



**Equality Act: Reasonable Adjustments Duty
Presented by Rundip Thind**

Disability Rights UK

- Pan disability charity representing the needs of disabled people in the UK.
- Activities include campaigning on a number of issues including work and education, independent living, hate crime.
- Advice and information – helplines and factsheets/guides.

<https://www.disabilityrightsuk.org/how-we-can-help/benefits-information/factsheets/education-factsheets>



Overview

1. What is the reasonable adjustments duty?
2. Anticipatory adjustments and inclusive practice
 - Covid19 and anticipating adjustments
3. Individual adjustments
 - Covid19 and individual interventions
4. What is reasonable?
5. Funding for disability-related support?
6. Student Case story illustrating adjustments

Equality Act 2010

- Emphasises the legal duty on education providers to make reasonable adjustments.
- In relation to disability the Equality Act is based around the Social Model of Disability.
- Not only buildings but the curriculum and whole university environment should be accessible to disabled learners.

Reasonable adjustments duty

3 elements to the reasonable adjustments duty.

Adjustments can:

1. be changes to policies and procedures
2. be changes to buildings to make them physically accessible such as lecture theatres, labs and teaching rooms
3. mean provision of specialist equipment and human support.

Anticipatory adjustments


- Duty to make reasonable adjustments is a duty owed to disabled people generally, regardless of whether the provider knows that a particular student is disabled or whether they have any.


Inclusive Practice

- Inclusive practice can help towards fulfilling the anticipatory duty to make reasonable adjustments.
- An Equality Challenge Unit report in 2010 stated that “...an anticipatory approach to reasonable adjustments develops a more inclusive learning and working environment.”

Covid19 and anticipating adjustments

1. Lecture capturing
2. Make sure learning materials are made available on virtual learning platform in advance of lectures and tutorials
3. Ensure all learning materials are accessible
4. Provide a plan of the session in advance such as areas to be covered

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5. Flexibility in the way academic staff engage and communicate with students
 6. Provide a range of alternative assessment methods
 7. Ensure staff understand and are aware of their duty to implement reasonable adjustments by providing guidance and support on teaching, accessibility and inclusivity.



8. Disability Support Services to work closely with academic departments on the requirements of the programmes and the type of teaching this will involve so student needs can be fully assessed.

Individual adjustments

- Not every reasonable adjustment can be anticipated in individual cases.
- Students encouraged to speak to Disability Support Services to discuss individual needs.
- Individual support needs should be documented in support plans. Good practice for colleges and universities to keep adjustments under review.

Covid19 and individual interventions

Universities and colleges to:

- consider meeting virtually or by telephone to answer questions on remote teaching.
- Review existing support plans and check in with students to see if needs continue to be met studying from home.
- Make contact with prospective students to identify any barriers to learning and provide reassurances.

What is reasonable?

Factors taken into account:


- effectiveness of making the adjustment.
- practicality of the adjustment
- financial resources of the education provider
- cost of making the adjustment.
- availability of grants, loans and other assistance to disabled students, such as DSAs..

Competence Standards

No duty to make any adjustment to the application of a 'competence standard', but the duty does apply to the process by which competence is assessed.

A competence standard is :

'an academic, medical or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability.'



Example: Law exam you are required to demonstrate a particular level of knowledge of law. Completing the exam within a specific time frame is unlikely to be a competence standard if speed is not a relevant factor.

Disability related support funding

- Further education – Students aged 19-24 with very high support needs may have an EHC plan and can get individual funding from the local authority. If not, the college can apply for extra money called Exceptional Learning Support.
- Higher Education – Disabled Students Allowance'
- Employment - Access to work

Student Story

Student has depression and severe anxiety. Experiences fatigue, difficulties with concentration and focus. Unable to function in the morning as a result of prescribed medication. Taking notes in lectures is challenging. Struggles with exams and presentations which cause overwhelming levels of anxiety, stress. Periods where feels like he cant engage/face people.

Adjustments- Mental Health

- Access to mentoring support
- Changes to presentation assessment
- Changes to exam conditions – extra time, rest breaks, separate room, scheduling adjustments
- Flexibility in attendance

Adjustments – Mental Health

- Computer equipment to enable you to study at home
- Deadline extension as and when needed
- Extension on library loans
- Support from welfare and counselling staff

Student Story

Student is living with Osteoarthritis which affects knees, ankles and hands. He also has a diagnosis of fibromyalgia. Is starting an Access to HE course in September and wants to improve Maths and English GCSE's. Difficulties getting around and climbing stairs. Carrying heavy bags around is difficult. Stiffness if sits in one place for too long. Finds it hard to use hand when writing and typing can be difficult. Fatigued due to chronic pain and disturbed sleep which reduces concentration.

Access

Adjustments – Physical impairment

- Flexibility with attendance
- Extra time to move between lessons
- Lessons in downstairs classrooms
- Lifts
- Ground floor locker for text books
- Two sets of books – one for home and one for college.
- Late pass and lift pass
- Ability to move around freely in class.
- Assistive technology – software and equipment.

Adjustments – Physical impairments

- Extra time for coursework and exams
- Supervised rest breaks in exams
- Scribe
- Use of separate room
- Use of assistive technology in exams
- Alternative ways of demonstrating competency
- Rest room on campus
- Parking space
- Digital recorder for classes
- Class notes or note-taker

Resources

The EHRC has produced guidance together with examples

- What equality law means for you as a student in further or higher education

www.equalityhumanrights.com/en/publication-download/what-equality-law-means-you-student-further-or-higher-education

- What equality law means for you as an education provider – further and higher education

www.equalityhumanrights.com/en/publication-download/what-equality-law-means-you-education-provider---further-and-higher-education



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- Equality Challenge Unit – Managing reasonable adjustments in higher education

<https://www.ecu.ac.uk/wp-content/uploads/external/managing-reasonable-adjustments-in-higher-education.pdf>

- Disabled Student Sector Leadership Group report on how HE providers can ensure that they are equipped to support disabled students.

<https://www.gov.uk/government/publications/inclusive-teaching-and-learning-in-higher-education>

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- National Association Disability Practitioners Resources

<https://nadp-uk.org/covid-19-resources-for-members-and-colleagues/>

NADP guide to ensuring your webinars are accessible

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- Disability Rights UK publications:

<https://www.disabilityrightsuk.org/how-we-can-help/benefits-information/factsheets/education-factsheets>

Adjustments for disabled students

Understanding the Equality Act: Information for disabled students

Disabled Student Helpline

Email: students@disabilityrightsuk.org

Telephone: 0330 995 0414.

**Opening phone line hours: 11am-1pm on
Tuesdays and Thursdays**