



Code of practice for the assurance of academic quality and standards in higher education

Section 3: Disabled students

Draft for consultation - March 2009

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Foreword

1 This document is the second edition of the *Code of practice* relating to disabled students (originally entitled *Students with disabilities*) in United Kingdom (UK) higher education institutions. It is one of a suite of interrelated documents which forms an overall *Code of practice for the assurance of academic quality and standards in higher education* (the *Code of practice*) for the guidance of higher education institutions subscribing to the Quality Assurance Agency for Higher Education (QAA), and of other bodies offering UK higher education.

2 The overall *Code of practice* and its 10 constituent sections were originally prepared by QAA between 1998 and 2001 in response to the reports of the National Committee of Inquiry into Higher Education and its Scottish Committee (the *Dearing and Garrick Reports*). The *Code of practice* supports the national arrangements within the UK for quality assurance in higher education. It identifies a comprehensive series of system-wide principles (precepts) covering matters relating to the management of academic quality and standards in higher education. It provides an authoritative reference point for institutions as they consciously, actively and systematically assure the academic quality and standards of their programmes, awards and qualifications.

3 The *Code of practice* assumes that, taking into account principles and practices agreed UK-wide, each institution has its own systems for independent verification both of its quality and standards and of the effectiveness of its quality assurance systems. In developing the *Code of practice*, extensive advice has been sought from a range of knowledgeable practitioners.

4 The *Code of practice* does not incorporate statutory requirements. While this particular section must make reference to relevant legislation, notably the *Disability Discrimination Act 1995* (as amended in 2005),¹ it is not an exhaustive or comprehensive statement of these requirements. Where a section of the *Code of practice* is related to legislative or similar obligations, efforts have been made to ensure compatibility with them. Activities which are not specifically required by legislation, but which can be regarded as good practice are also included.

5 Since 2001, a number of developments in UK higher education have encouraged QAA to begin a revision of individual sections of the *Code of practice*. In undertaking this task, QAA has also decided to review the structure of the sections and, in particular, to replace the original 'precepts and guidance' format with a 'precepts and explanation' approach, using the explanations to make clear why the precepts are considered important and reducing opportunities for a 'checklist' approach to the *Code of practice*. In doing so, QAA has sought to meet Recommendation 4 (part 4) of the Better Regulation Task Force in its report *Higher Education: Easing the Burden*, July 2002.² This revised section has also taken account of the *Standards and Guidelines for Quality Assurance in the European Higher Education Area*.³

¹ *Disability Discrimination Act 2005*, available at: www.opsi.gov.uk/Acts/acts2005/ukpga_20050013_en_1

² *Higher Education: Easing the Burden*, available at: <http://archive.cabinetoffice.gov.uk/brc/publications/2002.html>

³ *Standards and Guidelines for Quality Assurance in the European Higher Education Area*, available at: ww2.dkit.ie/about_dkit/documents_and_policies/policies/standards_and_guidelines_for_quality_assurance_in_the_european_higher_education_area

6 Revised sections of the *Code of practice* are therefore now structured into a series of precepts and accompanying explanations. The precepts express key matters of principle that the higher education community has identified as important for the assurance of quality and academic standards. Individual institutions should be able to demonstrate that they are addressing the matters tackled by the precepts effectively, through their own management and organisational processes, taking account of institutional needs, traditions, culture and decision-making. The accompanying explanations show why the precepts are important.

7 The *Code of practice* is a statement of good practice that has been endorsed by the higher education community. As such, it is useful in QAA's audit and review processes that consider the extent to which an institution, in developing and implementing its own policies, has taken account of the *Code of practice* and its precepts.

8 Institutions may find the explanations useful for developing their own policy and for allowing some flexibility of practice at subject level, depending on local needs. It is important to emphasise that the explanations do not form part of QAA's expectations of institutional practice when its teams are conducting audits and reviews.

9 Academic staff in departments and schools do not necessarily need to be familiar with the detail of all of the various sections of the *Code of practice*, although they might well be expected to be familiar with the institutional policies it informs and any parts which are particularly relevant to their own responsibilities.

10 To assist users, the precepts are listed, without the accompanying explanations, in Appendix 1 to this section of the *Code of practice*.

11 The first version of this section of the *Code of practice* was published in 1999. The publication of this second version follows consultation with staff in institutions, who have helped to update the *Code of practice* to take account of institutions' practical experience of using the guidance contained in its predecessor.

Introduction

12 The starting point for this *Code of practice* is the recognition that disabled students are an integral part of the academic community. As such, they have a general entitlement to the provision of education in a manner that meets their individual needs. Accessible and appropriate provision is not 'additional', but a core element of the overall service which an institution makes available. These entitlements need to be managed and have their quality assured in the same way as any other provision. Institutions should be able to address individual cases effectively and also manage their provision in a way that develops an inclusive culture.

13 The revision of this *Code of practice* was undertaken by a group convened by QAA, including representatives from higher education institutions with experience of both teaching and managing the student experience, researchers with a significant body of work on the experience of disabled students, and specialist bodies promoting equality and access with respect to higher education. Members of the working group are listed in Appendix 2. The group benefited from being able to draw on a range of existing publications and on research into the experience of disabled students which had taken place since the first edition was published. A number of publications which provide more detailed operational guidance are listed in Appendix 3 (page 25) to aid institutions in developing their own arrangements.

14 Although disabled students have been entering higher education in greater numbers since the first edition of this *Code of practice* was published, they remain under-represented and their experiences are variable. There is much good practice in the provision of support for disabled learners, in the use of teaching and assessment methods that actively include disabled students and in the design of the physical environment in ways that support access.⁴ However, research into the experience of disabled students has identified examples of barriers to learning, whether in physical access to facilities or lack of inclusive teaching methods.⁵ Academic and support staff in institutions should receive sufficient guidance for them to make their provision inclusive of disabled students' requirements.

