



## **Disability Policy**

*Effective September 2015 – August 2016*

**STUDENT REGULATIONS  
AND POLICIES**

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# UNIVERSITY OF CENTRAL LANCASHIRE

## DISABILITY POLICY

### 1. Introduction

The University of Central Lancashire is committed to ensuring equality of opportunity for its students. The University aims to ensure that all students achieve their academic potential and that no student is unreasonably disadvantaged because of a disability when applying to and studying at the University.

This policy sets out the University's commitment to its disabled students and provides a framework to facilitate a supportive environment within which to study.

For detailed information about the process from disclosure of a disability to the implementation of reasonable adjustments, please see the step by step guide 'Guidance on the Process of Implementing Reasonable Adjustments' which is available at <https://www.uclan.ac.uk/students/health/support.php>.

### 2. The Legal Framework

Under the Equality Act 2010 ("the Act"), the University must take reasonable steps to ensure that disabled students are not placed at a substantial disadvantage in applying for or pursuing a course of study in comparison with a person who is not disabled.

Under the Equality Act 2010, disability is defined as "a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities." By way of guidance, a "substantial effect" should be interpreted as anything that is more than minor or trivial and a long-term effect is one that has lasted or is likely to last 12 months, or is likely to last for the rest of a person's life (which could be less than 12 months). It should be noted that because of the phrase "physical or mental impairment", the definition focuses on the effects of the disability, rather than the disability/condition itself.

The Equality Act imposes a duty to make reasonable adjustments for disabled students at the University. The duty comprises 3 requirements:-

1. Where a provision, criterion or practice of the University puts a disabled student at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage;
2. Where a physical feature puts a disabled student at a substantial disadvantage, in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage;
3. Where a disabled student would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter, in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

The University's duty to make adjustments applies to the totality of the University's relationship with disabled students and extends not only to the provision of courses, but to any additional services offered and in relation to access to any benefit or facility provided by the University. Any University regulation, policy, provision or practice is potentially subject to the duty if it puts a disabled applicant or student at a substantial disadvantage as a result of

their disability and should be modified for individual disabled students where reasonable to do so.

The University recognises and is committed to ensuring that all students should be given access to equal opportunities regardless of age, disability, race, religion, sex, sexual orientation, gender reassignment, marriage and civil partnership and pregnancy/maternity. This document will therefore be applied to any disabled student requesting adjustments and support to assist with their studies regardless of whether they are a UK, EU or international student, or whether they are studying full time, part time or through distance learning.

The University will not always be in a position to make adjustments that students request as they may not be reasonable in the circumstances, and this guidance will be used to determine what support the University is reasonably able to provide.

### **3. Admissions**

The University welcomes applications from persons who have a disability or medical condition. All applicants to the University are considered equally. Admission to a course is based on the academic judgement that the student can be reasonably expected to fulfil the learning outcomes of the course and any fitness to practise requirements where the course leads to a professional or regulated qualification in order to achieve the award, the student's ability to benefit from the course and the reasonable availability of necessary and appropriate support.

The University's duty to make reasonable adjustments applies to the application process itself, as well as the arrangements for delivery of the course and related services. Consequently, any arrangements (including methods of assessments) for admissions to various courses should be adjusted where the process puts applicants at a substantial disadvantage compared with those who are not disabled, and it is a reasonable adjustment to make. A distinction is made between the method of assessment and the competence standards which are being assessed and the duty to make reasonable adjustments applies to the former, but not to the latter (see further below).

### **4. Disclosure**

Applicants are strongly encouraged to disclose their disability to the University as early as possible in the application process and as much information as possible should be provided in respect of the nature of the condition and how it affects the applicant. This will allow the University to ensure that any support that can reasonably be provided by the University can be put in place prior to the start of the course or as soon as reasonably practical. This is particularly important in relation to professional courses, where a student will have to fulfil fitness-to-practise requirements in addition to achieving academic outcomes to pass the course. In the event that disability prevents a student meeting a professional competence standard for a professional course, where possible the student will be given the opportunity to study an alternative course.

Where a disability is disclosed on the initial application form to study at the University, a questionnaire will be sent to the student requesting details of their disability. The University will usually require medical evidence of the disability or evidence from an appropriately trained relevant expert in order to fully consider the request for adjustments and to determine whether the University is able to support the student in their studies. Should the student fail to provide the University with the relevant information when requested the University may not be able to assess what adjustments are required or put those adjustments in place, and entry may be deferred.

