

Accessible and Inclusive Education Code of Practice

1. OVERVIEW AND PURPOSE

- 1.1 This Code of Practice supports the implementation of the University's [Dignity, Respect and Inclusion Policy](#) in respect of reasonable adjustments for disabled students at the University of Sussex. It is underpinned by a set of processes that are designed to support staff in delivering an accessible and inclusive education for all students whilst fulfilling our specific legal duties to make reasonable adjustments for disabled students and enabling the University to adopt a 'social model' of disability¹.

The duty to make reasonable adjustments

- 1.2 Where a disabled student could be put at a substantial disadvantage in comparison to a student who does not have that disability, the University has a duty to take such steps as it is reasonable to take to avoid the disadvantage (make 'reasonable adjustments'). This applies to any **provision, criterion or practice** (including 'the way that education, or access to any benefit, service or facility is offered or provided' such as processes, policies, course materials, or teaching and assessment methods), physical feature (e.g. access to buildings), or in providing auxiliary aids or services (e.g. equipment or human support).
- 1.3 As defined within the Dignity, Respect and Inclusion Policy, a student will be considered to have a disability for the purposes of their right to have reasonable adjustments made if they have an impairment, which could be physical and/or mental, that has a substantial (i.e. more than 'minor' or 'trivial') and long-term (i.e. 12 months or more) adverse effect on their ability to carry out day-to-day activities².
- 1.4 In accordance with the Equality Act 2010, this is an **anticipatory duty** that applies to Higher Education providers and, in discharging this duty, the University of Sussex must go beyond simply avoiding discrimination. It requires us to anticipate the needs of potential disabled students for reasonable adjustments.³ This means that when making decisions about educational provision and/or wider student services, we should seek to anticipate the needs of disabled people and remove (by designing out) potential barriers and/or put proactive adjustments in place without waiting for an individual disability declaration or request. This is in keeping with a 'social model' of disability and our commitment to inclusion.

Making universal changes that affect all students, for example by implementing inclusive teaching and assessment practices, can be an effective way of helping to protect disabled students (especially as some students do not declare it), but care should be taken to ensure that individual needs are also considered where appropriate and necessary. See inclusive teaching and Universal Design for Learning guidance through [Educational Enhancement](#).

2. What is a 'reasonable' adjustment?

- 2.1 Reasonable adjustments can help to level the playing field by minimising the disadvantages that disabled students might face due to impairment compared with their peers. Only "reasonable" adjustments have to be made, but each instance has to be assessed on its own circumstances.

¹ See for instance Sense: [The social model of disability](#); Parliamentary and Health Services Ombudsman (PHSO): [Introduction to the Social and Medical Models of Disability](#)

² University of Sussex [Dignity, Respect and Inclusion Policy](#)

³ [Equality Act 2010 Technical Guidance on Further and Higher Education](#) (para 7.3)

Whether a particular adjustment is ‘reasonable’ would ultimately be a question for a court, considering the question of what it was reasonable for the University to do having weighed up two key questions:

- a. Is the adjustment **effective** in achieving its aim (will it work)?
- b. Is the adjustment **practicable** in its application? (For example, considering available resource, cost, relevant interests of others including students (para 7.61 [Equality Act 2010 Technical Guidance on Further and Higher Education](#))).

There is no need to prove that the adjustment is practicable and effective in advance, just that it might be. An adjustment should not be considered unreasonable if it does not remove the disadvantage fully; an adjustment which partially removes or reduces substantial disadvantage is also likely to be reasonable. The Equality Act is also clear that ‘it is not unlawful direct discrimination to treat a disabled person more favourably than a non-disabled person because of their disability’ (para 4.33 [Equality Act 2010 Technical Guidance on Further and Higher Education](#)). “Reasonable” should not be regarded as synonymous with “convenient”; in cases of complex disability it may involve quite substantial and inconvenient adjustments, including to assessment.

Examples of reasonable adjustments could include, for example, timetabling students in accessible classrooms, providing teaching material in advance, providing students with assistive technology for reading on-line documents, etc.).

- 2.2 An adjustment is not reasonable if it impacts the attainment of a **competence standard**, which is ‘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.’ Universities are not required to make adjustments to a competence standard for a specific subject. However, we are required to make adjustments to the ways that competence standards are assessed so that disabled students are not disadvantaged. For example, changing the conditions of an assessment or providing an alternative assessment mode, as required to address disadvantage. Competence standards are distinct from ‘provision, criteria or practices’ (PCPs), which are subject to reasonable adjustments.

To be a competence standard, a competence standard must meet the following criteria:

- Equal application to all students
- Demonstrable relevance to the course
- Being necessary in service of a lawful objective (e.g. ensuring a level of knowledge sufficient to protect the integrity of the discipline or the safety of the public)
- Proportionality (i.e. being suitable and not excessive. Does the importance of the aim outweigh the discriminatory effect? Are other less discriminatory approaches available?)

For further information of identifying and working with competence standards please refer to further guidance on Developing Competence Standards.

- 2.3 There is a distinction between modes of assessment, which are PCPs and therefore subject to the reasonable adjustment duty, and competence standards, which are not. In most cases, the mode of assessment itself is unlikely to constitute a competence standard.

