

Understanding the interaction of competence standards and reasonable adjustments



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Introduction

A competence standard is a particular level of competence or ability that a student must demonstrate to be accepted on to, progress within and successfully complete a course or programme of study.

Higher education institutions (HEIs) have responsibility for developing non-discriminatory competence standards, and designing a study programme to address these competence standards.

HEIs also have the responsibility to ensure that assessment methods address the competence standards. Adjustments to ways that competence standards are assessed may be required so that disabled students are not put at a disadvantage in demonstrating their achievement.

This guidance aims to support HEIs meet these institutional and legal responsibilities, and promote disability equality. It provides information and examples on:

- = understanding key concepts in disability legislation
- = the legal definition of competence standards and its relation to disability legislation
- = identifying and developing non-discriminatory competence standards
- = professional bodies and competence standards
- = considering reasonable adjustments in the assessment of competence standards
- = meeting competence standards on work placements and fieldwork
- = informing students of competence standards and their assessment

The guidance will be of use to all staff involved in developing and assessing competence standards. This includes course directors, course programme managers, course tutors, departmental disability representatives, external examiners, disability services staff, inclusive practice managers, placement tutors, placement mentors, admissions staff, and marketing and recruitment staff.

Methodology

This guidance is based on research investigating how HEIs have addressed the interaction of competence standards and reasonable adjustments. Research focused on the experiences of staff working in four subject areas:

- = geography, earth and environmental sciences (GEES)
- = modern languages (French and Spanish)
- = nursing
- = teaching

These subjects were chosen to allow exploration of general issues within the higher education sector, as well as specific issues for courses which include off-campus learning environments and external professional standards.

Evidence was gathered through:

- = an initial literature review, including:
 - general guidance documents on how HEIs should respond to current equality legislation in relation to disabled students
 - literature on particular issues relating to the four subject areas
 - literature produced by disability organisations
 - guidance documents produced by individual HEIs
- = face-to-face group interviews with groups of staff in 16 HEIs across England, Scotland, Wales and Northern Ireland
- = individual telephone interviews and meetings with the Quality Assurance Agency (QAA), Higher Education Academy (HEA) subject specialists, University Mental Health Advisers Network (UMHAN) and the Health and Care Professions Council (HCPC)
- = questionnaire surveys completed by both subject specialists and disability advisers in the areas of GEES, French and Spanish
- = specialist online groups and networks within the higher education sector, including HEA and JiscMail groups

Evidence from the research has informed the issues discussed within the guidance and the associated recommendations.

Understanding key concepts in disability legislation

Understanding an HEI's legal responsibilities to not discriminate against disabled people is vital for staff developing, reviewing and assessing competence standards.

The Equality Act 2010 prohibits unlawful discrimination against disabled people.

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than someone else because they are disabled.

A blind person who meets the entry requirements for an IT course is refused because the education provider wrongly assumes that blind people cannot use computers. They are being treated less favourably as the provider would not make this assumption about a sighted applicant.

Less favourable treatment of this kind is always unlawful. There is no provision in law to justify direct discrimination against a disabled person.

Indirect discrimination

Indirect discrimination occurs when a person is put at a particular disadvantage because a provision, practice or criterion, though appearing neutral, has the effect of creating a barrier for those with a protected characteristic.

A requirement that all students write their examinations by hand puts a student with arthritis at a particular disadvantage.

In some cases the provision, criterion or practice can be justified if it can be shown that it is a '**proportionate means of achieving a legitimate aim**'.

A requirement that dental students maintain steady hands when examining or treating patients puts a student whose impairment means they have a significant hand tremor at a particular disadvantage. However, if there are no reasonable adjustments which would enable the student to manage the tremor and carry out the relevant tasks safely, the student may justifiably not be admitted to a dentistry course.

Discrimination arising from disability

Discrimination arising from disability occurs when a disabled student is treated unfavourably because of something arising from their disability, and the treatment cannot be justified by being a 'proportionate means of achieving a legitimate aim'.

A student tells their tutor they have cancer and require time off to attend medical appointments. The student misses a practical experiment which counts towards their final mark as they have a hospital appointment. As the tutor knew the student needed time off to attend medical appointments and no reasonable adjustments were considered, for example allowing them to do the practical exercise at another time, this is likely to be unlawful discrimination arising from disability.

A student with autism often displays behaviour deemed inappropriate as a symptom of their impairment. The HEI excludes the student for saying inappropriate things to a tutor. Other students have been excluded for similar behaviour. Excluding the student with autism without considering the impact of their impairment would be unlawful unless the HEI can show the treatment is a proportionate means of achieving a legitimate aim.

If an institution does not know, or could not reasonably have been expected to know, that a student is disabled then unfavourable treatment arising from disability may be justified.

A student with depression takes medication, which makes them drowsy in the morning. The student falls asleep in an early lecture. The lecturer wakes the student up and tells them to leave the class. This is likely to be unlawful discrimination arising from disability, unless the lecturer can show that they did not know about the student's disability and could not reasonably have been expected to know.

Failure to make reasonable adjustments

HEIs are required to make reasonable adjustments so that disabled people are not put at a substantial disadvantage. This duty requires HEIs to make changes to:

- = provisions, criteria or practices (for example, assessment methods)
- = physical features (for example, buildings or facilities)
- = auxiliary aids (for example, provision of equipment or human support)

The measure of what is a reasonable adjustment will depend on:

- = how effective the change will be in removing the disadvantage
- = how practical it is to make the changes
- = the cost of the adjustment
- = the resources and size of the HEI

Anticipatory duty to make reasonable adjustments

An HEI's duty to make reasonable adjustments does not only arise when an individual disabled person is disadvantaged. HEIs also have an anticipatory duty to anticipate the requirements of disabled people, including prospective applicants and students, and take reasonable steps in advance to reduce or remove barriers.