In the event that a student has not disclosed their disability to the University prior to enrolment or becomes disabled during their course, the student is encouraged to disclose their disability as soon as possible so that the University can ensure the student receives the appropriate support via reasonable adjustments. For speed, it is recommended that the disclosure is made direct to Disability Services by email to [disability@uclan.ac.uk](mailto:disability@uclan.ac.uk).

## **5. Confidentiality**

Applicants and students have the right to request that their disability is kept confidential. Where absolute or limited confidentiality has been requested, the University may not be able to make adjustments that would otherwise be reasonable, particularly in relation to disabilities that are hidden and complex or where the related needs are specific to the individual. Where confidentiality has not been requested, applicants/students will be informed that relevant details will be disclosed only to those staff who need to know in order to implement relevant adjustments.

## **6. Assessment of need**

Applications from students who have the necessary academic qualifications/experience, or disclosures by current students, are referred to Disability Services for an assessment of educational support needs. This may involve a referral to an independent assessor to prepare a Study Needs Assessment Report, in relevant cases. Applicants may be invited to visit the University to discuss support requirements with Disability Services and a member of the relevant academic department responsible for their course. Based on these discussions, Disability Services will make recommendations relating to any support needs that can be met.

In circumstances where a disabled student has complex needs and/or the University is being asked to make an adjustment and hence provide funding for it, the University may hold a University Disability Decision Panel (UDDP) meeting to ascertain the adjustments that are reasonable in the specific circumstances and the extent to which the University is reasonably able to support the student. The Panel will explore the availability of external funding which the student could apply for and which may cover the cost of the adjustment(s) in the event that the University cannot itself fund the adjustment(s). Where external funding is available, the University will assist the student in its application.

Appendix 1 sets out the guidelines the University adheres to when considering requests for adjustments. Where the University is asked to fund adjustments, decisions will be made on a case-by-case basis in the context of the University's overall financial resources. In some circumstances, a student's needs will exceed the University's resources and admission or continuation on their course may be conditional on funding being available. Admission or enrolment may be refused or deferred if provision of the adjustments requested by the applicant are deemed to be unreasonable or cannot reasonably be provided at that time.

## **7. Funding**

The University has a legal duty to fund reasonable adjustments for its disabled students. Where funding is available elsewhere, the University will not be obliged to pay for an adjustment. UK students are encouraged to apply for Disabled Students' Allowance (DSA) which is a specific fund set up for disabled students in Higher Education. Disability Services and the Student's Union Advice Centre can provide advice and information on the types of funding that may be available, such as DSA, grants, bursaries, charitable donations and scholarships and can assist students in making funding applications

Unless funding is provided externally, the University will consider whether it can provide the relevant auxiliary aid or service itself from within its own resources. The University's resources are limited and often difficult decisions must be made about the allocation of those limited resources between competing needs.

If a student has been funded externally and this has been fully utilised or ceased, or the student's needs change requiring additional support, the student can request funding from the University's funds. There is no guarantee that they will be given additional funding as it depends on whether it is reasonable for the University to fund the adjustments. The University may request that a student undertakes a further Study Needs Assessment Report, at the University's expense, to reassess the level of support required at that time. In some cases the matter will be referred to the University's UDDP which will consider the request and decide whether the adjustments are reasonable.

The proposed reduction of government aid affects various sources of funding for disabled students, such as DSA. This will result in greater pressure on the University's own, limited resources, which will in turn reduce the amount available to meet the support needs of individual applicants and students.

- **DSA Funding (UK students only)**

The DSA is only available to UK students. The amounts awarded are based on an individual's needs, not their household income. Students must provide proof of their disability and the level of support required, which is usually obtained via a Study Needs Assessment Report being completed.

For information on entitlement to DSA please see <https://www.gov.uk/disabled-students-allowances-dsas/overview>. There is a separate scheme for NHS students (please see [http://www.nhsbsa.nhs.uk/Students/Documents/Students/DSA1\\_v4.2\\_Application\\_and\\_Guidance\\_for\\_Disabled\\_Students\\_Allowance.pdf](http://www.nhsbsa.nhs.uk/Students/Documents/Students/DSA1_v4.2_Application_and_Guidance_for_Disabled_Students_Allowance.pdf)). DSA allowance should not be used to pay for support that should properly be funded by social services.

