According to the Act, the effect of an impairment is a long-term effect if:
(a) it has lasted at least 12 months;
(b) the period for which it lasts is likely to be at least 12 months; or
(c) it is likely to last for the rest of the life of the person affected.
- 1.6 The Act (section 20) confirms the following requirements for reasonable adjustments:
(i) where a provision, criterion or practice of (an institution) puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.
(ii) where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.
(iii) where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with

persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

- 1.7 The University is also committed to operating within the precepts set out by external bodies for the assurance of academic quality and standards in higher education which relates to its treatment of disabled students. The Quality Assurance Agency for Higher Education (QAA) Code of Practice for the Assurance of Academic Quality and Standards in Higher Education defines reasonableness as follows:
- “The application of an adjustment will result from consideration of the circumstances of the individual student and will involve the student in discussion of possible courses of action. What is 'reasonable' for an institution will vary according to a range of factors and will depend on the circumstances of the individual case. Factors influencing the determination of what is reasonable will include the effectiveness of taking particular steps in enabling the student to overcome the relevant disadvantage, health and safety issues, the effect on other students and the financial cost to the institution.”
- 1.8 The University has a duty to anticipate reasonable adjustments in the design of its programmes and their assessment and in the development and provision of other facilities and services that support students and their learning.
- 1.9 A reasonable adjustment is a reasonable variation or alteration made to University processes so that a disabled student can access without disadvantage the higher educational opportunities of the institution without compromising the expected academic or professional standards. Such reasonable adjustments could apply to:
- (i) the process of admission to the University
 - (ii) the delivery of teaching, consistent with the learning outcomes of a programme or module
 - (iii) the examination and assessment process.
- 1.10 There is no duty on the University to make adjustments to genuine 'competence standards', which are academic, medical or other standards applied by or on behalf of the University for the purpose of determining whether or not a person has a particular level of competence or capability. However, the duty does apply to the way in which that standard is assessed.
- 1.11 This Code of Practice applies to all registered students of the University and applicants. Students on fitness to practise programmes may be subject to additional requirements detailed by the relevant professional bodies.
- 1.12 Reasonable adjustments are made on the basis of appropriate evidence verified by appropriate staff from Student Services. This is part of the specialist services' registration process. Additional evidence should not be sought by the University, unless after discussion with Student Services. It should be noted that reasonable adjustments a student may have had prior to their starting a programme of study here will not necessarily be adopted by the University.
- 1.13 This Code of Practice does not apply to students undertaking a period of study abroad.

Whilst students with reasonable adjustments are encouraged to maintain contact with staff in the University of Birmingham during the period of their study abroad it will be necessary for them to seek advice from staff at their host institution on what adjustments, if any, can be made.

2 Disclosure

- 2.1 As referred to in paragraph 1.3, the University has a responsibility to disabled students under the Equality Act 2010. This means that if a student tells any person employed by the University that they are disabled, then the University has a duty to act.
- 2.2 Students are encouraged to disclose their disability at any point during their studies and not just during the Admissions process. Once a student has disclosed a disability to any member of staff of the University, the institution has a responsibility not to discriminate. When a student declares a disability to a member of staff of the University, the Disclosure Protocol should be followed:
<https://intranet.birmingham.ac.uk/as/studentservices/disability/index.aspx>
- 2.3 Academic departments should provide multiple opportunities and publicity about disclosure to ensure that the University is seen to be welcoming to disabled people.
- 2.4 Any student is free to refer themselves to Student Services without informing the Principal Academic Unit (PAU).
- 2.5 Information regarding a student's disability is confidential and Student Services, and the RAC must respect the dignity and confidentiality of a student disclosing a disability. Apart from cases where failure to do so might put at risk the health and safety of the student or others, or otherwise in accordance with the relevant legislation relating to data protection, information will not be disclosed further without the student's written consent and if this consent is given, any further disclosure will be on a need to know basis. Should a student disclose to a member of staff at the University, or should a member of staff become aware of a student with a disability, the protocol for disclosure and consent should be followed:
<https://intranet.birmingham.ac.uk/as/studentservices/disability/index.aspx>
- 2.6 If a student declines to make this full disclosure then it should be understood that the help and support offered may be significantly limited.

3 Responsibilities

University

- 3.1 The University as an institution accepts overall responsibility for implementation of this Code; however individual students and members of staff are required to abide by the principles set out under this Code of Practice and to assist the University in complying with it.
- 3.2 As far as possible any likely barriers to disabled students should be identified and removed by analysing statistics and trends. Where that is not possible, reasonable adjustments will be made to overcome those barriers as far as reasonably practicable.