Further information on how disability discrimination applies to the higher education sector can be found in the Equality and Human Rights Commission's (EHRC) technical guidance *Equality Act 2010: technical guidance on further and higher education*.

The legal definition of competence standards and its relation to disability legislation

An understanding of how disability legislation interacts with course requirements, including competence standards, will support staff in designing courses that are non-discriminatory and accessible to disabled students.

A competence standard is used by an education provider to determine whether a person has a particular level of competence or ability.

The Equality Act 2010 defines a competence standard as:

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

(Sch 13, para 4(3))

Competence standards must be objectively justifiable – that is, they must be a proportionate means to a legitimate aim – and must be genuinely relevant to the particular course.

The EHRC technical guidance *Equality Act 2010: technical guidance on further and higher education* describes proportionate as 'appropriate and necessary'. 'Necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim.

HEIs are not required to make reasonable adjustments to competence standards themselves. However, they are required to make adjustments to the ways that competence standards are assessed so that disabled students are not disadvantaged in demonstrating their competence by the assessment method. For example:

'The requirement for students studying for a law degree to demonstrate a particular standard of knowledge of certain areas of law in order to obtain the degree is a competence standard.'

(EHRC, 2010)

Competence standards apply to all students. HEIs most commonly apply competence standards:

- = to applicants, to determine whether they have the knowledge and skills necessary to participate in a course of study
- = to students, to determine whether they are ready to progress to the next year of study
- = to students, to determine whether they have demonstrated the requirements in order to be awarded a qualification

There are a range of standards and requirements associated with different courses which meet the legal definition of a competence standard within the Equality Act 2010. If a standard or requirement meets the legal definition of a competence standard then it should be treated as such.

For example, many courses have learning outcomes which meet the definition of a competence standard. HEIs are not required to make reasonable adjustments to learning outcomes that meet this definition but are required to make adjustments to the means by which they are assessed.

Other standards and requirements

Examples of standards and requirements that do not meet the definition of a competence standard include the following.

Academic standards

Academic standards are pass marks, grading or marking schemes, or any criteria for the classification of qualifications that differentiates between levels of student achievement.

Academic standards must meet the minimum threshold standards in accordance with the QAA.

Under the legal definition these are not competence standards. However, they may be closely related to competence standards. HEIs will sometimes use similar kinds of language to define various marks, grades or levels of achievement.

Course requirements

Some courses have course requirements. For example, a foreign language course might require students to spend a year abroad, or GEES courses may require students to undertake a range of fieldwork placements. There may also be related requirements, for example, regarding the location of the work placement, or the hours required to spend on a work placement.

These course requirements are not competence standards. HEIs therefore have a duty to make reasonable adjustments relating to these requirements, for example, adjustments to travel, location or flexible placement hours.

Course competencies or course skills

Course competencies comprise the key areas of knowledge, skills and understanding which students are expected to acquire during the course of their learning programme. These are expressed in different ways by different HEIs, but are sometimes grouped under the headings of:

- = intellectual skills
- = subject-specific skills
- = generic skills
- = personal attributes

These may be less precise and more numerous than the competence standards or learning outcomes for the course and may or may not be formally assessed. They will only be competence standards where they meet the legal definition.

Developing and reviewing competence standards

Considering some key questions when developing and reviewing competence standards will support staff to develop non-discriminatory competence standards and increase the inclusion of disabled students.

Competence standards for academic subjects in higher education are developed and reviewed by departmental academic staff. In some subjects competence standards are determined by professional bodies. For example, the Nursing and Midwifery Council (NMC), which covers the whole of the UK for nursing, the National College for Teaching and Leadership (England), and the General Teaching Councils for Scotland, for Wales and for Northern Ireland for teaching.

Equality Challenge Unit (ECU) recommends that the following series of questions are considered when developing and reviewing competence standards.

- = **Is the standard under development or review a competence standard or is it some other kind of criterion or policy?**

There is no legal requirement to make a reasonable adjustment to a competence standard. There is a legal requirement to make reasonable adjustments to other criteria, policies and practices.

It is therefore important to determine whether the requirement under investigation is or is not a competence standard if the associated legal requirements are to be fully understood.

A modern language course may have a requirement that students spend a year abroad. The year abroad itself is not on its own a competence standard; the competence standards will be the knowledge and skills which the student will be expected to acquire during the year abroad. This requirement would therefore be subject to the duty to make reasonable adjustments.

A school of nursing and teaching has a variety of necessary procedures for managing placements, for example a requirement for a student to attend at least one placement outside a city, which requires a longer journey. These rules are not competence standards, therefore adjustments can be made for disabled students if their particular impairment means it is very hard for them to travel longer distances.

= **Is the competence standard an appropriate and necessary way of meeting a legitimate aim?**

Competence standards must be objectively justifiable – that is, they must be a proportionate means to a legitimate aim – and must be genuinely relevant to the course in question. If they are not, then they may be discriminatory.

Analysing competence standards will require scrutiny of the skills and knowledge genuinely relevant to a particular course. HEIs should consider the following.

