A brief guide on Disability, Inclusive Teaching, Learning & Assessment and Reasonable Adjustments

# Definition of Disability

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

The definition includes specific learning difficulties (e.g. dyslexia, dyspraxia), mental health conditions (including anxiety and depression), long-term health conditions (including Long-Covid, Chronic fatigue syndrome), sensory and physical/mobility impairments (e.g. visual & hearing impairments, wheelchair users) and neurodivergent conditions (e.g. Autism, ADHD).

# The duty on universities to make reasonable adjustments

The Equality Act (2010) places a 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

Education providers have a duty to make reasonable adjustments to ensure disabled people do not face ‘*substantial disadvantage*.’ The duty is anticipatory (i.e. we should not wait until students are here to make adjustments, we should plan for them and where possible design them in in advance).

# Inclusive teaching, learning & assessment

The [Office for Students](https://www.advance-he.ac.uk/knowledge-hub/disabled-students-commission-annual-report-2020-2021-enhancing-disabled-student), the [Department for Education](https://www.gov.uk/government/publications/inclusive-teaching-and-learning-in-higher-education), the [Quality Assurance Agency](https://www.qaa.ac.uk/quality-code), the [Office of the Independent Adjudicator](https://www.oiahe.org.uk/media/1039/oia-good-practice-framework-supporting-disabled-students.pdf), the [Disabled Students Commission](https://www.advance-he.ac.uk/knowledge-hub/disabled-students-commission-annual-report-2020-2021-enhancing-disabled-student) and [Disabled Students UK](https://disabledstudents.co.uk/not-a-choice/) have all issued guidance encouraging universities to look at ways that they can reduce the need for making individual adjustments by designing the curriculum, teaching and assessment more inclusively. It is far less time-consuming to design in an inclusive way than to make multiple reactive adjustments. In July 2022 the total number of disabled students studying at Cambridge was 4778 (which represents just under 20% of the total student population), and for the start of the 2022-23 academic year another 1300 disabled students will be starting their studies at Cambridge. Designing our teaching, learning and assessment in an inclusive way to meet the requirements of the widest possible range of students, rather than making multiple individual adjustments for multiple individual students is a far more effective and efficient approach.

The University’s [Code of Practice: Access and Inclusion for Disabled Students](https://www.educationalpolicy.admin.cam.ac.uk/files/disabled_cop_21-22.pdf) provides more detailed guidance on how the implementation of inclusive teaching, learning and assessment practices can reduce the number of reactive reasonable adjustments required. The ADRC has also produced [guidance](https://www.disability.admin.cam.ac.uk/staff-supporting-disabled-students/teaching-disabled-students/inclusive-teaching) and [training](https://www.vle.cam.ac.uk/course/view.php?id=157882) on inclusive teaching and learning as well as [guidance on understanding](https://www.disability.admin.cam.ac.uk/teaching-disabled-students/understanding-effects-impairments-study) the impact which specific impairments can have in an educational environment.

# Examples of inclusive practice at Cambridge

* Teaching materials in advance in accessible/alternative formats
* Accessible teaching locations
* Extensions to library loans for all disabled students
* Provision of lecture recordings for all students
* Provide closed captions on recordings
* Availability of electronic versions of materials
* Directed reading lists (in electronic format)
* Diversified assessment (choice of mode of assessment)
* Induction loops

# Examples of reasonable adjustments at Cambridge

* Non-Medical Help (e.g. note-takers, specialist mentors, specialist study skills)
* Adjustments to seating/lighting, ergonomic equipment, assistive technology
* Examination access arrangements
* Alternative modes of assessment
* Timetable adjustments
* Extensions
* Permission to record supervisions and seminars

# Communicating access requirements for students

Disability Advisers will identify access requirements for students who have disclosed their disability to the University. These access requirements are identified to ensure that disabled students can access their studies and are not disadvantaged in comparison to their non-disabled peers. Recommendations appear on Student Support Documents (SSDs) which are added to the student’s record on CamSIS and can be viewed by staff with the appropriate access (and recommendations can be forwarded on to anyone who needs to see them if they do not have access to CamSIS).

Further [information on student support documents](https://www.disability.admin.cam.ac.uk/student-support-documents) is available on the ADRC website. [Training on student support documents](https://www.vle.cam.ac.uk/course/view.php?id=231261) is available on Moodle

# Considering reasonableness

Factors to consider include:

* Competence standard or Provision, Criteria or Practice?
* Health and Safety considerations
* Efficacy
* The financial and other costs of making the adjustment
* The resources of the education provider
* Practice across the UK Higher Education sector
* Relevant OIA (Office of the Independent Adjudicator) and court judgements
* The costs of reasonable adjustments cannot be passed onto the disabled person
* There is no legal defence for not making a reasonable adjustment
* The provisions of the Equality Act apply equally to international students

# Key questions when considering requests for adjustments

1. Is the student disabled (do they fall under the legal definition)?
2. Are they facing substantial disadvantage?
3. Is the requested/suggested adjustment ‘reasonable’?
	* Is it possible to implement?
	* Is there an unreasonable financial cost[[1]](#footnote-1)?
	* Will the adjustment effectively reduce the disadvantage?
	* Does it affect a competence or academic standard?
	* Are there any health and safety considerations?
	* Does the adjustment confer any unfair advantage?

# Other useful sources of information

* ADRC website: [www.disability.admin.cam.ac.uk](http://www.disability.admin.cam.ac.uk/)
* Code of Practice: Access & Inclusion for Disabled Students <https://www.educationalpolicy.admin.cam.ac.uk/supporting-students/supporting-disabled-students>
* Managing Reasonable Adjustments in Higher Education Equality Challenge Unit: <http://www.ecu.ac.uk/publications/managing-reasonable-adjustments-in-higher-education>
* Guidance on matters to be taken into account in determining questions relating to the definition of disability HM Govt, Office for Disability Issues: <http://odi.dwp.gov.uk/docs/wor/new/ea-guide.pdf>
* EHRC Equality Act 2010 Technical Guidance on Further and Higher Education <https://www.equalityhumanrights.com/en/publication-download/equality-act-2010-technical-guidance-further-and-higher-education>
* Moodle Resources:
	+ Teaching Disabled Students <https://www.vle.cam.ac.uk/course/view.php?id=88471>
	+ Inclusive Teaching and Learning <https://www.vle.cam.ac.uk/course/view.php?id=157882>
* On-line information and resources: <https://www.disability.admin.cam.ac.uk/teaching-disabled-students>
1. It is important to note that when determining whether the financial cost of an adjustment is reasonable or not the financial resources of the whole institution are taken into account, not specific departmental or assigned disability budgets. [↑](#footnote-ref-1)