



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



Reasonable Adjustment Procedure



Contents

Purpose	2
Applicability and Scope	2
Procedure	3
Responsibilities.....	7
Table of Definitions.....	8
Appendix: Equality Impact Assessment	9

Approved by:	Senate
Date first published:	Jun-2014
Date updated:	Nov-2022
Owner:	Director of Student Success
Review Date:	Nov-2025

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Purpose

- 1 At Buckinghamshire New University (BNU) equality is promoted, diversity is valued, and individuals are respected. The University recognises that disabled learners are an integral part of the learning community and is committed to ensuring that they have an excellent learner experience in an inclusive educational environment. The University seeks to provide equal access for its disabled learners through inclusive design where possible and, otherwise, through reasonable adjustments. This commitment builds upon the foundation of equality legislation and anti-discrimination guidance.
- 2 The Reasonable Adjustment Procedure provides a framework for the effective implementation of reasonable adjustments for all disabled learners at BNU. Whilst the implementation of reasonable adjustments for placements and apprentices in the workplace are the responsibility of the placement provider or employer, the Disability & Inclusion Service will make recommendations where appropriate.

Applicability and Scope

- 3 The Equality Act (2010) provides protection against discrimination, harassment, and victimisation on the grounds of disability and other protected characteristics.
- 4 A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This encompasses individuals with physical or sensory impairments, mental ill health, specific learning difficulties, and a range of chronic or fluctuating conditions. It is unlawful to discriminate against a disabled person or an individual based on their association with a disabled person in relation to the provision of education and related services.
- 5 It is a legal duty for higher education institutions to anticipate needs and make reasonable adjustments so that disabled learners are not placed at a substantial disadvantage compared to learners who are not disabled. The duty arises in relation to all aspects of the student experience, including:
 - a) provisions, criteria, or practices (for example, procedures, policies, course materials, and teaching and assessment methods),
 - b) physical features (for example, access to buildings, fixtures, and fittings),
 - c) providing aids, Non-Medical Help (NMH) support or services (for example, equipment or human support).
- 6 Inclusive design of curriculum content can ensure that accessibility is embedded in activities for all learners' learning, teaching, and assessment.
- 7 The duty to make reasonable adjustments is anticipatory: it requires the University to plan and anticipate the likely needs of disabled learners, rather than waiting until adjustments are proposed. The University should therefore ensure, where possible, that adjustments to policies, practices, and procedures have been made in advance to reduce or remove the barriers to disabled learners.
- 8 The purpose of the duty is to take reasonable steps to remove or avoid disadvantage so that disabled learners can effectively participate in the education and other benefits, facilities, and

services provided for learners. Failure to comply with the duty to make reasonable adjustments is considered discrimination.

- 9 The duty requires that only adjustments that are reasonable are made. What is reasonable will usually depend on the individual circumstances of the case. In assessing what is reasonable, the University should take the following into account:
 - a) the effect of the disability on the individual learner,
 - b) the effectiveness of the steps in removing or overcoming the relevant disadvantage,
 - c) the relevant interests of other people, e.g., whether an adjustment would result in a significant disadvantage for other learners,
 - d) the practicality of the changes,
 - e) any potential health and safety issues,
 - f) the resources available (both those of the University and other financial assistance such as the Disabled Students' Allowances or ESFA)
 - g) the financial and other costs of making the adjustment,
 - h) the type of education/provision or other benefit, facility, or service being provided by the University,
 - i) the extent to which aids, and services will otherwise be provided to disabled learners (e.g., local authority support)
- 10 Reasonable adjustments should not compromise the academic standards of programmes or modules, as the Equality Act places no duty to make a reasonable adjustment to a competence standard.
- 11 A competence standard is 'an academic, medical, or other standard, applied for the purpose of determining whether a person has a particular level of competence or ability'. A competence standard must apply equally to all learners, be genuinely relevant to the programme, and be a proportionate means to achieving a legitimate aim. Therefore, it is imperative that competency standards are clearly justified in the programme specifications.
- 12 There is a duty to make reasonable adjustments to the way in which a competence standard is assessed so that disabled learners are not disadvantaged because of their disability. Reasonable adjustments must not affect the validity or reliability of the assessment outcomes. However, they may involve, for example, changing the usual assessment arrangements or method, adapting assessment materials, providing a scribe or reader in the assessment, and re-organising the assessment environment.
- 13 This procedure applies to all learners taught by Buckinghamshire New University and will apply whilst they are within a learning environment, accommodation or on a campus run by Buckinghamshire New University.