- = What is the competence standard being applied? What is the aim or intention of applying it, and is that aim or intention legitimate in the context of the course?
- = Is the competence standard genuinely relevant to the course?
- = Is the competence standard an appropriate and necessary means of achieving the aim?
- = Could the competence standard have an adverse impact on a disabled student?

If the competence standard could have an adverse impact on a disabled student, then HEIs should determine whether the competence standard is objectively justifiable. If it is not an alternative competence standard should be developed which achieves the same purpose in a way that would not have an adverse impact on a disabled student.

A course in classical ballet may include a physical competence standard which could not be achieved by someone with certain physical impairments. These standards are likely to be essential to a practical ballet course and so be objectively justifiable. However, it is unlikely that a competence standard requiring a level of physical fitness within a course in sport theory could be objectively justifiable, as the purpose of the course is to assess a student's theoretical and not their practical abilities.

A course in modern languages may include competence standards which require students to gain skills in listening and speaking in a different language. Although a student with a significant hearing impairment may be unable to meet the listening and speaking standard, the competence standard is likely to be objectively justifiable. However, if the same level of listening and speaking were stated as competence standards for a course in comparative literature in the language studied, these may not be objectively justifiable, as the purpose of the course is for students to access written texts which do not require speaking or listening skills.

In a chemistry degree, which is predominantly theoretical, being able to manipulate test tubes or visually identify chemicals might not be a competence standard, and may be reasonably adjusted through provision of a practical assistant. However, in a pharmacy degree, training a student to achieve the practical competencies to become a pharmacist, the same tasks might constitute competence standards.

There may be some competence standards which have an adverse impact on disabled students but are objectively justifiable and essential to a particular course. The decision-making process and its outcome in these instances should be clearly documented and communicated to academic staff, disability services, admissions services and to current and prospective students.

= Is this competence standard articulated in a way which may present unnecessary barriers to disabled students?

Close attention to the language used to express the competence standards is required to ensure that the competence standard is genuinely relevant and meeting its aim.

If speaking and listening or handwriting are essential to the competence standard and are objectively justified, then these words should be used. However, where these specific skills are not essential then a more general term such as communication should be used in order to be inclusive of students who have different means of communication.

Through analysis it may become evident that what is perceived to be a competence standard may not be essential to the subject being studied, or that there are ways in which a particular standard could be expressed which would make it more inclusive of all students.

A collaborative approach to developing and reviewing competence standards

ECU recommends a collaborative approach to developing and reviewing competence standards. This will require input from those with particular knowledge of disability as well as from academic staff with subject-specific knowledge. The QAA Quality Code also recommends that disabled students are invited to provide input into this development:

'Higher education providers should involve students in programme design and in processes for programme development and approval.'

(QAA Quality Code B1, Indicator 6, 2013)

Many academic departments have a disability representative. When competence standards are being developed or revised, a departmental disability representative may be able to support the team in addressing the previous questions, and ensure that expertise from the disability service is incorporated. The role of the departmental disability representative should be clearly defined and the position properly resourced.

Staff development

A collaborative approach to developing competence standards may require new areas of responsibility for staff.

In many HEIs, significant changes have already occurred. Among academic staff there is an increasing recognition that disabled students form a welcome and integrated part of the student body. Academic staff have developed an awareness of the demands of their disciplines and the ways that their teaching methods interact with the requirements of disabled students.

Similarly, many HEI disability services recognise that they are conduits and see their role not simply as one of support for disabled students, but as one of liaison across the organisation. This will involve working with academic staff to develop their understanding of the potential requirements of disabled students.

Changes in staff responsibilities should be supported by effective staff development. This is recognised by the QAA Quality Code 2013:

'Higher education providers enable staff and other participants to contribute effectively to programme design, development and approval by putting in place appropriate arrangements for their support and development.'

(QAA Quality Code B1, Indicator 7, 2013)

A process of both formal and informal professional development should help develop the skills of the team, and bring increasing consistency and fairness to the process of developing competence standards.

Evaluating the impact of a competence standard on disabled students

Programme evaluation, monitoring and reporting can include identifying the representation of disabled students on each course, and analysing information about their retention, success and progression. This evidence can then inform subsequent reviews of course competence standards.

Evaluation can include actively seeking feedback from disabled students in order to identify necessary improvements and develop effective future planning.

Questions to consider

- = What processes are in place for developing competence standards for new courses or reviewing existing courses?
- = Is there a member of staff in the department with a specific role regarding disabled students? Is this role clearly defined and properly resourced? If not, do you have a member of staff or team with expertise on teaching and learning who can support you or give you guidance?
- = Is there a team approach to drawing up and reviewing competence standards? How do you ensure relevant input from members of the disability service? Is expertise on inclusive design made available to the team?
- = How does the team ensure that the requirements for competence standards under the Equality Act 2010 are met?

- = How does the team check that all competence standards are objectively justifiable, proportionate and genuinely relevant?
- = What opportunities are there for the team developing competence standards to participate in appropriate support and development?
- = How do you actively involve and seek feedback from disabled students?

Assessing competence standards

Particular modes of assessment may present barriers to disabled students. HEIs can make individual reasonable adjustments or consider different assessment methods that are accessible to all students.

Assessment determines the extent to which a student has achieved the competence standards of a particular learning programme. Assessment design is undertaken within the academic framework of the degree-awarding body, with individual degree-awarding bodies setting their own standards. These standards must meet thresholds determined by the QAA.

HEIs have considerable autonomy in the types of assessment methods they use. In designing assessment methods, staff consider the most effective method for evaluating a student's achievement of competence standards.

