

Academic Year: 2022/2023
Learning and Teaching Committee
Paper number: LTC22-xx

Disability Support Policy

Outcome requested	The committee is asked to consider and approve the updated Disability Support Policy
Executive Summary	<p>The Disability Support Policy specifies the University's approach and commitment to supporting disabled students. The Policy has been informed by changes in approaches across the sector and by legal advice following a recent judgement against another university on the grounds of disability discrimination. The policy reiterates the legal framework that mandates the agreement and implementation of reasonable adjustments.</p> <p>The following changes should be noted:</p> <ul style="list-style-type: none"> • A lower threshold for accessing learning and teaching reasonable adjustments while not compromising the requirement for robust evidence relating to assessment and funded support • A shift in approach towards proactive engagement of disabled students in support as opposed to the previous ethical orthodoxy of initiation belonging to the student due to the personal nature of the information • An approach that provides access to support while formal diagnoses are being sought for students with emerging conditions
Regulatory/Statutory reference points and links to University strategy	<p><i>University strategy</i> Supports the delivery of the Integrating Theme: Equity and improvements in health and wellbeing Aligns to Community Principles of: leading in equality diversity and inclusion, collaborative, and acting with care and integrity</p> <p><i>Regulatory and statutory</i> Meets requirements under the Equality Act (2010, Chapter 17)</p>
Reporting/Consideration route for the paper	<p>To be submitted to:</p> <ul style="list-style-type: none"> • EDI committee • Assurance Committee
Relevant sub-committee	If this is a report/policy from a sub-committee of Academic

(if applicable)	Board please provide the relevant minute from the sub-committee minutes.
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Is this material confidential?	No
Post-Committee Communication	

Disability Support Policy

1. University commitment

- 1.1. Middlesex University (Hendon) is committed to the promotion of diversity and equality of opportunity throughout its policies, procedures and delivery of learning, teaching and support that govern and determine the quality of student experiences. This policy outlines the University's commitment and approach to creating a positive environment and supportive experience for disabled students that is rooted in fairness, equality, equity and respect. The University recognises the effectiveness of inclusive practices in creating an environment in which all students can thrive, and which paves a way for personal and professional success.
- 1.2. We recognise that, while there are shared characteristics and experiences relating to different disabilities, health conditions and learning differences, each student is a unique individual and should be supported to shape their experience and support according to their specific requirements. We will support a personalised approach as far as we are able to within the provision and function of the University.
- 1.3. The University supports an anticipatory approach that requires pro-active consideration of access to learning, teaching, services and facilities to ensure adjustments are made in advance of individuals with disabilities attempting to study or use the services and facilities. The University is committed to addressing the barriers to inclusion (structural, cultural, organisational and attitudinal) and takes as its starting point the premise that accessible and appropriate provision is not 'additional' but a core element of the overall service, which the University makes available. All Faculties and Services will use inclusive practices and reasonable adjustments to change procedures or environments to remove any disabling effects or barriers to participation. This Policy applies to all disabled students regardless of nationality, fee status or place of residence.

2. Definition of disability

- 2.1. At Middlesex University, we recognise that the predominance of a broad definition of disability within the Higher Education sector to encompass disabilities, health conditions, mental health conditions and learning differences.

Disability is a physical or mental impairment that has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities, where long-term is considered to be 12 months or more. Disabilities may emerge or change at any point during the course of studies.

- 2.2 Reasonable adjustments are alterations to the environment, policies, procedures and delivery of learning and teaching, both in person and remote, that are designed to mitigate disadvantages that a student may otherwise experience due to their disability. Reasonable

adjustments ameliorate an environment and experience where inclusive design and approaches are unable to fully support equality and equity.

3. Principles

- 3.1. The University will ensure that in all policies, procedures, functions and activities consideration is given to the means of enabling disabled students' full participation in all aspects of the academic and social life of the institution.

The University's publicity, programme details and general information will be accessible to people with disabilities. A rolling programme of adjustments will be established to make existing buildings accessible, based on priorities outlined in current access audits and financial resources.

University staff will work in partnership with the Disability & Dyslexia Service alongside disabled students to ensure that reasonable adjustments are made, enabling disabled students to meet their full academic potential. These requirements are detailed in the Learning Support Form, which is a document outlining the student's condition, its impact on their learning and the agreed reasonable adjustments.