15 This *Code of practice* is intended to be a source of guidance to institutions as they direct attention to the implications of current law and practice. The legal framework surrounding provision for disabled students has been significantly strengthened since 2001, and this *Code of practice* is intended to provide an outline of the expectations and responsibilities placed on institutions. The first edition has been identified by researchers as contributing to improved awareness within institutions of the features of effective provision in the area.⁶ This revised edition takes account of the changed legal context and the availability of more sources of advice and evidence about how the experience of disabled students can be enhanced. It provides guidance on the entitlements of disabled students throughout the student life cycle, from application to the award of qualifications, and also includes subsections on those aspects of provision which have a particular bearing

⁴ QAA (2009) *Outcomes from institutional audit: Institutions' support for students with disabilities 2002-2006, Special study*, available at: www.qaa.ac.uk/reviews/institutionalaudit/outcomes

⁵ Angela Jacklin, Carol Robinson, Lynn O'Meara and Amanda Harris (2006) *Improving the experiences of disabled students in higher education*, York: HEA; Sheila Riddell, Teresa Tinklin and Alastair Wilson (2005) *Disabled Students in Higher Education*, London: Routledge.

⁶ Sheila Riddell, Elisabet Weedon, Mary Fuller, Mick Healey, Alan Hurst, Katie Kelly and Linda Piggott, Managerialism and equalities: tensions within widening access policy and practice for disabled students in UK universities, *Higher Education*, vol 54, 2007, pp 615-28.

on learning opportunities and the transition from study to work.

16 The enhancement of the quality of provision for disabled students is a shared responsibility of all staff in an institution, not just those with a disability or learning support remit. Arrangements should be in place to ensure that effective communication and partnerships between staff can exist to ensure that students' requirements are met. There is therefore an emphasis on the need for staff to be provided in a timely manner with relevant information and to be provided with professional development opportunities that enable them to meet the expectations of this *Code of practice*.

Legal requirements in provision for disabled students

17 UK disability discrimination legislation is based on the principle that physical and mental conditions are not disabling in themselves, but become so in the context of practices or environments that make it hard for the affected person to participate fully and/or restricts his/her opportunities. The legislation places obligations on institutions to change those practices or environments and so remove the disabling effects.

18 The principal domestic legislation is the *Disability Discrimination Act 1995* (DDA), which has been amended by subsequent legislation, particularly the *Special Educational Needs and Disability Act 2001* (SENDA) and the *Disability Discrimination Act 2005*. Chapter 2 of Part 4 of the DDA concerns particularly a higher education institution's relationship with its disabled applicants, students and former students. Institutions are under an obligation not to discriminate against disabled students by subjecting them to 'less favourable treatment' or by failing to make a reasonable adjustment to policies, procedures, provisions or the physical environment, in order to overcome a disadvantage suffered by a disabled student.

19 Emphasis is placed in the legislation on the need for an institution to anticipate the needs of disabled students, applicants and former students. Accordingly, institutions are expected to incorporate the needs of disabled students in their planning, rather than merely responding to individuals' requirements on an ad hoc basis.

20 While the DDA identifies a general entitlement of disabled students to reasonable adjustments, it also permits the application of specific competence standards, which should not be varied, in academic judgements. Competence standards are defined by Section 28S of the DDA Part 4 as 'an academic, medical or other standard applied by or on behalf of an [education provider] for the purpose of determining whether or not a person has a particular level of competency or ability'.⁷ Institutions may apply competence standards to define minimum levels of achievement for admission or for achievement of particular learning outcomes.

21 Competence standards may be set by the institution, for example, language proficiency or subject knowledge, or the institution may apply them on behalf of a professional body, for example, fitness to practice requirements for some disciplines in health and social care. Institutions are expected to be able to justify the application of competence standards in their academic programmes and to be able to demonstrate that they regularly review those that they set themselves to ensure that they are appropriate and proportionate. Further reference is made to competence standards in the sections of this document on programme design and admissions.

⁷ DDA 1995 (as amended) section 28S(11).

Guidance on the definition of competence standards, with examples of good practice, is available in the *Code of Practice Post-16*, published by the Disability Rights Commission (DRC) (the remit of which now lies with the Equality and Human Rights Commission)⁸ and the briefing published by Supporting Professionalism in Admissions⁹ (see Appendix 3 on page 25 for full publication details).

22 As well as having an obligation to respond to individual students' needs, institutions, as organisations in the public sector, are under the Disability Equality Duty (DED). The DED requires institutions to have 'due regard' to the need to eliminate unlawful disability discrimination and to promote equality of opportunity for disabled people when carrying out all the institution's functions. Institutions are also under an obligation to develop a disability equality scheme (DES). This may take the form of a single equality scheme: a general approach to cover all potential forms of discrimination.

23 For institutions, meeting the DED involves anticipation of the variety of possible requirements that disabled students may have, rather than making adjustments for individuals on an ad hoc basis. Institutions are required to be proactive and assess the impact of their policies, procedures and provision and make any changes resulting from such evaluation. In this sense, meeting the anticipatory duty may be seen as an element of quality enhancement as institutions seek to improve the student experience.

24 It should be noted that a key element of the DED is involvement of disabled students themselves in the enhancement of provision. This applies to the involvement of individual students in discussion with their institutions about their requirements for support that enable them to meet the learning outcomes of programmes of study. It also applies to the incorporation of the views of disabled students in the general enhancement of the quality of provision. This can cover the identification of both areas for improvement and the examples of good practice which can help to improve the learning experience for all students in an institution.

25 A further and more detailed analysis of the law and institutions' obligations under the DDA can be found in the *Code of Practice Post-16*, to which courts must have regard when deciding any claims by students that may have been discriminated against. Similarly, the DRC prepared the statutory *Code of Practice on the Duty to Promote Disability Equality*. (See Appendix 3 on page 25 for full references.)

26 There are likely to be some common features among those institutions that work well within current legal requirements. For example, some institutions have been active in the area and have an ethos that attentively embraces diversity. They have senior managers with an active interest in how access is progressing, and who take seriously the budgetary and other implications of their commitment. In these institutions, consideration of the needs of disabled students has been a dimension in all decisions and activities. The promotion of disability equality is treated as the responsibility of all staff, not just of those with a specific disability remit. Individual staff members are given appropriate and timely support in developing inclusive forms of teaching and assessment, rather than being expected to make adjustments at short notice. Disabled students are involved in the development of policies and processes through the development of disability equality schemes.

⁸ DRC (2007) *Code of Practice: Post-16*, available at: www.equalityhumanrights.com/Documents/Disability/Education/Post16_Code.pdf

⁹ SKILL (2007) *A Briefing on Competency Standards and Admissions to Higher Education*.

Who is disabled?