Individual reasonable adjustments in assessment and their interaction with competence standards

Staff developing assessment methods will need to consider the following questions.

- = Does the assessment method assess the competence standard?
- = What is an appropriate reasonable adjustment to ensure that the student has the opportunity to demonstrate their ability to meet the competence standard?
- = How does this adjustment interact with the competence standard and does it in any way compromise it?

In a modern languages course, a hearing-impaired student was anxious about aural exams. At A-level she had found it difficult to hear the comprehension passage, which was delivered on a device played to the class as a whole. However, at university aural delivery was via headphones in a language lab, so she experienced no difficulty. This adjustment would enable the student to demonstrate if they can meet any competence standard relating to understanding the comprehension passage, without compromising the competence standard itself.

In the same modern languages course, in an assessment testing students' knowledge of French or Spanish spelling and grammar, it is unlikely that a student would be able to use French or Spanish computer spell and grammar checkers as a reasonable adjustment as this would compromise the competence standard.

It is important that all staff involved in assessment are aware of the interaction of assessment methods and reasonable adjustments. For example, in some courses, such as nursing and

teaching, competence standards are often assessed by observation of a student undertaking a particular task, such as giving an injection or teaching a lesson. In such cases, staff carrying out the observation should be aware of precisely what the competence standard under assessment is, and whether or not an adjustment compromises it.

Assistive technology in assessment

Reasonable adjustments to assessment methods can involve students using a range of assistive technology, such as electronic stethoscopes, amplified phones and radio aids for D/deaf students.

These are likely to be acceptable reasonable adjustments as their use will not compromise the student carrying out the assessment task and achieving the competence standard.

As technology advances, some staff may not be familiar with these aids and uncomfortable with their use. A team approach with dialogue between tutors, mentors and disability service staff around reasonable adjustments can help staff understand where technological aids are essential for certain students and do not compromise them meeting required competence standards.

Changes to practices in assessment

Sometimes a reasonable adjustment will involve a change in practice, for example allowing a student to carry out a placement in a different timescale.

Students on a nursing course must experience 24-hour care work as a competence standard. A student whose impairment meant that they were not able to carry out a full night shift was allowed the reasonable adjustment of breaking their night duty into smaller components, such as twilight shifts. The NMC guidance states a disabled student could meet the standard in a different way.

Reasonable adjustments prior to assessments

Before being assessed on undertaking certain practical tasks, reasonable adjustments may need to be put in place to enable students to practise tasks.

A student with dyslexia may request extra time in performing drug calculations on ward drug rounds. However, the dispensing of drugs on the ward is a time-limited standard.

The student could be supported by being given extra time to practise the calculations before being assessed, and to develop strategies to improve performance and understanding the meaning of the results. It is then more likely to be a reasonable adjustment for the student to use a calculator on the ward, or the calculator function on a smartphone if the student is accompanying a patient off the ward. These reasonable adjustments may then enable the student to demonstrate the required competence standard to dispense drugs within a time limit.

Anticipatory adjustments and inclusive design

In addition to the duty to provide reasonable adjustments to individual students, HEIs have to make anticipatory reasonable adjustments. This involves proactively considering barriers which certain groups of students may face, and seek to eliminate or reduce them through the overall assessment design. Providing anticipatory adjustments can support an inclusive design approach which matches learning to the requirements of the full range of students.

Inclusive design, alongside the provision of individual reasonable adjustments, is endorsed by the QAA:

'Through inclusive design wherever possible and through individual reasonable adjustments where required assessment tasks (should) provide every student with an equal opportunity to demonstrate their achievement.'

(QAA Quality Code B6, Indicator 10, 2013)

A focus on inclusive design in assessment will reduce the need to make individual adjustments. This is outlined further by the QAA:

'Reflecting the methods of students with different protected characteristics in the design and approval of programmes reduces the likelihood of making one-off modifications to assessment in a reactive manner. Reliance on one reactive mode can place both students and staff under additional pressure and may lead to inequities.'

(QAA Quality Code B6, Indicator 10, 2013)

The transition from a reliance on individual reasonable adjustments to a more inclusive overall approach can be challenging for staff and also for some disabled students. Individual students may have many years of receiving additional time in examinations, and may feel that their particular requirements may not be met in a move towards a less reactive and more inclusive assessment approach. It is therefore important that students are included in any discussions about implementing changes to assessment processes.

Individual adjustments for all

If in a particular assessment task a large number of disabled students receive the same individual reasonable adjustment, then an HEI needs to question whether there might be a more inclusive way of carrying out the assessment.

This will involve looking closely at the particular competence standards being assessed, the way they interact with the mode of assessment being used, and whether the assessment criteria directly match the competence standard.

If significant numbers of students are entitled to the reasonable adjustment of using a computer rather than writing by hand, an HEI should consider whether the ability to write by hand is in itself a competence standard.

If it is not, a more inclusive approach may be to allow all students to use computers, thus anticipating adjustments and alleviating the need for a large cohort of students to request and receive individual reasonable adjustments.

There may, however, be other instances where writing by hand is a competence standard.

A nursing student who has a specific learning difference feels that they should be allowed to type up ward reports using their laptop. Usually a laptop was seen as an acceptable reasonable adjustment. However, in a clinical situation ward reports may need to be produced immediately and produced in handwriting to avoid any chance of alteration at a future date. It may therefore be that for these reports a laptop could not be used as an adjustment.