Procedure

- 14 The purpose of this procedure is to:
 - a) inform learners about how to access support,

- b) support the University in complying with the requirements of relevant legislation,
 - c) clarify where responsibility lies for the identification and implementation of reasonable adjustments,
 - d) outline the necessary steps for the effective implementation of reasonable adjustments,
 - e) inform learners how to appeal a decision made in relation to a reasonable adjustment.
- 15 For the purpose of this document, “disclosure” will be replaced by “share” although the legal meaning is the same for the purpose of legal consideration.
- 16 The University provides training and resources for staff in Designing Learning, Assessment for Learning, Supporting Teaching, and Supporting Students. All embed in the principles of inclusivity and accessibility for learning, teaching, assessment, and student support into day-to-day practice. It is the responsibility to all staff to ensure they are accessing these recourses.
- 17 The University requires Equality Impact Assessments (EIA) to be carried out on all new and existing policies and practices. The responsibility for the completions of EIAs lies with the documents owners. These are helpful in identifying whether any policies or practices would disproportionately disadvantage certain groups of users and enable Schools and Directorates to consider anticipatory adjustments.
- 18 The University’s quality assurance processes ensure that Schools and Directorates reflect on equality and diversity of learning, teaching, and assessment.

Steps for identifying and implementing individual reasonable adjustments

- 19 The Disability & Inclusion Service undertakes needs assessments to find out the support and reasonable adjustments required to enable learners to engage with their programme of study and the wider University provision. The Disability & Inclusion Service will consider supporting evidence, e.g., GP’s letter, educational psychologist’s report, DSA needs assessment report and the learner’s account of their needs. As the Disability & Inclusion Service employs a “working diagnosis” model, medical evidence of symptoms that meet the criteria for disability under the Equality Act 2010 and screening results will also be accepted.
- 20 Applicants who have shared they have a disability and have accepted an offer are asked to provide more information about their disability together with supporting evidence, and to work with the Disability & Inclusion Service to ensure that reasonable adjustments are in place as soon as possible. The Disability & Inclusion Service will contact applicants to advise on reasonable adjustments.
- 21 Learners should also share they have a disability whilst on their programme as soon as they become aware of it or the impact on their ability to access their programme or other student services. Learners may visit or contact the Disability & Inclusion Service and share directly. If learners share they have a disability with another member of staff the information will be passed to the Disability & Inclusion Service with the learner’s permission and then the Disability & Inclusion Service will contact them. Where learners share with staff that they have a disability, or the staff member should reasonably have known the learner has a disability, they have a legal obligation to sign-post the student to the Disability & Inclusion Service and attempt to obtain consent from the student to make a direct referral. It is the student’s right

not to share that they a disability or access reasonable adjustments, but retrospective marking is not possible if they choose to do so at a later stage in their studies.