27 There are a number of different definitions of disability. The definition within the DDA, as amended in 2005, covers a wide range of impairments, including physical and mobility difficulties; hearing impairments; visual impairments; specific learning difficulties including dyslexia; long-term medical conditions, such as HIV or cancer; and mental health difficulties. The DDA also includes in its definition a stipulation that the impairment should have a substantial impact on the individual's ability to carry out normal day-to-day activities and either have lasted, or be likely to last, for at least 12 months. Specific day-to-day activities are referred to in the DDA, but were developed prior to the expansion of the DDA to cover education. Decisions in case law have specified, and will continue to further specify, the definition of conditions which constitute an impairment and of the nature of 'day-to-day activity' that is covered by legislation.

28 Some students may already be disabled when they apply to an institution; others may become disabled or become aware of an existing disability only after their programme has started. Others may have fluctuating conditions. Some students may be disabled temporarily by accident or illness. Institutions will need to have provision in place to support students in identifying impairments and the entitlements that follow from such identification. Since disclosure by students is essential for this process, institutions will need to provide a culture of positive attitudes towards disability: research has identified this as an important contributor towards disclosure rates. Institutions will want to ensure that their provision and structures take into account, so far as possible, the full range of entitlements which disabled students may have, and that their provision is sufficiently flexible to cater to individuals' changing requirements throughout their periods of study.

Precepts and explanations

General principles

1

The educational disadvantage and exclusion faced by many disabled people is not an inevitable result of their impairments or health conditions, but arise from attitudinal and environmental barriers. Institutions ensure that in all their policies, procedures and activities, including strategic planning and resource allocation, consideration is given to the removal of such barriers in order to enable disabled students to participate in all aspects of the academic and social life of the institution.

Current legislation is based on the principle that the educational disadvantage and exclusion faced by many disabled people is not an inevitable result of their impairments or health conditions, but stems from attitudinal and environmental barriers. There should be consistently-applied processes for assessing the impact, both positive and negative, of current and proposed procedures and activities regarding access for disabled students.

To identify institutional barriers, institutions should involve disabled students, as well as those who have formerly studied there. Where relevant, for example where an institution has progression agreements or partnerships with schools/colleges, potential future students could usefully be included in these discussions in order to anticipate the range of adjustments that may be needed. Institutions should provide an appropriate level of resource for this engagement.

In this work, institutions should recognise that disabled students come from a wide range of backgrounds. Students who appear to be classified with the same impairment may in reality have different requirements. Institutions should therefore implement their duties in a flexible way that allows disabled students to give their views at different points during the student life cycle and in a variety of ways.

Consideration should be given to the entitlements of disabled students in every aspect of the institution's function and activity. In many instances, enhancements to the experience of disabled students will emerge from the professionalism of the staff engaged in particular lines of work, whether in academic support or in the provision of other services.

Institutional and strategic management

2

Senior managers, including those at the highest levels, lead their institutions' development of good practice in relation to encouraging the recruitment, progression, retention and achievement of disabled students.

Institutional leaders should be directly involved in promoting the principle of equality of opportunity for disabled students. In particular, they should ensure that there are policies and procedures in place to encourage anticipatory adjustments, and that the institution is committed to achieving more than the minimum required by law. Information about the action taken by the institution should be publicly available in the documentation of its disability or single equality scheme. An annual report on actions taken to implement the principles of the scheme will be produced at institutional level and widely circulated.

Senior managers should ensure that all staff have access to appropriate development activities, and that the officers and departments responsible for coordinating work for disabled students have their visible support.

There should be a senior member of the institution with overall responsibility for all matters related to disabled students, and the authority and means to determine that good practice continues and is developed. Disabled students should be able to relate directly to that person, who should regularly consult them.

Senior managers should also ensure that policies and principles relating to inclusion are endorsed by the highest level decision-making bodies in the institution.

Monitoring and evaluation

3

Information is collected by institutions on disclosure of impairments and is used appropriately to monitor the applications, admissions and academic progress of disabled students.

4

Institutions operate systems to monitor the effectiveness of provision for disabled students, evaluate progress and identify opportunities for enhancement.

Institutions will give students opportunities to disclose an impairment and will ensure they are aware of their right to give their consent to its being shared with relevant staff. Staff should also be made aware of guidelines on data protection to ensure that the information is handled appropriately. The data may be drawn on to evaluate the effectiveness of institutions' provision in relation to the needs of disabled students.

Institutions should routinely collect, analyse and monitor student assessment data (such as student feedback, satisfaction rates, completion rates, pass rates and referrals) to analyse the progression of, and achievement of qualifications by, disabled students. Acting on the information collected should be a part of standard institutional policies and practices for quality monitoring and enhancement. One mechanism for reporting on the use of this data is through the institutional annual update of the disability equality scheme.

Institutions should ensure that:

- opportunities to disclose an impairment are available to students throughout their period of association with the institution
- data protection is applied to all records of a student's disability in the same way as for any other sensitive personal information.

Institutions should consider:

- creating a development plan, consistent with and informed by the disability equality scheme, which can be used as a reference tool to evaluate progress
- ways of involving disabled students in development planning and the review of the impact of institutions' procedures and projects on disabled students.

Curriculum design

5

The design of new programmes and the review and/or revalidation of existing programmes will include assessment of the extent to which the course is inclusive of disabled students.

The anticipatory duty requires institutions to be able to show that they have taken the entitlements of disabled students into account when designing programmes of study. The validation and review processes need to include evaluation of the programme aims, learning outcomes and assessment strategies to identify potential barriers to the participation of disabled students. Assessment methods and the ways in which students will demonstrate that learning outcomes have been met should allow for appropriate and reasonable adjustments.

The assessment methods to be used on programmes should be carefully considered, with the aim of providing flexibility for all qualified students to be able to meet the learning outcomes. Providing a range of assessment methods also reduces the likelihood that alternative approaches (for example, use of British Sign Language interpretation instead of a written requirement) or adjustment strategies (for example, additional time) will be needed, thereby minimising the 'difference' between disabled students and their peers. (See also precept 8 on page 11.)

Where a competence standard is determined by the institution, it should be regularly reviewed for all relevant programmes. The DDA defines a competence standard as 'an academic, medical or other standard applied by or on behalf of an education provider for the purpose of determining whether or not a person has a particular level of competence or ability'.¹⁰ In order for a competence standard to be lawful it needs to be a 'proportionate means of achieving a legitimate aim'¹¹ and be applied equally to all students on the relevant academic programme. This means that only standards that are genuinely relevant to a particular programme can lawfully be deemed a competence standard. If standards are not essential to the learning outcomes of the programme, they should be actively reconsidered.