- 3.3 Systematic additional feedback from PAUs and Students should be sought particularly with regards to the implementation of reasonable adjustments, but also to inform future practice.
- 3.4 Student Services should be consulted by appropriate groups to ensure that the needs of disabled students are considered at the planning stages, e.g. module validation and assessment reviews.
- 3.5 PAUs should be able to identify the competence standards that apply to their programme of study, as referred to in paragraph 1.10, and seek advice where appropriate.
- 3.6 Student Services has primary responsibility for working with individual disabled students in advising on their support needs and recommending an appropriate course of action, ensuring that their expectations are realistic. PAUs and the relevant Corporate Services are responsible for ensuring these are implemented satisfactorily.
- 3.7 The University is responsible for providing accessible placements for disabled students and every effort should be made to source these. This should be part of a PAU's anticipatory provision.
- 3.8 Each programme of study will have associated with it a single clearly identified member of academic or support staff whose responsibility it is to manage reasonable adjustments for that programme (the Reasonable Adjustments Contact (RAC)). All PAUs should make students aware of who to contact.
- 3.9 Where there may be concerns about any disabled student, or about the recommended adjustments, the RAC should consult with Student Services, and particularly before following any alternative Codes of Practice such as Reasonable Diligence or health, Wellbeing and Fitness to Study.
- 3.10 Professional programmes with a Fitness to Practice element should ensure that guidelines about reasonable adjustments from their professional bodies are followed, and should seek advice from them and/or Student Services in case of doubt.
- 3.11 Appropriate steps need to be taken to ensure that where there is disagreement a robust escalation process is in place and that there is quick resolution. Decisions need to be documented and communicated clearly to all parties involved including the student.
- 3.12 All staff involved in teaching and assessment, including any such persons not actually employed by the University, have responsibility for ensuring that reasonable adjustments, as agreed between the student, PAU and Student Services are implemented as specified. In cases of uncertainty, expert advice should be sought in the first instance through the appropriate Key Worker from Student Services.
- 3.13 In the case of distance learning students, the RAC should ensure that the PAU, the student and Student Services work closely together ensure that all reasonable adjustments are made, and any necessary support is in place. For courses that rely heavily on web-based and online materials particular care should be given to ensure that they are fully

accessible to all students.

- 3.14 Staff should be kept updated on good practice and current legislation through online resources, staff training programmes and briefings, co-ordinated by Student Services and CLAD.
- 3.15 There is an expectation that all relevant staff attend any bespoke training offered as part of an individual student's support requirements.
- 3.16 Confidential records should be kept detailing any student interactions and any decision-making with regards to reasonable adjustments.

Students

- 3.17 In order for reasonable adjustments under this Code to be put in place, students need to disclose their disability, provide appropriate evidence and comply with University procedures (as defined under this Code) for determining and implementing their support and adjustments. Reasonable adjustments cannot be delivered unless a disability is disclosed, and appropriate consent given for dissemination of necessary information for implementation to a limited number of individuals on a 'need to know basis'.
- 3.18 Students should notify their Key Worker/Reasonable Adjustment Contact (RAC) if there are any problems in receiving support or if their condition changes so as to give rise to the need for an alteration to their level of support. The RAC should ensure that Student Services is notified of any additional needs. A student is also free to seek confidential advice from Guild Advice. However, the route for changing an adjustments recommendation document is via Student Services.
- 3.19 In the case of vocational and professional programmes of study, students must ensure that they comply with any disclosure requirements specific to their programme of study in relation to ethical, registration or fitness to practise requirements of the University and the relevant registration authority. Please refer to the guidance on the University's website on Fitness to Practice:
<https://intranet.birmingham.ac.uk/as/studentservices/conduct/index.aspx>
- 3.20 Although every effort to make reasonable adjustments will be made, students are also required to show reasonable diligence in their conduct and programme of study. Please refer to the Code of Practice:
<http://www.birmingham.ac.uk/Documents/university/legal/student-attendance-reasonable-diligence.pdf>
- 3.21 Students are advised to discuss any attendance and/or progression issues with their Wellbeing Officer in the first instance. The Wellbeing Officer can contact Student Services before taking any action to ensure that all appropriate support/adjustments are in place.
- 3.22 Students are also encouraged to refer to the Student Charter, specifically to those points referring to their responsibilities as a student:
<http://www.birmingham.ac.uk/students/birmingham/student-charter.aspx>

4 Identifying the Need for Reasonable Adjustment

4.1 Apart from where it might impact on a student's fitness to practise, decisions on admission to the University are made regardless of any disability which a student may have declared prior to admission (such as on a UCAS form or a postgraduate application form). If an offer is accepted, then the student will be contacted by Student Services and offered support in identifying needs and drawing up an adjustments recommendation document. Should students choose not to disclose in this way, they are invited to register with Student Support by completing the registration form on the website.