The University will ensure that the requirements of disabled students are considered during programme design, validation and review and that appropriate amendments are made. Programme specifications that raise barriers to access by disabled people will be reconsidered and reasonable adjustments made to minimise such barriers.

It is the responsibility of all members of staff to promote equality and diversity within the University experience. Deans and Directors proactively promote equality and diversity throughout their Faculties, School and Services and ensure that the policy and legal framework are communicated effectively and are being implemented in their area. A disclosure of disability to any member of staff must be followed by action to inform the Disability and Dyslexia Service to ensure that the University takes appropriate steps to provide support and fulfil our legal obligations. Staff who are involved in teaching or supporting disabled students have a duty to implement all reasonable adjustments that have been articulated in the relevant Learning Support Form.

4. Legal context and data protection

- 4.1 The University adheres to its legal obligations to provide reasonable adjustments (the Equality Act 2010) and is guided by the University's Equality and Diversity Policy. The reasonable adjustments duty under the Equality Act is: to avoid as far as possible by reasonable means the disadvantage which a disabled student experiences because of their disability. This duty

requires the University to take positive steps to ensure that disabled students can fully participate in the education and other benefits, facilities and services provided for students. All members of staff have a responsibility to inform the Disability and Dyslexia Service when a student discloses that they have a disability, in respect of the requirement to ensure accessibility and inclusion within the University experience.

- 4.2 The Disability and Dyslexia Service will contact all students who have disclosed that they have a disability and invite them to access support and agree a range of reasonable adjustments. Reasonable adjustments may only be agreed by the Disability and Dyslexia Service.
- 4.3 The University will manage the process of information sharing and will treat all personal data in accordance with GDPR 2018; access to disability-related information will be provided on a need-to-know basis only, in order for reasonable adjustments to be implemented. Where a student is on an exchange to another institution or on a placement as part of their degree programme, relevant information may be shared with the consent of the student to ensure reasonable adjustments will be provided at the host institution/ organisation and to ensure no disadvantage is experienced by students engaged on exchanges and placements.
- 4.4 Medical evidence and information provided by the student as part of the process of identifying the appropriate mode and level of support remains confidential and is stored within the secure Disability and Dyslexia Service database. Confidentiality extends to both verbal and written information.

5. Reasonable adjustments

5.1 Reasonable adjustments are subject to agreement by the student and feasibility within the learning and teaching environment and broader student experience. They are captured in a Learning Support Form, which is shared with staff who are responsible for their implementation, subject to the student's approval. Students are responsible for requesting any review of implemented reasonable adjustments, if such adjustments are not proving to be effective in meeting their entitlements. Reasonable adjustments will address the needs identified by the student but will not be determined by individual preferences.

5.2 The reasonable adjustments duty is anticipatory and continuing, and applies at all stages of education provision from admission to graduation. It applies to disabled students generally and means that Providers are expected to do all they reasonably can to find out if a student is disabled and if reasonable adjustments should and can be made. A self-declaration of need does not by itself mean a student must be considered disabled, but it should trigger scrutiny from staff as to the nature and severity of that need and whether it might constitute a disability for which reasonable adjustments are required.

5.3 Approval to share information is secured through a 'consent to share' statement at the end of the Learning Support Form. Students may choose not to permit the sharing of information about their disability with relevant teams. However, this may significantly impact on the implementation of reasonable adjustments and support, as a less satisfactory adjustment may

be provided or no adjustment may be made if knowledge of the condition is required for its implementation.

5.4 The decision of whether or not to disclose a disability and the timing of any disclosure belongs entirely to the individual student. However, if opportunities have been given to disclose a disability and an individual decides not to then the University will not be able to offer them individual support or adjustments.

5.5 For entry to some professional programmes, occupational health clearance is mandatory. Students will be required to submit a health questionnaire disclosing any known health conditions to the occupational health service provider, who will assess the student and make recommendations for any adjustments that would need to be made.

5.6 The University cannot be held liable for not implementing reasonable adjustments retrospectively (i.e. prior to disclosure of disability).