Courses, programmes of study and competence or fitness to practise standards which are designed by, or in partnership with, others (such as professional bodies or employers) should take into account the entitlement of disabled students. This may include discussion with professional bodies about their requirements and the extent to which these need to be written into the learning outcomes and assessment methods used in institutions' programmes.

Staff should be aware of their responsibilities to design inclusive programmes and courses and seek training and on-going support where necessary. Staff should be given access to sources of advice both from within the institution and externally and recognise that disability lies within the context of the institution rather than the individual. The views of disabled students will be actively sought during the review of programmes and, where possible, in the process of programme design.

(Cross-reference should be made to the *Code of practice, Section 7: Programme design, approval, monitoring and review.*)¹²

¹⁰ DDA 1995 (as amended) section 28S(11).

¹¹ DDA 1995 (as amended) section 28(6b).

¹² All sections of the *Code of practice* are available at: www.qaa.ac.uk/academicinfrastructure/codeofpractice

Information for prospective students, current students and staff

6

The institution's publicity, programme details and general information are accessible and include explanations of how the entitlements of disabled students are met.

The provision of information about an institution's programmes and processes to potential and current students is essential to support informed decisions on appropriate applications and routes/options taken during the programme.

Prospective and current students should be given access to information about the requirements of individual courses, such as programme specifications, entry profiles, and/or competence or fitness to practise standards (which apply on entry to a course, in the assessment of students, and for work placements). This could facilitate the exploration of possible reasonable adjustments between applicants/students and staff.

Information about the programme (including programme specifications, learning outcomes and expectations) should be made available to students in different formats (including print and electronic formats) as early as possible and preferably prior to the start of the course. Advanced notice should be given about learning opportunities outside of the classroom, laboratories and workshops (including fieldwork, study visits, practicals and work placements).

Staff also need to be given regular, up-to-date information about institutions' policies and procedures in relation to the inclusion of disabled students.

Institutions should ensure that:

- the disability equality scheme or equivalent single equality scheme, as required by the DED, is made available in a variety of formats
- students are provided with clear and accurate information in accessible media on the physical environment, and the learning and technical support available
- websites and other forms of electronic communication are accessible to disabled students
- information on placement opportunities, where relevant, is available from an early stage
- details of any designated contact(s) for disabled students are widely publicised
- responses to enquiries from disabled people are prompt and candid and include advice from experienced, specialist staff
- feedback from disabled applicants and students is encouraged to enhance institutions' provision for disabled students.

Admissions processes and policies

7

The operation of admissions processes and application of entry criteria ensure that disabled applicants are not disadvantaged.

Offers of places on programmes of study in higher education are subject to entry criteria which are laid down by institutions and operate in a way which ensures that students admitted to a programme are capable of achieving its learning outcomes.

The setting of entry criteria is an outcome of decisions concerning the design of programmes of study and is related directly to those learning outcomes, and this affects the extent to which reasonable adjustments may be applied.

The DED requires public bodies (including higher education institutions) to promote disability equality, which includes taking steps to 'take account of disabled people's disabilities even where that involves treating disabled people more favourably than others'.¹³ Entry criteria should be sufficiently flexible to take into account individual circumstances and avoid stating that specific personal, medical or health characteristics are necessary or preferable for a particular course. While competence standards may be applied to individual courses (see also precept 5), the inclusion of unnecessary or marginal requirements of entry to a course may lead to discrimination. Entry criteria that are more than minimum essential standards may be subject to reasonable adjustments to permit the admission of disabled applicants who can benefit from, and meet the learning outcomes of, the programme of study. Staff concerned with admissions should be aware, when setting entry criteria for individual applications, of the possibility that the applicant may receive reasonable adjustment in the achievement of their pre-University qualifications.

Admissions processes include activities of encouraging applications and relaying decisions and other relevant information to applicants. Adjustment of these processes - for example, of deadlines or of the form in which evidence of previous learning is submitted - should be available to ensure applicants are able to demonstrate their ability to meet learning outcomes of programmes.

Institutions should:

- ensure that their admissions processes have the capacity for reasonable adjustments to enable applications from disabled students to be given proper consideration
- apply genuine competence standards which consider flexible approaches to qualifications (for example, waiving the requirement for a particular qualification as a competence standard where an individual applicant can demonstrate alternative evidence of the necessary level of competence)
- ensure that appropriate support is offered and available for applicants attending interviews and other selection activities, for example, meeting with appropriate support staff
- provide appropriate disability awareness/equality guidance and training for all academic and administrative staff involved in selection, interviewing and other admissions-related activities
- where appropriate, offer disabled applicants the opportunity to demonstrate that they meet the admission criteria using alternative ways of demonstrating their abilities.

8

Disabled applicants' support needs are identified and assessed in an effective and timely way, taking into account the applicants' views.

Programmes whose admissions process is administered through national bodies such as UCAS or the Graduate Teacher Training Registry (GTTR) will automatically receive any disclosures of impairments made by applicants made in the appropriate section of the application. Institutions should ensure that an equivalent opportunity for

¹³ DDA (as amended) section 49A(1d).

disclosure exists where applications are made directly to them. All applicants should be made aware that the information will be used as part of the process of determining support and access requirements. Applicants may be given the opportunity to specify how widely, or to what level of detail, this sensitive personal information is shared within the institution.

Institutions should be aware that applicants may not disclose an impairment during the admissions process, or that they may provide relevant information in sections of the application form other than the specified section to indicate that they have some form of disability - for example, the Personal Statement on UCAS forms.

Disclosure early in the admissions process may be encouraged on the grounds that it ensures that support will be provided in a timely manner. Where institutions are notified of an impairment shortly before a student registers, processes should be in place to ensure that support arrangements are in place as soon as possible.

Institutions should:

- enable individuals to feel able to disclose impairments through effective communication of the ways in which the institution fulfils its responsibilities within the DED
- provide specialist advice which draws on recognised sources of expertise to assess applicants' support needs, in order to ensure that decisions by admissions tutors and disabled students are as well-informed as possible
- develop systems which ensure that staff concerned with the admissions process are able to properly discuss the cases of disabled applicants, regardless of when in the admissions cycle the application arrives, for example during UCAS Extra or the 'clearing' procedure
- enable academic departments or programme managers to draw up agreements with individual disabled students and all concerned parties which specify details of support and other arrangements, including those for assessments, which will continue through the students' period of registration
- consider and justify the levels and types of support that will be available to students who are not eligible for Disabled Students' Allowance in line with the DDA.

