

Disability Services - Remote Study Recommendations

Disability Services can arrange academic support and adjustments if a student has a disability or long-term health condition that has an impact their ability to study. This may include:

- an autistic spectrum condition
- a visual impairment
- a hearing impairment
- a long standing illness or health condition such as diabetes or chronic fatigue
- a mental health condition
- a specific learning difficulty (SpLD) such as dyslexia, dyspraxia or attention deficit hyperactivity disorder (ADHD)
- physical/mobility difficulties

Occasionally, we're recommending remote study as a reasonable adjustment under the [Equality Act](#).

Recommending remote study

When a student registers with [Disability Services](#), they are required to provide evidence of their disability. When remote study is a possible recommendation, that evidence must contain the following:

- Information about their diagnosis and a clear outline of the impact of their disability
- The grounds for remote study and why they're unable to attend in person
- Confirmation that they're fit to study remotely

This information is then reviewed by Disability Services, to establish:

- If the evidence provided is sufficient enough to recommend that remote study be considered?
- If there are more appropriate alternatives to remote study?

N/B Should any member of staff have concerns around a students fitness to study, the student should be referred to Support to Study.

Special Cases are able to approve remote/online study in specific and limited cases, where it's deemed a reasonable adjustment on the grounds of disability.

Remote study recommendations can be made:

- If a student's disability prevents them from attending in-person teaching and assessment.
- A requirement to attend in-person teaching and assessment can be said to put that student at a substantial disadvantage.

Where this is the case, there is an obligation for the University to consider whether reasonable adjustments can be made to facilitate remote/online teaching and assessment for the student. As such, academic departments, whom have a detailed understanding of individual course requirements and assessments, are best placed to consider the 'reasonableness' of an adjustment recommendation, and make the appropriate application to Special Cases.

What makes an adjustment reasonable?

The Equality Act doesn't outline any specific factors when considering/defining the 'reasonableness' of a potential adjustments. However, the threshold for universities determining that an adjustment would be unreasonable, is likely to be substantial based on this [case study](#) published by the Office of the Independent Adjudicator in 2018. Furthermore, legal advice provided to the Special Cases Committee in 2019 drew strongly on this OIA case study to reflect this high threshold. No cases are the same and each request is to be considered individually.

Possible grounds to consider an adjustment unreasonable.

It may not be reasonable to provide remote/online teaching and assessment if in-person attendance is a genuine competence standard for that particular course.

The Equality Act **does not** require a university to make reasonable adjustments to a provision, criterion or practice that is defined as a competence standard. However, a requirement or condition only amounts to a competence standard if its purpose is to demonstrate a particular level of a relevant competence or ability.

For the majority of courses, in-person attendance is very unlikely to amount to a competence standard, although there may be some rare exceptions for very practical based courses. Even then, reasonable adjustments to teach and assess any such learning outcome in an alternative way must first have been considered.

There may of course be other valid reasons for concluding that remote study would be unreasonable within the specific context of an individual case. but it should be noted that this threshold is likely to be high and would likely need to be evidenced.

What to consider when deciding if an adjustment is reasonable.

- The threshold for deciding an adjustment is unreasonable is substantial, as the Office of the Independent Adjudicator has indicated this previously.
- Should the department decline remote study on the basis that it's unreasonable, the reasons for this will need to be documented and evidenced.
- Arrangements and activities, such as group work, are also subject to reasonable adjustment.

How we have facilitated remote study so far.

The implementation of remote study has varied according to the nature, requirements and learning outcomes of the specific course.

Firstly, we would expect the student to access any teaching material on the VLE as usual and to access any teaching sessions which are already recorded through Replay (or the equitable alternative provided for all disabled students in line with Lecture Capture Policy) through that pre-existing arrangement.

In respect of other teaching sessions to which this doesn't apply the following approaches have been used/considered for previous York cases:-

- 1-1 regular input for the student with the relevant tutor to cover key points/queries covered in the missed live teaching sessions.
- Disability Services providing a note taker to attend teaching in the student's place and take notes of what is discussed on the students behalf.

Next steps

If the department is happy to proceed with the remote study request, a case meeting will be arranged by a Disability Practitioner, inviting the student and department to agree the format of the reasonable adjustments. Following this, the department can then make the appropriate application to the Special Cases Committee.

Should the department determine that the recommendation is 'unreasonable,' they should formally notify the student of this directly, and inform them of their right to appeal the decision (regulation 6.7) should they wish. It would also be sensible to refer the student to YUSU or GSA for support with any such appeal.

Special Cases Request

When making a Special Cases request for remote study, Departments have previously included the following:-

A brief summary of those involved in considering and approving the recommendations eg key teaching staff, Board of Studies and Disability Services.

A brief outline of the standard course teaching arrangements - use of seminars, group discussions etc

Confirmation of the proposal remote study arrangements:

- That the student will access lecture content from existing provisions (eg lecture capture recordings /equitable alternatives to recordings via VLE)
- The alternative proposal(s) for seminars, workshops, practical's and any other applicable teaching sessions
- Confirmation of existing assessment/exam arrangements and whether any additional adjustment to this would be required to allow remote assessment.
- Confirmation that there would be access to relevant learning materials for study out of residence either via the VLE, electronic resources in the Library and/or through use of Library's scan and send facility where required. Please let me know if it would be helpful for me to liaise with the Library/AL.
- Remote dissertation support with Dissertation Supervisor (if applicable).