Where students are in receipt of DSA / external funding for NMH assistance, the student has the option of using the services provided by the University or sourcing their own NMH assistance. Where the University is providing funding, and the student chooses to source their own assistance, the University will only pay an amount it deems to be reasonable in the circumstances.

- **EU and International Students**

DSA is not available to EU/International Students or if a student is getting equivalent support from another funding source (e.g. a social work bursary). EU and International students are encouraged to investigate funding which may be available to them from their home country and provide confirmation to Disability Services of the outcome.

- **Other Funding**

Other funding may also be available from charity groups, research projects or research councils etc, and students are encouraged to explore the possibility of obtaining such funding. Disability Services and the Student's Union Advice Centre can assist with this.

## **8. Adjustments**

- **Auxiliary aids and anticipatory adjustments**

Assessments regarding the reasonableness of alterations to physical features of buildings where they cause substantial disadvantage will take into account the factors set out in Appendix 1, including relevant circumstances such as cost and, particularly in halls of residence, the requirements for reasonable space allocation for residential students.

The definition of “auxiliary aid” includes an auxiliary service which is not further defined. It is reasonable to assume that any auxiliary service provided must be connected to admission, the provision of education and related benefits, facilities or services. Technical guidance issued by the EHRC states that nothing in the Equality Act requires the University to provide an auxiliary aid or service to be used for personal purposes unconnected to the education, benefit, facility or service being provided or to be taken away by the disabled student after use. The University cannot provide services that are more properly the responsibility of health services and related agencies.

The Equality Act also places a duty on the University to make anticipatory adjustments for students in addition to their entitlement to individual reasonable adjustments for specific requirements. The University should not wait until a disabled student or applicant approaches staff before any consideration is given to the range of possible reasonable adjustments. The University recognises that the more anticipatory adjustments there are in place, the less likely it is that individual adjustments will be required. Details of such adjustments can be obtained from Disability Services.

Not every reasonable adjustment can be anticipated in individual cases. Early and comprehensive disclosure of information with regards to a student’s disability is of vital importance.

- **Student welfare and support**

The University offers support for all students with the addition of Disability Services to assist students with disabilities. This includes Disability Co-ordinators, Personal Tutors, Counsellors, Student Welfare, The <i>, M and M Peer Mentoring, Student Financial Support Team, on-site GP Practice and WISER study-skills support.

Disability Services will assist with applications for Disabled Students’ Allowance and will arrange the human support required, although students remain free to make their own arrangements if they prefer to do so. Choosing this option imposes obligations on the student – please see the guidance ‘Arranging Non-Medical Helper Support’ available at <https://www.uclan.ac.uk/students/health/support.php>. If students are considering this option they are advised to discuss it with their disability adviser.

- **Examinations and Assessment**

Any request for additional arrangements in relation to examination, assessed work and assessment procedures must be supported by medical/psychological or other evidence and it is the student’s responsibility to make that available to the University. Requests for modifications to assessment conditions eg extra time for examinations must be agreed with Disability Services and implemented by the relevant School.

- **Accommodation**

The University has a number of specially adapted rooms on campus for disabled students. Extra consideration will be given if the student has a disability or medical condition that requires them to live on campus.

A number of rooms in halls of residence offer one or more of the following:

- Specially adapted bathroom
- Emergency pull cord in bedroom
- Red flashing lights for Disabled/deaf students
- Alarmer systems for Disabled/deaf students
- Private shower
- Kitchens designed for wheelchair users
- If a Social Services assessment identifies the student as needing assistance with daily living, personal assistants may be accommodated. If personal assistants are in University accommodation the student must sign their contract on their behalf.
- Assistance dogs can be accommodated.

Where the student prefers, the University can assist with arrangements for the student to live in specially adapted private accommodation.

## **9. Partner Institutions**

Partner Institutions are under the same legal duty to provide reasonable adjustments to disabled students who attend their institution. As part of the partnership agreement with the University, Partner Institutions are required to meet all legal requirements in relation to equality and disability and to provide support to disabled students in line with this policy.

## **10. Placement Providers**

Placement providers are required to implement reasonable adjustments for disabled students attending their organisation. Providing it has the student's consent to do so, the University will inform placement providers of a student's disability and work with them to ensure appropriate support is put in place.