Enrolment, registration and induction of students

9

The arrangements for enrolment, registration and induction of new entrants meet the requirements of disabled students.

Induction, or a set of enrolment activities, is often the first point of direct contact between students and their institutions. The operation of procedures for enrolment, registration and introduction of students to their programme of study can have a significant impact on the confidence students will have in the way their learning will be supported. The induction period can also provide a further opportunity for students to disclose an impairment and discuss their requirements with relevant staff.

Institutions should implement arrangements which ensure that:

- enrolment procedures and induction events take into account the access requirements of disabled students

- the design of enrolment and other forms, whether paper-based or online, can be modified to enable disabled students to complete them with the same levels of independence and confidentiality as other students
- when information about disclosure of an impairment is collected, the purpose of collection is made clear and the measures taken to ensure confidentiality and secure storage are outlined
- staff who are responsible for organising induction programmes take into account the requirements of disabled students, including orientation training to meet specific requirements, for example, visual impairment
- during enrolment and induction, there are opportunities to identify or reconsider the support needs of disabled entrants and to confirm that they are in place
- new students receive information about the institution's processes for responding to the disclosure of impairments and how disclosures not already made can be documented.

Learning and teaching

10

Both the design and implementation of learning and teaching strategies and activities should recognise the entitlement of disabled students to participate in all activities provided as part of their programme of study.

Staff should be aware of their anticipatory duty to provide flexible and inclusive learning and teaching approaches to ensure disabled students are able to meet course requirements and minimise the need for reasonable adjustments. Full access to equipment and other learning resources to support the course should be provided as far as possible.

Where specific adjustments to learning and teaching practices are required, they should be based on a consideration of the particular needs of the individual student and not on the nature of their impairment. Both anticipatory and reasonable adjustments should be used for open learning, distance learning and all other forms of off-campus learning.

When using technology-based tools to support learning and teaching, consideration should be given to their accessibility to, and impact on, disabled students. Where there are justifiable reasons for using a form of technology which is not accessible to some disabled students, the responsible staff need to be supported in identifying alternative means of achieving an equivalent learning experience for those students.

Where there is an e-learning component to a programme of study, there is a responsibility on the institution to ensure that it can be accessed fully by all students on the programme, or that reasonable adjustments can be made to ensure that all students have access to learning and assessment opportunities.

Staff should aim to work in partnership with disabled students, recognise that all students learn in different ways and be responsive to student feedback. They should adapt their approaches to learning and teaching to take account of the views and entitlements of disabled students.

Where a work placement is an optional or compulsory part of a programme of study, institutions should consider ways of ensuring that the specified learning opportunities are available to disabled students and plan for the range of possible ways in which

disabled students' entitlements may need to be met. Where students have given permission for impairments to be disclosed to placement employers, communication with placement providers should take place to discuss how reasonable adjustments can be made to enable the requirements of modules in work-based learning to be met.

Staff involved in the delivery of learning and teaching have a shared responsibility to support disabled students and should work in partnership to achieve this. Clear demarcation of roles and responsibilities helps these partnerships work effectively. Staff should be given access to sources of advice, both from within the institution and externally, to support their own work in developing inclusive curriculum design and teaching practice.

Academic assessment

11

Academic assessment practices ensure that disabled students are given the opportunity to demonstrate the achievement of competence standards and learning outcomes.

In fulfilling their anticipatory requirements, institutions should ensure their assessment systems and procedures are sufficiently flexible to give all registered students an opportunity to meet the objectives of their programmes of study. There may be more than one way of demonstrating the attainment of a learning outcome, and the various possibilities should have been considered in the process of programme design (see precept 5 on page 9).

Institutions should use a range of assessment methods as a matter of good practice to provide opportunities for disabled learners to show that they have attained the required standard. Where reasonable adjustments are required with respect to assessment, institutions should seek to ensure that they are reviewed at regular intervals to ensure their effectiveness and that they operate with minimal delay and disruption to the individual student.

Institutions should make the assessment criteria and allocation of marks clear and transparent to students as early as possible. This can aid discussion and agreement on assessment strategies appropriate to meet the entitlements of individual students. (See also precept 5, above, on the need to consider assessment criteria in advance in the course of programme design.)

Institutions should put in place procedures to monitor the quantity and timing of assessment for all students to ensure that the load is not excessive. Institutions should also seek to monitor the consistency and comparability of inclusive assessment practices across modules, courses, departments and faculties (including off-campus learning).

Staff should be given access to sources of advice, both from within the institution and externally, about inclusive assessment strategies and practices, as well as the assessment implications for individual disabled students.

Continuing professional development

12

Continuing professional development is provided in a way that enables staff to participate in a range of continuing professional development to enhance their knowledge, reflect upon and develop their practice, and contribute towards a fully inclusive institutional culture.

Staff should be offered guidance and support to understand what the disability legislation means for them in their roles. Staff should have access on a continuing basis to information about creating an inclusive institutional culture for which there is a shared responsibility. Staff should seek to work with students, and receive guidance from their institutions, to achieve this.

There should be a range of opportunities and programmes to meet the differing needs and varying prior experiences of staff in relation to disabled students. Some training could be targeted strategically to meet the needs of particular groups of staff, for example with respect to admissions and to the usability of information systems for the support of learning. In addition, information about inclusive practices should be embedded in all training and continuing professional development, where possible.

Induction programmes for all staff, and accredited learning and teaching courses for new academic staff, should include information about the entitlements of disabled students and the support that staff can expect in contributing to the development of an inclusive institutional culture.

Disability equality training should be adequately resourced and should be delivered by appropriately qualified and experienced staff. Whenever possible it should involve disabled students and work in partnership with them.

Strategies should be devised to encourage staff to engage in innovation and inclusive practice. Mechanisms for doing so may include academic promotion opportunities or annual appraisals taking into account successful development of inclusive practices, especially in learning, teaching and assessment.

Academic support for disabled students

13

Academic support and guidance are accessible and appropriate for disabled students.

The support and guidance available to students as they progress through their programmes of study should include advice which covers the entitlements of disabled students. Such guidance may come from any combination of local/departmental or institution-wide staff, and of academic staff, mentors, student advisors and disability specialists. The provision of academic support for disabled students should be treated as a partnership between those involved, with information on individual cases and institutional facilities and procedures shared appropriately.