For example: an oral presentation to a group for a degree in biomedical sciences would not be a competence standard, while it may be for an initial teacher training degree.

For example: a short time limit for an assessment may be a competence standard for a medical student to perform a procedure in a specific time frame in order to demonstrate competence as a clinician. But it would not be a competence standard for a historian to write an essay in three hours to demonstrate their competence as a historian.

3. When to make reasonable adjustments?

- 3.1 Where a student has declared a disability, learning difference or long term health condition, [‘standard’ reasonable adjustments](#) must be consistently implemented by all teaching staff working with the student.
- 3.2 Where an individual student has an agreed Learning Support Plan (with ‘additional or enhanced’ adjustments) all teaching staff working with the student *must* read and implement the adjustments specified (seeking advice from the Disability Advice Team where required). Failure to do so will result in the University being liable for Equality Act 2010 breaches and findings of failure will result in fines, refunds and reputational damage.
- 3.3 Regardless of whether a student has declared a disability, learning difference or long term health condition, once the University has knowledge that a reasonable adjustment is required (e.g. because it is evident that an individual disabled student, or a student who is likely to be disabled, is facing a disadvantage that can be reasonably mitigated or removed) the University needs to make that adjustment as soon as reasonably possible. This is termed **‘constructive knowledge’**. Conversely, if a student’s needs could not reasonably have been known, staff cannot be expected to make adjustments.
- 3.4 Where a student has shared information about their needs to one part of the University, they are deemed to have shared this information to **all** parts of the University and a failure for one data system or team to automatically or manually inform another system within the University will not be a defence of such failure. Students should be expected to share information relating to their disability or required reasonable adjustments as few times as possible. As such, staff should share information relating to a student’s needs in relation to their programme of study or research, based on formal or constructive knowledge, with other staff members as required to ensure that the student is not disadvantaged in their learning. See further guidance on information sharing in Processes for Communicating and Implementing Reasonable Adjustments for Students.
- 3.5 All student-facing parts of the University should be prepared to make reasonable adjustments, including anticipatory adjustments. Staff can make adjustments where a student encounters a barrier due to a physical and/or mental impairment (whether or not the student is registered with the Disability Advice team and, as detailed below, without there necessarily being documented medical evidence). What a disabled person says and/or does is evidence, and it is necessary for us to consider the *effect* of an impairment rather than the cause (i.e. a specific diagnosis).

For instance, an adjustment could be agreed and implemented on a temporary basis, potentially pending further information being shared with the Disability Advice team. The student may be

able to explain what they need and why, and the staff member may be able to decide that this is a reasonable request based on their training, guidance and/or what they know, (e.g. from a Learning Support Plan, without it necessarily being explicitly stated there), or from seeking advice from specialist colleagues where needed. Where a staff member suspects that a student requires a reasonable adjustment as a matter of urgency, even when no disability has been declared, they should follow the processes underpinning this Code of Practice and feel empowered to make temporary adjustments that will support a student where there is understood to be such an urgency. This may be particularly relevant in respect of mental health and wellbeing issues or other 'invisible' needs.

All staff (as representatives of the University and with an obligation to help discharge the legislative requirements of the Equality Act 2010) must be proactive in their approach to reasonable adjustments and consider what steps they should take in a timely way to ensure the student is not disadvantaged because of their disability. This means that a student is not required to first formally declare their disability, learning difference or long term health condition and/or share further supporting information with the Disability Advice team. As such there may not be documented evidence or a formal diagnosis of disability before we collectively have a duty to mitigate disadvantage due to disability. This aligns with our Legal duties under the Equality Act and a social model of disability.

All student-facing staff should familiarise themselves with the guidance Processes for Communicating and Implementing Reasonable Adjustments for Students, which details how staff should work with student reasonable adjustments.

- 3.6 To support the implementation of this Code of Practice all staff are required to undertake training relating to disability inclusion, which will support staff to be proactive in relation to reasonable adjustments. All student-facing staff are additionally required to engage with guidance relating to the University processes for implementing reasonable adjustments.

4. LEGISLATION AND REFERENCES

- 4.1 As part of this Code of Practice, an Equality Analysis (EA) has been carried out. This aims to understand whether new Code of Practice, under the Diversity, Respect and Inclusion Policy disproportionately disadvantages certain groups of users. It then enables relevant parts of the University to consider anticipatory adjustments and take action as required.

- 4.2 AdvanceHE: [Disabled Student Commitment: Competence Standards and Reasonable Adjustments](#) (April 2025)
Equality Act (2010): <https://www.legislation.gov.uk/ukpga/2010/15/contents>
Equality and Human Rights Commission: [Equality Act 2010 Technical Guidance on Further and Higher Education](#) (2014)
Equality and Human Rights Commission: [Advice note for the higher education sector from the legal case of University of Bristol vs Abrahart](#) (2024)
Equality Challenge Unit: [Understanding the interaction of competence standards and reasonable adjustments](#) (2015)
<https://www.disabilityrightsuk.org/>
<https://www.gov.uk/disabled-students-allowance-dsa>
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