- 22 If a learner wants their disability information to remain confidential, they will be advised if this will restrict the adjustments that can be made for them. This would be the case if circumstances are such that staff would need to know who the learner is to make the relevant adjustment.
- 23 Learners will have the opportunity to have a needs assessment to identify reasonable adjustments. In cases where the learner requests support prior to the needs assessment, if standardised reasonable adjustments are recommended by the supporting evidence, the Disability & Inclusion Service will advise if these can be made in the interim until a needs assessment is conducted.
- 24 The Disability & Inclusion Service will consider whether the standardised University adjustments meet the learner's specific needs and will then consider whether bespoke adjustments are also required. In determining bespoke reasonable adjustments, the Disability & Inclusion Service will consider factors relating to reasonableness, and in particular:
 - a) the learner's individual circumstances and the programme,
 - b) the effectiveness of the adjustment,
 - c) the learner's previous experience of the adjustment (if applicable), and the time and resource required to implement the adjustment.
 - d) if the learner can access external funding for a reasonable adjustment, for example through the DSA or ESFA, the University expects the learner to access such funding.
- 25 The Disability & Inclusion Service will liaise with Schools and Directorates where there are concerns that it may not be possible to put an adjustment in place, e.g., because it may relate to a competence standard.
- 26 The University is not obliged to offer the learner their preferred adjustment when an alternative reasonable adjustment would be equally effective.
- 27 Once reasonable adjustments have been agreed, the reasonable adjustments will be detailed in an Adjustment & Inclusion Plan held by the Disability & Inclusion Service. Provided the learner has consented to sharing, a copy will be sent to their School (Course Leader and Registry Officer) and, where required, the appropriate University Professional Services Directorate.

Reasonable adjustments: Schools/Professional Services Directorates

- 28 All reasonable adjustments are recorded on the learners record and made available to only to relevant staff in Schools/Directorates as is necessary to put in place reasonable adjustments. If the learner is on a joint honours programme access will be provided to both Schools/Directorates. The School Registry Officers and Course Leaders will then be responsible for the implementation of reasonable adjustments at the School level.
- 29 Reasonable adjustments will be considered on an individual basis, which means that a broad and diverse range of adjustments may be recommended. However, there are several standardised reasonable adjustments that are put in place to help to overcome common barriers. In the case of standardised reasonable adjustments, it is the expectation that the

School or Directorate will implement these when requested by the Disability & Inclusion Service within 10 working days, without the need for further consultation. However, standardised adjustments will vary from course to course due to the wide variance of teaching methodology employed by the University and it is the responsibility of Course Leaders to raise any concerns about the proposed adjustments with the Disability & Inclusion Services as soon as reasonably possible.

- 30 Where the mode of assessment puts a disabled learner at a substantial disadvantage when compared with learners who do not have that disability and the standardised adjustments to examinations are not effective in preventing the disadvantage, the University will consider other alternative modes of assessment, where it does not impact on the competency standards.
- 31 Requests for consideration of an alternative mode of assessment will be for exceptional cases and will be considered on a case-by-case basis by the Disability & Inclusion Service who will liaise with the learner's School to assess what is possible and does not compromise competency standards.
- 32 In deciding on the appropriateness of an alternative mode of assessment the School will need to be guided by the competence standards for the programme. The Programme Specification should provide the basis for determining them and should include a rationale for the necessity of the competency standard in question.
- 33 It may not always be possible to provide an alternative mode of assessment, for example, where the mode of assessment and the competence standard are inextricably linked. However, where a request is declined by the School, the reasons for this decision will be stated with reference to the key competencies of the programme.

Consultation process

- 34 The learner will be able to discuss their recommended adjustments and agree them with a Disability Adviser. If the learner has any issues with the implementation of their support adjustments, they should arrange to discuss this with a Disability Adviser.
- 35 The Disability Adviser will liaise with the member of staff responsible for implementing reasonable adjustments for the learner's programme and make recommendations on what they require. The Course Leader will consider the requested adjustments and determine if adjustments can be put in place and discuss any concerns about recommended adjustments with a Disability Adviser. Adjustments which impact on competency standards may not be permitted.
- 36 The University recognises that a disabled learner's ability to access learning and teaching may be hampered without their support adjustments in place and will work with all parties to ensure adjustments can be made in a timely way.
- 37 In cases where discussion between the School and the Disability Adviser cannot resolve a concern, or where the learner feels the adjustments are not effective or believe they are unreasonable, the Disability & Inclusion Service will convene a review panel within 10 working days of the concern being raised to seek a resolution. The panel should be comprised of three members, not previously involved in the case, and may include parties from the following list:
 - Disability & Inclusion Manager (or nominee),

- Head of Students and Wellbeing (or nominee),
 - Director of Student Success (or nominee),
 - Head of Learning & Teaching Enhancement (or nominee),
 - Programme leader (or nominee) / Course Leader.
- 38 If the reasonable adjustments change because of this consultation, the Disability & Inclusion Service will note changes on the learner's record and inform them of the School or Directorate's decision.
- 39 The learner will be notified in writing of the outcome of the panel meeting and the decision regarding adjustments. The letter will include details of how the learner may challenge this decision under the Student Complaints Procedure.