In developing academic support and guidance structures and procedures, institutions should implement arrangements which ensure that:

- information relating to the programme of study, including options and competence standards within individual elements, is fully accessible to

disabled students and available from the earliest opportunity (see precept 6 on page 10)

- there are accessible and clearly-communicated systems in place to enable disabled students to discuss any specific issues in relation to curriculum access and academic progression
- all staff who provide academic guidance to students are appropriately alert to aspects of delivery that may be inaccessible to disabled students, and know the steps to be taken to resolve these issues
- there is effective partnership and communication between programme-based academic support and specialist services to ensure that relevant expertise is accessed in consideration of any individual adjustments and appropriate referrals made
- the academic facilities and support available to students including library, IT careers services, study support facilities, and all other services (both on and off-campus) relating to students' progression and employability are fully accessible and appropriate to disabled students.

Information and communication technology (ICT)

14

Institutions should have in place the capacity to investigate the range of ways in which disabled students can be aided by ICT and to provide students and staff with the information to enable them to make the best use of assistive technologies.

The use of information and communications technology (ICT) can be an important means of enabling disabled students to engage fully in their programmes of study. This can be addressed through the provision of assistive technology, and by the promotion of common standards of usability as a core area of knowledge for ICT staff.

Strategies should be devised to encourage ICT staff to focus on user needs as part of their service provision. Staff with knowledge of assistive technologies should be able to contribute to wider institutional discussion of teaching provision as part of the duty to anticipate possible future needs, in collaboration with teaching and disability support staff.

Websites, and any other sources of computer-based information, for prospective students, current students and alumni should be designed according to professional standards of accessibility. Gaining knowledge of these standards should be part of the professional development of relevant staff in the institution.

Institutions should ensure accessibility and usability are key concerns in ICT management processes. Wherever possible, assistive technologies should be available through institution-wide networks, rather than having to be accessed in segregated facilities. Consultation with students and staff about the accessibility of ICT facilities is a matter of good practice in enhancing standards of usability.

The development of ICT facilities and services that are fully inclusive and cater for a wide range of potential needs (in advance of some of those needs being presented by individual students) should be valued as a desirable aim of the service and treated as a part of the institution's anticipation of disabled students' requirements.

Careers education, information and guidance

15

Disabled students have access to careers education, information and guidance that supports their progression to employment or further study.

Institutions should be able to address the entitlements of disabled students as they move from study to the workplace or to further study. This capacity does not solely refer to specialist careers services, but also to sources of guidance in academic departments, placements offices and elsewhere within institutions.

The entitlements of disabled people in education and in the workplace should be considered by providers of careers education, information and guidance when undertaking their work. Services should be provided that enable students to take advantage of the full range of opportunities open to them, and the support that will be available through their working life.

Students should have access to comprehensive information about the competence standards that they would have to meet in professions for which they are academically qualified. Staff involved in collecting and disseminating this information should be able to keep up-to-date with changes to the competence or fitness to practice standards required by professional bodies, and be aware of the implications of any changes for the entry of disabled students to those professions.

Processes should be in place to communicate with employers about the development of disabled students' capabilities through their studies and the support that is available to organisations that employ disabled people.

Disabled students should have access to support and guidance concerning opportunities for access to postgraduate study, including research. Reference should be made to the guidance issued by research councils for disabled research students.

All materials produced by institutions to provide guidance on progression from study should be available in a variety of formats.

(Cross-reference should be made to the *Code of practice, Section 8: Career education, information and guidance*.)

Access to student services

16

Disabled students have access to the full range of student services that are provided by the institution.

Since disabled students have an entitlement to access both the social and the academic life of their institution, it follows that institutions need to be confident that the services used by students, such as cultural or sporting activity, catering or accommodation, are as accessible as possible. Impact assessments of the effect on disabled students should be a part of any developments of these services.

Institutions should ensure that:

- the range of student services (and information about these) are as accessible as possible

- quality management mechanisms for these services, and systems for the development of appropriate improvement/operational plans, include a specific focus on, and consultation with, disabled users
- where existing services cannot reasonably be made accessible, there is close collaboration with other service providers, such as students' unions and external providers, to ensure that alternative accessible services and arrangements are identified and are well advertised
- where an external organisation delivers services to students on behalf of the institution, it should do so in a manner that complies with the institution's duties to disabled students. This requirement should be written into the contract between the institution and the third party.

Institutions will review provision for disabled students as a part of regular reviews of student-facing services, such as accommodation, careers offices, estates and facilities units and other service areas. Enhancement of provision should arise naturally from reviews of this kind. This also relates to precept 18 (below).

Additional specialist support

17

Institutions ensure that there are sufficient designated members of staff with appropriate skills and experience to provide specialist advice and support to disabled applicants and students, and to the staff who work with them.

The provisions of this *Code of practice* apply to all staff, but many institutions find it helpful to designate specialist disability practitioners or other members of staff as a named point of contact for disabled students. These can also be sources of support and guidance for staff in meeting the requirements of disabled students.

Institutions should ensure that designated services or structures:

- provide timely and accurate advice about appropriate adjustments, such as assistive technology, human support, academic and administrative matters, daily living and financial support
- develop effective liaison with staff and student contacts
- have adequate resources for staff, equipment and other facilities
- have appropriate mechanisms in place to ensure the ongoing continuing professional development of specialist staff and the updating of technical knowledge and skills
- have ready access to appropriate professional support outside the institution when necessary
- seek to interact with students in a way that facilitates the development of independent learning and full inclusion within the academic and student community
- have physical and/or virtual locations that are accessible and well-signposted.

The physical environment

18

All students are able to access the physical environment in which they will study, learn, live and take part in the social life of their institution.

Institutions are required to ensure the accessibility of their physical environment under both the DDA and general building regulations (and subordinate legislation), as

amended from time to time. New developments must be subject to a disability equality impact assessment, and it is recommended that institutions regularly review the accessibility of all buildings for which they are responsible. This would include ease of movement into, out of and around the buildings, the legibility and availability in different formats (for example, Braille) of signage, and contingency plans for the possibility of temporary obstruction of access to parts of the institution's premises.