Collaborative decisions

Deciding if a student has demonstrated a competence standard involves judgment of an individual student's work and not assumptions based upon a student's impairment. A collaborative approach to decision-making, with subject-based academic staff and representatives from disability services can support assessment methods that are inclusive for all students.

Collaboration should occur at a strategic level:

In an English HEI the head of disability services sat on the academic progress committee undertaking a review of key regulations on assessment.

Collaboration should also occur at a departmental or school level:

Disability services worked closely with the school in identifying alternative assessment methods.

Reviewing assessment methods

The QAA Quality Code recognises the importance of HEIs regularly reviewing how they might improve their assessment:

'Where individual modifications are required, they may prove beneficial if adopted by all students, within the limits of practicality. In a similar way consideration of a range of different means by which a particular learning outcome may be demonstrated may lead to overall enhancement of the assessment process.'

(QAA Quality Code B6, Indicator 10, 2013)

Providing a range of modes of assessments

Departments have to ensure that all of their course competence standards are met. No mode of assessment is appropriate to overcome the full range of barriers faced by different disabled students. For example, while those with dyslexia or ME (chronic fatigue syndrome) may have problems working to the constraints of a written examination, other disabled students might find they work better within these constraints. Some students with autistic spectrum disorders may be very challenged by an assessment which requires collaborative learning, while other students with different impairments might welcome the opportunity to work collaboratively.

Many HEIs provide a range of modes of assessment, for example three-hour papers, extended essays, oral assessments, collaborative learning tasks, presentations and poster sessions. This flexibility helps to create an inclusive approach which is likely to reduce the need for individual reasonable adjustments.

When presented with the range of assessments used within a particular course, students should be given clear information on what competence standards are being assessed for each task, for example what specific skills are being assessed in oral assessment or in a collaborative learning task.

Assessment methods reviewing competence standards

A frequently used reasonable adjustment for students is the provision of additional time in a timed exam. It is important to question whether the ability to complete a paper within a particular time is a competence standard, or whether this mode of assessment is being used for administrative rather than academic reasons. If testing the speed of a task is a genuine competence standard then extra time might not be an appropriate reasonable adjustment. If completing the task at speed is not a genuine competence standard then another mode of assessment may be more inclusive and reduce the need for individual students to require a reasonable adjustment.

Staff on some nursing courses have questioned whether timing is a competence standard. Some institutions have moved away from the short-timed element for an objective structured clinical examination/assessment. However, this created uncertainty as to whether allowing extra time would be reasonable for disabled students. Instead these institutions have created a more flexible inclusive assessment for all students in which time is not such a key element, although the time given is still proportionate.

Supporting students who are unable to demonstrate the competence standards

There may be occasions where a student is unable to meet the required competence standard. When a student is unable to meet all the competence standards of a course, academic staff, disability service staff and guidance staff should work with students towards another pathway. This may include building upon the knowledge they have gained in the course they have been undertaking.

A student with autism on a teaching course was given support in the form of additional one-to-one sessions with support workers both before and during their placement. This included specific support in how to deliver a lesson to a large class. However, when on teaching practice, they were not able to focus on the whole class and hence could not meet the required competence standard of delivering a lesson. They were advised to retrain as a classroom assistant and are now employed in that role.

A physical geography course required a significant amount of landscape interpretation, sketching and mapping. The usual adjustments made for a student with a significant visual impairment, which included someone describing visual features and providing the student with braille or speech-based software, were considered not to be sufficient to enable the student to demonstrate that they had achieved the required competence standards. In this HEI, it was acknowledged that a student with a significant visual impairment applying for this particular physical geography course should be referred to other courses in the GEES department which did not have these particular competence standards.

This may be an important issue for students who pass the theoretical portion of their programme, but fail on the practical professional competence standards. Some teaching and nursing programmes ensure that if a student fails to achieve a full award because they have been unable to fulfil the demands of the practical components, they still gain an academic award which can be used to enter related careers.

A blind student withdrew from a teaching course after the first placement as they found it very challenging, even with support in place. They were able to opt to complete modules which would gain them a degree in education, giving them a range of employment options.

In some instances, HEIs have adapted their course to ensure that there is maximum opportunity for students to achieve as many qualifications as possible.

One HEI in England has arranged for masters level modules to be added to their postgraduate teaching certificate programme so that even if students are not able to complete their qualified teaching status, they will still have accreditation towards a master's degree.

Questions to consider

- = Do academic staff and disability service staff work together to develop creative ways of providing disabled students with appropriate reasonable adjustments?
- = How does the team ensure that reasonable adjustments are not compromising competence standards?
- = Does the department provide opportunities for students who do not succeed in meeting all the competence standards of a course to have their success in other parts of the course recognised?
- = Is there a team approach to drawing up modes of assessment which includes input from the disability service? If not, do you have a member of staff or team with expertise on inclusive learning and teaching, who can support you or give you guidance?
- = When drawing up or reviewing modes of assessment how does the team ensure that these directly relate to course competence standards?
- = Is clear and accessible information given to students and prospective students on how a particular assessment relates to course competence standards?
- = If a large number of disabled students are receiving the same reasonable adjustment in a particular assessment task, is this task reviewed to see whether it could be made more inclusive?

Professional bodies and competence standards

In some subjects, competence standards are determined by professional bodies, for example the NMC. Students are assessed against the national professional competence standards set by the responsible body.

Nursing is a competence-led profession. Students need to demonstrate the NMC requirements that a qualified nurse must be capable of independent practice, and the HEI must be satisfied of this at the point of registration. Course validation includes the NMC representative, who may also audit the implementation and look at how decisions are made.