Request for review

- 40 If the learner believes the decision on their reasonable adjustments is incorrect, unfair, or unreasonable, and that it has not been resolved by the Review Panel, they have the right to challenge the decision under the Student Complaints Procedure. They will be asked to provide evidence to support their reasons for challenging the decision.

Responsibilities

- 41 Learners are responsible for:
- a) sharing disability details at the earliest opportunity,
 - b) providing existing evidence to support the disability (such as a diagnostic assessment for learning impairments, medical or GP's letters/reports for physical or mental health conditions, or existing DSA needs assessment),
 - c) engaging in meetings as requested to discuss their needs,
 - d) sharing any changes such as increased impairment (e.g., because of a deteriorating condition) requiring new adjustments or a modification of existing adjustments,
 - e) providing documentation to support the recommended adjustments.
- 42 The Disability & Inclusion Service are responsible for conducting needs assessments and making recommendations for reasonable adjustments in the form of an Adjustment & Inclusion Plan.
- 43 The School Registry Officer and Course Leaders will then be responsible for the implementation of reasonable adjustments at the School level.
- 44 Where a conclusion cannot be reached about the Adjustment & Inclusion Plan between the Course Leader and Disability & Inclusion Adviser, a panel (comprised of those outlined in paragraph 37) will make the final decision.

Table of Definitions

Disability	A person is disabled under the Equality Act 2010 if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities
Substantial (in reference to the above definition)	'substantial' is more than minor or trivial, eg it takes much longer than it usually would to complete a daily task like getting dressed
Long-term (in reference to the above definition)	'long-term' means 12 months or more, eg a breathing condition that develops as a result of a lung infection
Working diagnosis	A working diagnosis is a label for a considered condition that one or more professionals assess as the most probable diagnosis and that could be concluded following further observations
Competence standard	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
Reasonable Adjustment	Reasonable adjustments are changes that organisations and people providing services or public functions have to make for people if their disability puts them at a disadvantage compared with others who are not disabled
Non-Medical Helper (NMH) Support	Includes support workers or other non-medical helpers that disabled learners may need to benefit fully from their course such as a note taker, study skills tutor, library assistant or specialist mentoring support.
Disabled Students Allowance (DSA)	Disabled Students' Allowance (DSA) is support to cover the study-related costs learners have because of a mental health problem, long term illness or any other disability.
Education and Skills Funding Agency (ESFA)	The ESFA brings together the former responsibilities of the Education Funding Agency (EFA) and Skills Funding Agency (SFA) to create a single agency accountable for funding education and skills for children, young people and adults.