Where there are unavoidable difficulties in ensuring physical access, institutions should have contingency plans to ensure the participation of disabled students. Institutions should also ensure that students with mobility impairments are able to travel between teaching sessions in a timely manner, whether this is through developments to the physical infrastructure or through timetabling arrangements.

19

Institutions should ensure that facilities and equipment are as accessible as possible to disabled students.

In order to meet disabled students' entitlements to access to learning opportunities, institutions should ensure they have considered accessibility in the teaching environment. This will include reviews of the physical accessibility of resources and their usability, for example: availability of different seating arrangements, lighting and acoustic backgrounds, usability of equipment and the presentation of materials using audio-visual technology.

Institutions should review their facilities in the spirit of the anticipatory duty, and not rely on being able to make adjustments on an ad hoc basis.

(Reference should also be made to precept 14, page 16, for questions of usability.)

Institutional procedures

20

Institutions ensure that information about all policies and procedures that affect students' ability to complete their studies and assessments is available in accessible formats and communicated to students.

21

Institutions ensure that policies and procedures are operated in a way which does not lead to disadvantages to disabled students that arise from the nature of an impairment.

Institutions' procedures covering areas such as appeals, complaints, mitigating or extenuating circumstances claims, equal opportunities, harassment and good conduct should ensure that the entitlements of disabled students can be met. The impact of procedures should be assessed at regular intervals with the involvement of disabled students, and when they are changed, to ensure that disabled students are not disadvantaged by their operation.

Staff involved in making decisions about the cases of students within such procedures should have access to specialist advice about the impact of particular impairments on the ability of students to fulfil institutional requirements. Where a panel is convened to make judgements about a students' fulfilment of academic or other institutional requirements, some specialist knowledge should be available, either directly from a member of the panel or from advice sought by, and given to, a

designated member of the panel.

Where an impairment makes it difficult for a student to meet specific criteria for submission of documents or evidence, for example a time limit on admissible appeals or complaints, the institution will have the flexibility to make reasonable adjustments to its procedures. The conduct of any panels for which attendance by the student is either desirable or mandatory should allow for the requirements of that student, for example in accessible locations or in the length of time allowed.

Institutions should ensure that:

- any institutional sources of advice for students in the formulation of submissions within procedures of this kind, for example student advisors, should have received up-to-date training and guidance on the entitlements of disabled students
- policies and procedures are in place to deal with complaints arising directly or indirectly from a student's disability
- up-to-date information outlining institutional procedures should be published to students in accessible formats.

(Cross-reference should also be made to the *Code of practice, Section 5: Academic appeals and student complaints on academic matters.*)

Appendix 1: the precepts

(Note: the precepts are printed here without the guidance notes for ease of reference.)

General principles

1

The educational disadvantage and exclusion faced by many disabled people is not an inevitable result of their impairments or health conditions, but arise from attitudinal and environmental barriers. Institutions ensure that in all their policies, procedures and activities, including strategic planning and resource allocation, consideration is given to the removal of such barriers in order to enable disabled students to participate in all aspects of the academic and social life of the institution.

Institutional and strategic management

2

Senior managers, including those at the highest levels, lead their institutions' development of good practice in relation to encouraging the recruitment, progression, retention and achievement of disabled students.

Monitoring and evaluation

3

Information is collected by institutions on disclosure of impairments and is used appropriately to monitor the applications, admissions and academic progress of disabled students.

4

Institutions operate systems to monitor the effectiveness of provision for disabled students, evaluate progress and identify opportunities for enhancement.

Curriculum design

5

The design of new programmes and the review and/or revalidation of existing programmes will include assessment of the extent to which the course is inclusive of disabled students.

Information for prospective students, students, and staff

6

The institution's publicity, programme details and general information are accessible and include explanations of how the entitlements of disabled students are met.

Admissions processes and policies

7

The operation of admissions processes and application of entry criteria ensure that disabled applicants are not disadvantaged.

8

Disabled applicants' support needs are identified and assessed in an effective and timely way, taking into account the applicants' views.

Enrolment, registration and induction of students

9

The arrangements for enrolment, registration and induction of new entrants meet the requirements of disabled students.

Learning and teaching

10

Both the design and implementation of learning and teaching strategies and activities should recognise the entitlement of disabled students to participate in all activities provided as part of their programme of study.

Academic assessment

11

Academic assessment practices ensure that disabled students are given the opportunity to demonstrate the achievement of competence standards and learning outcomes.

Continuing professional development

12

Continuing professional development is provided in a way that enables staff to participate in a range of continuing professional development to enhance their knowledge, reflect upon and develop their practice, and contribute towards a fully inclusive institutional culture.

Academic support for disabled students

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Appendix 2: membership of the advisory group for the *Code of practice, Section 3: Disabled students*

Dr Simon Ball	JISC TechDis Service
Dr Laura Bellingham	QAA
Ms Ros Boyne	Birmingham City University
Ms Amy Bryant	Equality Challenge Unit
Professor Mary Fuller	University of Gloucestershire
Ms Kathleen Grehan	National Union of Students
Professor Alan Hurst	University of Central Lancashire
Dr Richard Kamm	QAA
Dr Helen May	Higher Education Academy
Ms Sally Olohan	Association of Managers of Student Services in Higher Education (AMOSSHE)
Ms Emma Pugh	Skill
Mr Mike Wray	Action on Access

The group also benefited from:

- the contribution of Professor Rhys Williams, Swansea University
- attendees from a variety of higher education institutions at two round-table events in September 2008
- advice on the law relating to equality and inclusion from Mr Richard Sykes, Mills and Reeve
- comments from the Supporting Professionalism in Admissions (SPA) project.