Teaching is a competence-led profession. Students may achieve the qualified teaching standards (QTS) either through an undergraduate course or a one-year postgraduate course. Competence standards for QTS are drawn up by the National College for Teaching and Leadership (England), and the General Teaching Councils in Scotland, Wales and Northern Ireland. Each agency publishes a code of practice and is responsible for registration.

HEIs are responsible for designing the study programme to address the competences and for ensuring that the curriculum and assessment meets the required standards. Assessments can be both course based within the university, and practice based.

Under the Equality Act 2010, HEIs are required to ensure that their practices are not discriminatory in terms of admissions, provision of education and access to any benefits, services or facilities. In addition, HEIs are required to make reasonable adjustments including adjustments to assessment processes wherever possible in order to ensure that disabled students are not disadvantaged. This might be by, for example, providing extra time in exams, using assistive technology and providing note-takers.

Course competence standards should be set out clearly in course handbooks, including placement handbooks, and made easily available to students before starting course modules. The competence requirements of the professional body should also be made easily available to applicants and students at all stages of the course.

Challenging competence standards set by professional bodies

Under the Equality Act 2010, professional bodies have a responsibility to review their competence standards to ensure they are not discriminatory. This includes consideration of decisions on admission to the professional body and the terms

on which it confers a qualification. The responsibility to make reasonable adjustments also applies.

The NMC has reviewed its competence standards in the light of the Equality Act 2010 and published extensive guidance on their website www.nmc-uk.org to help HEIs design their course programme.

If an HEI considers that a competence standard is not valid under the Equality Act 2010, ECU recommends they have discussions with the professional body and seek advice and support from any HEI-based network. Existing networks include the Consortium of Higher Education Support Services for deaf students, or the Disability in Professional Practice Special Interest Group in higher education for nursing.

Questions to consider

- = How can you demonstrate competence standards, applied by an HEI throughout the student journey, are non-discriminatory and meet the requirements of the Equality Act 2010?
- = How do you ensure course assessment strategies are inclusive and meet the competence requirements of the professional body?
- = In the mapping of assessment to competence standards, is there clear evidence of the availability of alternative assessment tasks to meet the needs of a range of students. Is this clear to the professional body?
- = Is there a process whereby disability services can be involved when a new programme is being designed and which allows disability services to suggest different types of assessment for all students?
- = Are the standards for professional practice clearly advertised and accessible to disabled students and is flexibility and choice within the course discussed?

Meeting competence standards on work placements and fieldwork

Practical placements can make up 50 per cent of some professional or vocational courses and significantly more in one-year postgraduate teaching courses. Students are assessed on achievements in the course programme and also against any national professional standards.

Assessments in clinical placements enable students to demonstrate their knowledge, understanding and acquisition of essential practical skills. The way that they demonstrate this can be adjusted, but the competence standard itself cannot.

Students must be able to recognise and interpret monitoring results in order to take the appropriate actions. This is the required competence standard. To meet this standard, students may use either digital or manual methods of patient monitoring in an assessment.

Considering the expectations of end users of services (for example, patients, schoolchildren and parents) is intrinsic when setting competence standards on these courses. They should be a proportionate means of achieving a legitimate aim.

Completing placements successfully can be a competence standard. Adjustments may be required to timetabling or location.

Schools of nursing may have a variety of necessary procedures in place for managing placements, for example a requirement might be for a student to attend at least one placement outside a city which requires a longer journey. These rules should be made clear to all students at the beginning of a course. It should also be recognised that these rules are not the same as competence standards and adjustments to them can be made for disabled students.

Learning plans

Placement supervisors or mentors may be required to make judgments on whether a student is demonstrating a competence standard. However, they may be unfamiliar with the range of adjustments that disabled students might require and how these interact with competence standards.

HEIs have responded by developing inclusion plans. These identify support requirements on placement and are reviewed with placement managers or mentors. This allows all staff to understand the adjustments being made and why they are justified.

Responsibility for reasonable adjustments

It is recommended that HEIs have procedures in place outlining the agreed reasonable adjustments and who is responsible for implementing them. Some HEIs have formalised this into a placement plan document, signed off by the placement coordinator, disability services and the student, before starting each placement.

Early preparation

Where preparation has been most successful, the emphasis has been on proactive work on placement planning, including a student having the opportunity to visit the placement, consideration of issues such as travel time, building layouts, and the potential benefits of using technology.

The demands of a placement can also be introduced within academic work, for example, through assignments relating to the practicality of undertaking a placement.

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Decisions on risk

Decisions about whether a disabled student may pose a risk or be at risk on placement need to be taken jointly. Joint risk assessments should include the student, tutors, placement advisers and disability services.

A student teacher with minor balance and sight impairments can navigate their campus environment. The school where they were due to undertake their placement felt they presented a high risk and were unwilling to undertake an assessment. The university was confident that the student would be able to undertake their placement and continued to work with the school, persuading them to undertake a joint risk assessment which included elements of staff training to increase the school's staff's confidence. The student successfully completed her placement.

Placements abroad

Some degree programmes include work or study placements abroad. The majority of disabled students are able to carry out a placement abroad with appropriate support.

Different HEIs have found a range of effective ways of providing disabled students with additional support during a year abroad and work placements.