6. Reasonable adjustments – parameters and evidence

6.1 Adjustments may include specific examination arrangements, provision of additional support for learning, adjustments to assessment practices and accommodation arrangements.

Adjustments will be agreed between the student and the Disability and Dyslexia Service and made within the parameters of the following factors:

- The nature of student circumstances and needs following consultation with the student and examination of available evidence and relevant assessments
- The nature of the academic programme of study
- The likely effectiveness of the adjustment in removing the disadvantage
- The practicality of the adjustment, taking account of: disruption, health and safety issues, the reasonable expectations of others and external factors (for example, factors in relation to student placements)
- The costs, including the availability of external funding sources to assist in the adjustment
- Legal precedent
- The possibility of using inclusive measures, which is the University's preferred method of ensuring accessibility, rather than a reasonable adjustment.

If students require adjustments to be made in a placement area, the placement provider will be responsible for assessing the feasibility of these being provided during the student's period of placement.

6.2 A diagnosis is not necessary for a disabled student to be entitled to reasonable adjustments under the Equality Act. Certain reasonable adjustments may be put in place without medical evidence if a disability is disclosed by a student, such as access to learning materials in advance and extended library loans.

6.3 However, supporting evidence is required before reasonable adjustments relating to assessment may be agreed and to access support that incurs additional costs, such as a personal assistant and British Sign Language Interpretation.

6.4 Evidence should be sent to the Disability and Dyslexia Service (disability@mdx.ac.uk) or may be provided in person. Evidence must be in English and, where necessary, students should ensure that documents have been translated by an accredited professional translation service.

6.4.1 Neurodiversity (including Specific Learning Differences and ADHD):

- A screening report indicating the existence of a learning difference or neurodiversity. Students may access screening and a package of reasonable adjustments will be provided based on the screening report. As a full diagnostic assessment is not a requirement for the reasonable adjustments duty to be triggered there will be circumstances where adjustments should be made after an informal screening. However, to access more extensive funded support via Disabled Students' Allowance or adjustments relating to assessments, a full Diagnostic Assessment is required. Apprenticeship courses are an exception to this arrangement as the Education Skills Funding Agency provide funded support based on screening and a diagnostic assessment is not required.
- A report from an educational psychologist, specialist teacher, occupational therapist or equivalent
- EHC (Education, Health and Care) plans or reports from an appropriately qualified medical practitioner

6.4.2 Long-term health condition, a mental health issue or a disability:

- Evidence should be provided from a qualified medical professional, such as a GP, specialist nurse, or consultant verifying the existence of a long-term health condition, mental health issue, or disability. Long-term is understood to mean of a year's duration or more. Evidence must include the name of the condition, the date of diagnosis, how long the condition will last or is likely to last, the impact of the condition and any side effects of medication or treatment. Middlesex University provides a form for students to request verification by a qualified professional where they are unable to provide the evidence listed above.
- Occasionally, a student's need of reasonable adjustments may become apparent prior to an official diagnosis. In such circumstances, and if the student expresses that they believe that there are additional challenges within their learning experience and they are taking steps to gain a diagnosis, the Disability and Dyslexia Service will provide temporary reasonable adjustments. This would require consistent and significant concerns being noted by academic and support service colleagues in agreement with the student's personal appreciation of difficulties. We will consider making reasonable adjustments on the basis of **all** of the following evidence:
 - i. The student is pursuing the evidence required by the University as outlined above
 - ii. Day-to-day life and academic work are significantly impacted

- iii. Academic and support service colleagues identify concerns about behaviour and performance

- 6.5 Disabled students with conditions that fluctuate or are episodic may be given a reasonable adjustment relating to the submission of written assessments within their Learning Support Form. This does not apply to exams, group assessments, presentations, podcasts, and other forms of assessment. Where applicable and included within the Learning Support Form, students may submit an assessment up to 5 days late without the grade being capped. A disabled student may need to request a deferral or extension if, for example, they experience an acute episode or worsening of their condition which means that the reasonable adjustments in place are no longer sufficient for the required assessment. Students with such conditions are able to submit their Learning Support Form as evidence in Extenuating Circumstances applications.
- 6.6 Reasonable adjustments on placement are the responsibility of the placement provider as they relate to a work context. Where students have difficulty in agreeing reasonable adjustments within their placement, the Disability and Dyslexia Service will provide advice at the request of the academic team relevant academic.