Appendix 3: further guidance

Disabled students' experiences

Angela Jacklin, Carol Robinson, Lynn O'Meara and Amanda Harris (2006) *Improving the experiences of disabled students in higher education*, York: HEA, available from: www.heacademy.ac.uk

Sheila Riddell, Teresa Tinklin and Alastair Wilson (2005) *Disabled Students in Higher Education*, London: Routledge

Guidance on the Disability Discrimination Act and the Disability Equality Duty

The Disability Discrimination Act 1995

Disability Rights Commission (2007a) *Understanding the Disability Discrimination Act: a guide for colleges, universities and adult community learning providers in Great Britain*, DRC, available via: http://83.137.212.42/sitearchive/DRC/library/publications/education/understanding_the_disability_d.html

Disability Rights Commission (2007b) *Disability Discrimination Act 1995; Code of Practice Post-16*, DRC, available at: www.equalityhumanrights.com/Documents/Disability/Education/Post16_Code.pdf

Equality Challenge Unit (ECU) (2006) *Disability Legislation: Practical Guidance For Academics*, London: ECU, available via: www.ecu.ac.uk/publications

The Disability Equality Duty

Disability Rights Commission (2005a) *The duty to promote disability equality: Statutory Code of Practice - England and Wales*, DRC

Disability Rights Commission (2005b) *The duty to promote disability equality: Statutory Code of Practice - Scotland*, DRC

All available via:

www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/disabilityequalityd/Pages/Disabilitye.aspx

Disability Rights Commission (DRC) (2007), *Further and Higher Education Institutions and the Disability Equality Duty*

www.equalityhumanrights.com/Documents/Disability/Public_sector/Disability_equality_duty/Education/DED_FE_HE.pdf

(Note: the Disability Rights Commission has been superseded by the Equality and Human Rights Commission, and its publications are available from the latter body.)

Equality Challenge Unit (ECU) (2004) *Promoting Equality: the public sector duty on disability; suggested first steps for HEIs*, London: ECU

Equality Challenge Unit (ECU) (2007a) *Conducting Equality Impact Assessments in Higher Education*, London: ECU, available via: www.ecu.ac.uk/publications

Single equality schemes

Equality Challenge Unit (ECU), *The Production of Single Equality schemes*
Equality Challenge Unit (ECU), *The Production of Single Equality Schemes: Briefing November 2007*

Equality Challenge Unit (2007b) *Legislative requirements checklist for single equality schemes*

All available via: www.ecu.ac.uk/publications

Guidance on learning, teaching and assessment

May, H and Bridger, K *Developing and Embedding Inclusive Policy and Practice within Higher Education: summary*, York: HEA, available via: www.heacademy.ac.uk

Programme design

Adams, M and Brown, S (eds) (2006) *Towards Inclusive Learning in Higher Education: Developing curricula for disabled students*, London: RoutledgeFalmer

University of Strathclyde, Teachability project, available at: www.teachability.strath.ac.uk

University of Worcester, Strategies for Creating Inclusive Programmes of Study (SCIPS), available at: www.scips.worc.ac.uk

Learning and teaching

Higher Education Academy (HEA) (2006b) *Embedding Success: Enhancing the Learning Experience for Disabled Students*, HEA: York

Seale, Janet K (2006) *E-learning and Disability in Higher Education*, London: Routledge

Joint Information Systems Committee (JISC) TechDis, Staff Packs, available from: www.techdis.ac.uk/staffpacks

Assessment

Waterfield, J and West, Bob (eds) (2007) *Inclusive Assessment in Higher Education: A Resource for Change*, University of Plymouth: SPACE Project (Staff-Student Partnership for Assessment Change and Evaluation), available at: www.plymouth.ac.uk/pages/view.asp?page=10494

Work-based learning

Foundation Degree Forward (2008) *Inclusion by Degrees: Experiences of disabled students on Foundation degrees*, Lichfield: **fdf**, available from: www.fdf.ac.uk

Department for Education and Skills (2002) *Providing Work Placements for Disabled Students: A good practice guide for further and higher education institutions*, DfES, available from: www.lifelonglearning.co.uk/placements

Staff development

Hurst, A (2006) *Towards Inclusive Learning for Disabled Students in Higher Education - Staff Development: A Practical Guide*, Skill/University of Central Lancashire/HEFCE

Guidance on institutional processes

Admissions

Skill (2007) *A Briefing on Competency Standards and Admissions to Higher Education*, Supporting Professionalism in Admissions (SPA), available from: www.spa.ac.uk/topical-issues/equality-diversity-issues.html

Supporting Professionalism in Admissions (SPA) (2008) *Interviewing applicants for admission to undergraduate university and college courses or programmes: Good practice statement*, SPA, available from: www.spa.ac.uk/good-practice/interviews.html

Induction and enrolment

Rose, C (2006) *Do you have a disability - yes or no? or is there a better way of asking? Guidance on disability disclosure and respecting confidentiality*, London: Learning and Skills Development Agency (LSDA)

Careers education, information and guidance

AGCAS Disabilities Task Group (2008) *What Happens Next? A Report on the First Destinations of 2006 Graduates with Disabilities*, Association of Graduate Careers Advisory Services (AGCAS), available from: www.agcas.org.uk/agcas_resources/17

Equality Challenge Unit (ECU) (2008) *Transition to Work for Disabled Students: Careers Support in Higher Education*, London: ECU, available from: www.ecu.ac.uk/publications

Academic and specialist support

Skill (1997) *The Co-ordinator's Handbook*, London, Skill, available from: www.skill.org.uk

Equality Challenge Unit (ECU) (2007c) *The Role of the Equality Specialist in Higher Education Institutions*, London: ECU, available from: www.ecu.ac.uk/publications

Accommodation and student services

Equality Challenge Unit (ECU) (2008) *Inclusive Campus: Accommodation and Social Space*, London: ECU, available from: www.ecu.ac.uk/publications

Monitoring and statistics

Equality Challenge Unit (ECU) (2008) *Monitoring Disability Equality*, www.ecu.ac.uk/guidance/monitoring-disability-equality

Appendix 4: Glossary

Assistive technology

Equipment or software designed or modified to enable disabled students to gain access to curriculum content or assessment.

Competence standard

A requirement for achievement which is essential for entry to a programme of study, award of a qualification, or achievement of professional status. They may be set by the institution or some other organisation, such as an external validating institution or a professional body.

Disability Equality Duty (DED)

A legal requirement on public bodies to pay 'due regard' to the promotion of disability equality.

Disability equality scheme

A published plan for the whole institution which explains its approach to promoting disability equality, the next steps it will take, and how disabled stakeholders have been involved in its development.

Equality impact assessment

A formal assessment of an institution's policies, procedures and functions to assess their impact, positive and negative, on disabled students and staff.

Inclusive curriculum design

Definition of content, assessment and approaches to teaching and learning for a programme which is a practical option for all students qualified to take it.

Reasonable adjustment

A modification of some aspect of a programme of study or an institution's environment which takes account of an impairment to enable a student to meet required learning outcomes.

Single equality scheme

A published plan for the institution that explains its approach to promoting equality in general, the next actions it will take, and the way in which stakeholders have been involved in its development.