Disability services recognised that there could be difficulties for some disabled students relating to a year abroad which may lead to isolation. Where a student has complex support requirements, the disability service is proactive in drawing up a placement learning plan and will liaise with the school regarding ongoing support, for example, identifying a mentor at a host institution or arranging support remotely via Skype.

Where a student is unable to travel abroad, it is recommended that academic and disability staff look at how they can provide, as a reasonable adjustment, an alternative placement which enables the student to gain the skills and knowledge required by the competence standards.

One HEI modern language course had a disabled student who was unable, on the advice of their doctor, to go abroad for the usual year placement. On examining the competence standards which had to be met through the placement abroad, the HEI was able to provide the student with a placement in a French-speaking environment near to their home and also with a post as a French assistant in a local school. These adjustments are unlikely to compromise the competence standard because the competence standard is not the student spending a year abroad, but the skills and understanding that they acquire during this year.

Fieldwork

Where competence standards are directly related to a task carried out during fieldwork, staff should make adjustments to enable a disabled student to carry out the task and gain the relevant skills.

In mapping for physical geography, a student may be steered towards areas with less challenging topography, or to smaller areas which can be mapped in greater detail but still demonstrate the competence standard.

Some disabled students will be accompanied on fieldwork by a non-medical helper. However, where the fieldwork includes an assessment task, for example, making notes during the fieldwork, staff must ensure that the use of a helper does not compromise the competence standard.

On a geology course, disabled students may require non-medical helpers. Where geologically trained helpers are provided, some disabled students may expect additional academic help that may not be justified. This may be resolved through the use of a non-geologist helper.

In some instances, alternatives to fieldwork may be required.

A disabled student is unable to access a geology fieldwork placement and is provided with samples of rocks or soils and photographs of locations as an alternative. In such instances, careful consideration of the interaction between the adjustment and the particular competence standards of the programme is required. If the competence standard is to identify certain rocks or soils then providing samples is unlikely to compromise the standard. However, if the standard states that a student has to show they can recognise rocks or soils in a natural setting, then the use of samples or photos may not be acceptable.

Questions to consider

- = Does the institution have well developed support plans for disabled students on both the academic and vocational aspects of courses?
- = What arrangements are in place to prepare disabled students for work placements? Are relevant aspects of the competence standards and reasonable adjustments reviewed with the student before the student moves on to a placement?
- = Is it made clear to students entering postgraduate vocational courses that the reasonable adjustments may be different from those previously experienced, because of the different competence standards?
- = Is continuing professional development provided for placement teams, including tutors and placement mentors, to discuss issues of competence, reasonableness, changing use of technology, and the impact on placement providers' policies and procedures?
- = Are there opportunities for teams to share experiences through external networks?

Informing students of competence standards and their assessment

It is important that information on competence standards, assessment and reasonable adjustments is made available to students so they can make informed decisions when applying to courses.

Pre-entry

Information for prospective students is essential for disabled students to understand course programme requirements, delivery and assessment methods of courses, any relevant professional standards and off-campus learning environments. The QAA Quality Code makes explicit reference to the importance of information for all prospective students:

'Higher education providers make available to prospective students information to help them select their programme with an understanding of the academic environment in which they will be studying and the support that will be made available to them.'

(QAA Quality Code C, Indicator 3, 2013)

Individual course programme specifications and study guides should make clear the competence standards for the course, the modes of assessment and the availability of reasonable adjustments. This may also include details of times when a particular impairment might preclude a student from entering a particular course.

It should be made clear where minimum standards for entry are not flexible, for example in English, Maths or Welsh. This is particularly important when disabled students are enrolling for courses where professional standards as well as academic standards are to be met.

Admission process

HEIs are required to make reasonable adjustments to enable disabled students to meet a competence standard and this applies during admissions as well as on a course.

Supporting Professionalism in Admissions has produced a helpful briefing on competency standards and admissions to higher education: www.spa.ac.uk/support/goodpractice/equality/competencystandards

Students can expect that admissions staff are fully aware of the course requirements and academic or competence standards that will be applied. Admissions staff should also be fully aware of the reasonable adjustments which are available, both during the admissions process and once on the course.

It is important to discuss with disabled students how reasonable adjustments might be made not only to academic study but where a significant part of the course will be delivered through fieldwork, or different types of placements and how any potential barriers will be assessed. This group dialogue should not put the student under undue pressure to demonstrate how they would cope, but rather should enable options to be explored together. It provides an opportunity to explain how the course has been developed in relation to inclusive design and embedded anticipatory reasonable adjustments, as well as potential individual adjustments. The prospective student will be made aware how they can be supported in meeting the competence standards.

Enrolment

Students enrolling for professional vocational courses may be required to complete an occupational health questionnaire on enrolment, and may disclose at this point. Occupational health advice can assist with completing risk assessments or specific vocational study support for areas such as nursing or medicine. This advice should always be given within the course context, with information from tutors and disability services who are familiar with the demands of the course, any professional standards, and the reasonable adjustments available.

Evaluation and review of information for prospective disabled students

The effectiveness of information provided to disabled people should be part of the annual evaluation of all marketing and student information materials provided by an HEI. This should include evidence of how the information provided enabled students to make course choices, and understand competence standards and the potential for reasonable adjustments.

Evaluation procedures should be developed as part of the teamwork across the academic team, marketing, recruitment, admissions and disability services and will need to be included within regular annual reviews and evaluation cycles.

It is also important to collect and analyse feedback on disabled student progression from the HEI's datasets. Feedback from students on the appropriateness and effectiveness of reasonable adjustments will help to inform the admissions and enrolment processes. This is particularly important with a changing profile of disabled students. For example, an increase in students

declaring more than one disability, more students declaring mental health difficulties or diagnosed as being on the autistic spectrum.