Appendix: Equality Impact Assessment

1. What is changing and why?				
The reasonable adjustment procedure is due to review and has been rewritten to reflect current best practise and to provide a clear process for the assessment and implementation of reasonable adjustments for BNU learners.				
2. What do you know?				
Disabled learners made up about 9% of our community sharing with us that they have a disability in 19/20; however, the proportion of disabled learners has reduced to 6.4% in 20/21. National figures reveal 15% of learners enrolling have a known disability (HESA, 2021). The number of learners registering with our disability support service has remained consistent despite the lower proportion overall for 2021. The number of learners registering with multiple disabilities has also increased year on year since 2019. Disabled learners are vital to the health and access of our overall university community and we have a legal obligation to implement reasonable adjustments to support them in their studies. The <i>Abrahart v University of Bristol</i> (March 2022) recently reiterated the legal requirement to implement reasonable adjustments and demonstrated how devastating the impact of not doing so can be.				
3. Assessing the impact				
	Could benefit	May adversely impact	What does this mean? <i>Impacts identified from what you know (actual and potential)</i>	What can you do? <i>Actions (or why no action is possible) to advance equality of opportunity, eliminate discrimination, and foster good relations</i>
a) How could this affect different ethnicities? <i>Including Gypsy, Roma, Traveller, Showmen and Boaters, migrants, refugees and asylum seekers.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Health inequalities can disproportionately impact ethnic minority communities. This means these learners may be less likely to obtain medical support or a diagnosis. Writing into the procedure that BNU uses a working diagnosis model solidifies our commitment to supporting these learners.	No further actions identified at this stage.
b) How could this affect cisgender and transgender men and women (including maternity/pregnancy impact), as well as non-binary people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Health inequalities can impact transgender people disproportionately. This means these learners may be less likely to obtain medical support or a diagnosis. Writing into the procedure that BNU uses a working diagnosis model solidifies our commitment to supporting these learners.	No further actions identified at this stage, although it is noted that pronouns are included on the Adjustment & Inclusion plans for learners.

1. What is changing and why?				
c) How could this affect disabled people or carers? <i>Including neurodiversity, invisible disabilities and mental health conditions.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The procedure supports disabled learners in accessing reasonable adjustments and provides a clear process for implementation. The procedure should also support staff in fulfilling their legal duty to these learners, in turn benefiting them and improving their experience at BNU.	The procedure will have to be published in an accessible format.
d) How could this affect people from different faith groups?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	It is not anticipated that there will be any impact, but this can be reviewed and guidance updated if required.	No further actions identified at present.
e) How could this affect people with different sexual orientations?	<input type="checkbox"/>	<input type="checkbox"/>	It is not anticipated that there will be any impact, but this can be reviewed and guidance updated if required.	
f) How could this affect different age groups or generations?	<input type="checkbox"/>	<input type="checkbox"/>	It is not anticipated that there will be any impact, but this can be reviewed and guidance updated if required	
g) How could this affect those who are married or in a civil partnership?	<input type="checkbox"/>	<input type="checkbox"/>	None identified.	
h) How could this affect people from different backgrounds such as: socio-economic disadvantage, homeless, alcohol and/or substance misuse, people experiencing domestic and/or sexual violence, ex-armed forces, looked after children and care leavers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	These groups are statistically more likely to also have a disability or acute physical or mental health problem. Therefore this procedure will help them access support and the learning environment at BNU.	
i) How could this affect people with multiple intersectional experiences?	<input type="checkbox"/>	<input type="checkbox"/>	As above.	

1. What is changing and why?				
4. Overall outcome				
No major change needed <input checked="" type="checkbox"/>	Adjust approach <input type="checkbox"/>	Adverse impact but continue <input type="checkbox"/>	Stop and remove <input type="checkbox"/>	
5. Details of further actions needed				
The EDI Committee is asked to discuss and agree any appropriate amendments and then endorse the procedure for final approval at UET.				
6. Arrangements for delivery and future monitoring				
To be discussed at the EDI committee and the Bristol Response Task & Finish Group.				
7. Completed by:	Charlotte Stewart	Disability & Inclusion Manager	Date	06/07/2022
8. Signed off by:	Karla Inniss	HR EDI Business Partner	Date	08/07/2022



High Wycombe Campus
Queen Alexandra Road
High Wycombe
Buckinghamshire
HP11 2JZ

Aylesbury Campus
59 Walton Street
Aylesbury
Buckinghamshire
HP21 7QG

Uxbridge Campus
106 Oxford Road
Uxbridge
Middlesex
UB8 1NA

BNU based at
Pinewood Studios

Pinewood Studios
Pinewood Road
Iver Heath
Buckinghamshire
SL0 0NH

Missenden Abbey
London Road
Great Missenden
Buckinghamshire
HP16 0BD

Telephone: 01494 522 141

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