<https://intranet.birmingham.ac.uk/as/studentservices/disability/registration.aspx?rnd=632>

4.2 In the event that a student's needs are significant and the adjustments are likely to go beyond standard baseline adjustments, appropriate adjustments will be considered and, where reasonable, agreed by Student Services, the student and the PAU on a case-by-case basis. Recommendations made by Student Services should be followed unless PAUs can demonstrate a specific reason why they cannot do this, linked to either resources or competence standards, as required by the Equality Act 2010. Should PAUs have any queries regarding this, they should seek advice from Student Services and Legal Services. In all instances an alternative solution should be found and agreed by all parties. If an alternative solution cannot be found, the PAU should discuss appropriate way forward with input from Student Support and Legal Services. Additional input may be sought from relevant Corporate Services or individuals, including the University Medical Officer.

4.3 Students can disclose a disability at any time whilst they are at University. All students who consent to their information being shared will be provided with a SSA and the process of arranging this support should be communicated clearly to the student. Where there are any concerns within the PAU regarding the support that is recommended, PAUs are advised to contact the Key Worker and a case conference will be arranged as appropriate. Similarly, should a student have any concerns about their support at any time during their course, they are advised to speak to their Key Worker/Reasonable Adjustment Contact in the first instance a case conference can be convened.

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

4.5 For students with disabilities as defined by the Act, adjustments are only made from the point at which a SSA comes into effect. A new SSA must be put in place for any new programme of study undertaken by the student.

5 Implementing Reasonable Adjustments

5.1 Any student registered with Student Services will receive an adjustment recommendation document, which will be disseminated as appropriate.

Inclusive practice should be embedded within all core areas of the University. For disabled students, this means that reasonable adjustments should be anticipatory, as well as tailored for individuals as necessary. There will be standard baseline adjustments and

anticipatory reasonable adjustments for all disabled students.

- 5.2 Where collaborative programmes with other bodies are set up, responsibilities with regards to implementing, funding and monitoring all reasonable adjustments should be discussed and formally agreed in advance. Advice can be provided by Student Services and the Head of Collaborative Provision.

6 Adjustments for Short Term Conditions

- 6.1 Although short term health conditions are not specifically referred to in the legislation, PAUs are encouraged to take a flexible and sympathetic approach to significant and properly verified short term conditions, for example allowing extension deadlines or an academic plan. Students should be directed to the Student Hardship Fund when appropriate.
- 6.2 This Code of Practice defines a “short term condition” as any condition not covered by the definition of a disability as defined by the Act as noted in section 1.4 and 1.5 of this Code of Practice.
- 6.3 PAUs may seek the advice of Student Services or the University Medical Officer in handling such issues and may, at their discretion put in place short term adjustments provided that properly verified evidence of the need has been produced.
- 6.4 The Code of Practice on Extenuating Circumstances could also be used as a way of handling some short term conditions and should be consulted in addition to this Code of Practice: <http://www.birmingham.ac.uk/Documents/university/legal/extenuating-circumstances.pdf>
- 6.5 In the event of a short term condition or other health concern arising during the examination period, PAUs should act on a case by case basis. Requests for exam accommodations are dealt with directly by the PAUs or by central Examinations on a case by case basis as appropriate. Medical or other appropriate evidence must always be sought and the Examinations Office informed.

7 Further Information

- 7.1 In very rare cases, a disabled student may be considered as being not “fit to study”. This decision should only be taken when:
- All available support/adjustments have been considered;
 - Short term measures, such as an academic plan or leave of absence, are not applicable;
 - Discussion has taken place by all parties such as Student Services, the student and PAU;

At this point, the Code of Practice on Health and Wellbeing and Fitness to Study should be referred to:

<http://www.birmingham.ac.uk/Documents/university/legal/health-wellbeing.pdf>

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

8 References and sources of information

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

The Quality Code Part B: Assuring and Enhancing Academic Quality

<http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b>

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

Code of Practice (revised) for providers of post 16 education and related services -

http://dera.ioe.ac.uk/6466/1/code_of_practice__revised__for_providers_of_post-16_education_and_related_services__dda_.pdf