7. University subsidies

Middlesex University will partially subsidise costs for Diagnostic Assessments where:

- this level of assessment is a prerequisite to accessing funded support by an external statutory organisation, such as the Student Loans Company
and
- there is no pre-existing evidence of a clear diagnosis, such as named as a condition in an EHC Plan
and
- a screening or Form 8 that has already been completed and indicated that a formal assessment would be helpful

For avoidance of doubt, students must meet all of the above criteria. Diagnostic Assessments include SpLD assessment and AD(H)D education assessment. Medical diagnoses must be accessed through a qualified medical practitioner.

The University will cover £300 of costs and students contribute £50 of the costs (noting that costs may change year on year).

8. Assessment

Middlesex University's commitment to the principles of Universal Design for Learning provides a variety of assessment modes, as appropriate within the design and requirements of each programme, to enable students to demonstrate their learning through their skills and aptitudes

and in alignment with 'real-life' tasks. Consequently, reducing the need for reasonable adjustments by building equality of access and equity into the delivery of the University experience. However, it is recognised that reasonable adjustments for assessments will still be needed in relation to the impact of conditions on the personal experience of disabled students.

The Disability Service generates anonymous marking numbers for students with appropriate disabilities. This number is included in a marking memo attached to the assessment cover sheet with an indication of disability type and reference to guidance on relevant reasonable adjustments that must be considered within the marking process. The student related to the anonymous marking number is only identifiable by the Disability Team. This process ensures that disabled students are included within the University's Anonymous Marking approach. However, students may opt out according to their preference.

9. Funded Support

9.1 Disabled Students' Allowances (DSAs) are a Government grant available to eligible disabled students on higher education courses in the UK, to help with extra course costs they may incur by attending their course, as a direct result of their disability. The allowances can help to pay for a non-medical personal helper, items of specialist equipment, assistive software, travel and other course-related costs. The allowance is neither means-tested nor repayable. DSAs are not available to all students, but are subject to eligibility criteria, which are stated on the Gov.uk website, together with the amounts payable at:

<https://www.gov.uk/disabledstudents-allowances-dsas/overview>. A disabled applicant may be offered a place at Middlesex University, but that offer is not a guarantee of eligibility to receive DSAs.

9.2 Following changes to the Disabled Students Allowance, DSA funding is no longer available for bands one and two of Non-Medical Helper Support. Responsibility for meeting these needs for students with disabilities has transferred to Middlesex University. All students who are affected by these changes and who register with the Middlesex University Disability Service will have an assessment of needs with a Disability Adviser and support will be put in place to ensure an appropriate level of support. Where possible inclusive practices will make individual support unnecessary but where barriers resulting from disability still remain, the student will be offered reasonable adjustments, which may include a university funded band 1 or 2 Support Worker.

9.3 EU and International students are not eligible for DSA and their requirements for disability related academic support are met through University funding in consultation with the Disability & Dyslexia Support Service. In order for the University to predict and control budget expenditure, it is necessary to set an upper limit to the amount it will contribute to a student's additional costs for each year. The indicative upper limit is set at 50% of the corresponding DSA typical amount of 1:1 support hours (full-time undergraduate, part-time undergraduate or postgraduate). This limit may be adjusted by the University Executive, but any such change would only be applicable to new students or applicants. Where needs

exceed these limits, the University will provide funds only if available and will advise on external sources of finance and support

9.4 Students on Apprenticeship and some other bursary-funded programmes are not eligible for DSA. This is the decision of the Student Loans Company and not Middlesex University. Support for apprentices is arranged in agreement with the apprentice and funding is drawn down from the Education and Skills Funding Agency (ESFA) to cover the costs incurred to the University.

10. Applicability to Academic Partners and Overseas Campuses

This policy applies to students studying on joint collaborative programmes and collaborative research programmes. It does not extend to students on validated or franchised collaborative programmes. Middlesex University overseas campuses operate within a different legislative environment and will provide advice and support to students, ensuring equivalence of experience as far as possible. Local arrangements for advice and support are articulated in campus guides.

Revision history	<i>This policy is due for review in 2025</i>
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