Questions to consider

- = Are admissions staff briefed on the competence standards for individual courses and their interaction with reasonable adjustments?
- = Is clear information about the requirements of a particular course and modes of assessment available for all prospective students?
- = Does this information clearly identify the competence standards?
- = Is there a statement about the ability to provide reasonable adjustments?
- = Are opportunities for disclosing as disabled provided at all stages of the admissions process?
- = Is there an opportunity during the admissions process for students to discuss potential reasonable adjustments, in both classroom and off-campus settings, such as during fieldwork and work or study placements?
- = Does the admissions, recruitment and marketing team evaluate information regularly to ensure it is helpful to prospective disabled students?
- = How are the views of disabled students included in this evaluation?

Conclusion

Within HEIs, the understanding of the legal requirements regarding competence standards and disability discrimination will continue to need discussion and review.

However, as legislation in relation to disabled people is unlikely to change, HEIs can embed requirements in their course planning.

To do so, HEIs should aim to:

- = be clear about what competence standards are, including how they are different to other course rules or requirements
- = ensure that each competence standard is objectively justifiable and directly relevant to the particular course
- = ensure that assessment tasks clearly relate to specific competence standards and do not inadvertently assess competencies which may not be relevant to a particular course
- = find ways of making modes of assessment as inclusive as possible
- = develop as wide and creative range of individual reasonable adjustments as possible while ensuring that these do not compromise competence standards
- = ensure that all current and prospective students have clear and accessible information which details course competence standards and the ways in which they will be assessed

The continued development of an inclusive approach has implications for organisational structures at strategic and delivery level, and for professional development. It is therefore essential that the cross-institution teamwork between academic departments and disability services continues to grow. This may bring challenges relating to changing roles, with an increasing focus on inclusive practice, as well as individual reasonable adjustments.

Continuous professional development may be required for staff to understand and interpret their roles. This will require adequate resourcing to meet the increasing challenge presented by the growth and complexity of the disabled student body.

Questions to consider

Developing and reviewing competence standards

- = What processes are in place for developing competence standards for new courses or reviewing existing courses?
- = Is there a member of staff in the department with a specific role regarding disabled students? Is this role clearly defined and properly resourced? If not, do you have a member of staff or team with expertise on teaching and learning who can support you or give you guidance?
- = Is there a team approach to drawing up and reviewing competence standards? How do you ensure relevant input from members of the disability service? Is expertise on inclusive design made available to the team?
- = How does the team ensure that the requirements for competence standards under the Equality Act 2010 are met?
- = How does the team check that all competence standards are objectively justifiable, proportionate and genuinely relevant?
- = What opportunities are there for the team developing competence standards to participate in appropriate support and development?
- = How do you actively involve and seek feedback from disabled students?

Assessing competence standards

- = Do academic staff and disability service staff work together to develop creative ways of providing disabled students with appropriate reasonable adjustments?
- = How does the team ensure that reasonable adjustments are not compromising competence standards?
- = Does the department provide opportunities for students who do not succeed in meeting all the competence standards of a course to have their success in other parts of the course recognised?
- = Is there a team approach to drawing up modes of assessment which includes input from the disability service? If not, do you have a member of staff or team with expertise on inclusive learning and teaching, who can support you or give you guidance?
- = When drawing up or reviewing modes of assessment how does the team ensure that these directly relate to course competence standards?

- = Is clear and accessible information given to students and prospective students on how a particular assessment relates to course competence standards?
 - = If a large number of disabled students are receiving the same reasonable adjustment in a particular assessment task, is this task reviewed to see whether it could made more inclusive?
-

Professional bodies and competence standards

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Equality Challenge Unit

ECU works to further and support equality and diversity for staff and students in higher education across all four nations of the UK, and in colleges in Scotland.

ECU works closely with colleges and universities to seek to ensure that staff and students are not unfairly excluded, marginalised or disadvantaged because of age, disability, gender identity, marital or civil partnership status, pregnancy or maternity status, race, religion or belief, sex, sexual orientation or through any combination of these characteristics or other unfair treatment.

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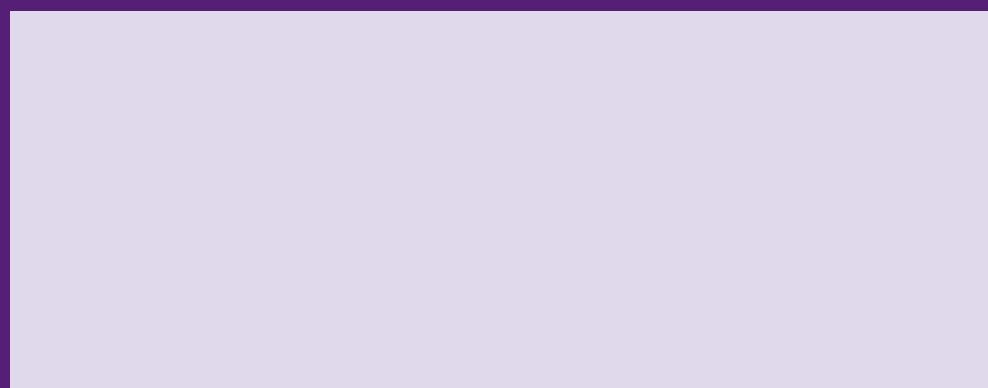
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