## **11. Further help, advice and guidance**

The University is in the process of expanding the guidance on its website for disabled students. In the meantime, please email Disability Services on [disability@uclan.ac.uk](mailto:disability@uclan.ac.uk) or telephone on 01772 892593 if you require any further information or if you have any specific queries.

## APPENDIX 1

### GUIDELINES FOR REASONABLE ADJUSTMENTS FOR STUDENTS WITH DISABILITIES

Where adjustments are required a decision needs to be made regarding the reasonableness of the request. It is important to note that not all requests to make adjustments will be considered reasonable, and the University will follow the legislative guidance when considering requests.

The Equality and Human Rights Commission have provided advice in their publication "Equality Act 2010 Technical Guidance on Further and Higher Education". This lists a number of factors to be taken into account when determining what is reasonable:

- Whether taking particular steps would be effective in overcoming the substantial disadvantage in question;
- The extent that it is practicable to take such steps;
- The type of education being provided;
- The effect of the disability on the individual;
- The financial and other costs of making the adjustment [if an adjustment costs little or nothing to implement it would be reasonable to do so unless some other factor (such as practicability or effectiveness) made it unreasonable. The costs to be taken into account include those for staff and other resources. The significance of the cost of a step may depend in part on what the education provider might otherwise spend in the circumstances. In assessing the likely costs of making an adjustment, the availability of external funding should be taken into account];
- The availability of grants, loans, and other assistance to disabled students [it may not be reasonable to expect an education provider to pay for the same aids and services for which Disabled Students' Allowances are available];
- The extent to which aids and services will otherwise be provided to disabled people or students;
- The resources of the University and the availability of financial or other assistance;
- Health and safety requirements;
- The relevant interests of other people, including other students.

Adjustments for an individual will be made on the basis of appropriate evidence of the effect of the disability and providing that:

**1. the adjustments are likely to significantly reduce the substantial disadvantage faced by a student with a disability while maintaining relevant standards**

Assessed with reference to the effectiveness of the proposed adjustments in relation to meeting the essential learning outcomes of the course as identified in the Programme Specification given the student's abilities, the academic judgment of appropriate teaching staff and External Examiners.

While the University aims to be consistent in determining what adjustments would be reasonable, outcomes may differ depending on the individual disabled student's circumstances.



There is no obligation to make adjustments to competence standards which are defined as an academic, medical or other standard applied for the purposes of determining whether an applicant/student has a particular level of competence or ability. It should be noted that competence standards must be justifiable academically or professionally depending on the particular course.

## **2. the adjustments are affordable and practicable**

Assessed with reference to an assessment of the cost of the adjustments and the benefits to the individual student, the availability of internal and external grants, loans, aids or services to support students with disabilities, the effect of the expenditure on the University's ability to achieve its mission and its core obligations, the availability of resources (e.g. specialist staff) to support the adjustment, the time available to make the adjustment, the mode, length and delivery of the course.

The University will not duplicate support provided by another agency where the other agency's support is adequate.

## **3. the adjustments do not endanger the health and safety of the person with a disability or other people**

Assessed where necessary with reference to:

- a risk assessment of the effect of the adjustment
- the risk faced by students without a disability carrying out the activity without the adjustment
- relevant specialist advice

## **4. the adjustments do not substantially disadvantage other students or other people.**

Assessed with reference to the academic or other relevant judgment of appropriate teaching or other staff on the effect on the experience and learning of other students, and the duration and nature of any disadvantage in comparison with the benefit to the student with a disability

Inconvenience is not regarded as a substantial disadvantage.

## **5. the suitability of alternative adjustments**

Whilst taking account of the preferences of the individual student, the University may choose to make alternative adjustments which avoid substantial disadvantage to the student in comparison with students without a disability, subject to the criteria below:

- the cost and effectiveness of the adjustments
- the need to preserve the student's right to confidentiality if requested
- the stated preference of the student for a particular adjustment
- the academic judgment of appropriate teaching staff and External Examiners
- experience with similar adjustments for students with similar disabilities

A student's wish for confidentiality may in some circumstances constrain the adjustments that can be made.

In complex or exceptional cases on requests for reasonable adjustments for students with disabilities the request will be referred to the University Disability Decision Panel who will determine whether the adjustment is reasonable and can be provided.