

## Guidance for Disability & Specific Learning Difficulty (SpLD) Evidence Requirements

### 1. Introduction

- 1.1 The University of Bolton is fully committed to the principles of equality, diversity and inclusion. This policy describes the University of Bolton's approach for supporting disabled students including those with a diagnosed mental health condition.
- 1.2 The University of Bolton is committed to taking positive steps to eliminate discrimination in its policies, practices and procedures by creating an inclusive environment for all students promoting positive wellbeing and mental health.
- 1.3 The University of Bolton aims to create an environment where students feel at ease to disclose disabilities and long standing illnesses. The University respects peoples rights to privacy and will treat all information concerning an individual's disabilities or long standing illness with appropriate confidentiality, in accordance with the Data Protection Act (1998) and the University's Disability Service Confidentiality Policy.
- 1.4 The Equality Act 2010 harmonises, consolidates and replaces previous equality legislation (including the Disability Discrimination Act), with respect to the nine protected characteristics, including disability. The act sets out the types of discrimination, discrimination arising from disability, harassment, victimisation and/or failing to make a reasonable adjustment.
- 1.5 This policy should be read in conjunction with the Disabled Students Policy.

### 2. Definitions

2.1 Disability is defined as a physical or mental impairment that has a substantial long-term adverse effect on a person's ability to carry out normal day to day activities. This includes:

- are D/deaf or hearing impaired
- are blind or visually impaired
- have a physical disability, and/or mobility difficulties
- have a specific learning difficulty (e.g., dyslexia or dyspraxia)
- have a neurodevelopmental condition (e.g., AD(H)D)
- have a neurological condition (e.g., Multiple Sclerosis, epilepsy, Tourette Syndrome, stammer)
- are autistic
- have a long-term mental health condition (e.g., depression, an eating disorder, schizophrenia)

- have a long-term medical condition (e.g., chronic fatigue syndrome, asthma, diabetes, cancer, HIV)
- have a developmental condition not listed above which affects motor, cognitive, social, and emotional skills, and speech and language (e.g., some people with cerebral palsy or spina bifida)
- Has multiple impairments i.e. a combination of those listed above.

It is also important to note that:

- Any terminal condition is included in this definition, regardless of time frames involved;
- Progressive conditions are covered from the point of diagnosis, regardless of symptoms;
- Conditions that are intermittent, or which fluctuate over time, will always entitle the person to protection under the Act, even if the condition is in remission at a particular point in time.

Long term means it has lasted for at least 12 months, or it is likely to last at least 12 months, or it is likely to last for the rest of a person's life.

2.2 Reasonable adjustment is defined as a decision taken by the University to allow students non-standard arrangements in relation to their experiences at the University of Bolton.

The Equality Act requires the University of Bolton to make 'reasonable adjustments' for disabled students in relation to:

- a provision, criterion, or practice (for example, teaching practices, assessment methods and standard processes);
- physical features (for example, access to teaching spaces, laboratories, and libraries);
- auxiliary aids, including auxiliary services (for example, hearing loop systems, providing information in accessible formats, and the provision of professional support workers)

2.3 A 'reasonable adjustment' is defined within the Equality act. It is an adjustment that prevents substantial disadvantage, including:

- The time and effort expended by a disabled student;
- The inconvenience, indignity or discomfort suffered;
- The loss of opportunity or diminished progress experienced.

2.4 What is considered reasonable is decided by law, not by individual academics, programmes, schools or faculties. There are two key tests of reasonableness that should be considered:

- Is the adjustment effective in achieving its aim (will it work);
- Is the adjustment practicable in its application (is it possible);

2.5 HEIs can take the following into account when considering reasonableness:

- Health and safety
- The effect on other students
- The availability of resources
- The financial cost to the institution (considering the total income of the University)

These factors will not usually prevent the application of a reasonable adjustment to assessment.

- 2.6 Anticipatory duties under the Equality Act are considered adjustments that are made through the whole institution changes.
- - 2.6.1 Anticipatory duty means that, when creating policies or making decisions that impact educational provision and/or wider services, the University has to consider what barriers disabled students may face that could affect them accessing services on an equal basis, and put in place reasonable adjustments (e.g. by designing out barriers) from the outset without waiting for an individual disability declaration or request.
  - 2.6.2 The anticipatory part of the act means making universal changes that affect all students, not a single student, for example by implementing inclusive teaching and assessment practices, is an effective way of ensuring that disabled students are protected (especially as some disabled students do not declare their disability). Another good example would be when designing buildings looking at how accessible the buildings are to ensure they accommodate different disabilities.
  - 2.6.3 Making anticipatory adjustments that apply to an entire cohort can also be more time efficient than having to make individualised adjustments for particular students. For context, circa 15% of the University of Bolton student population has disclosed a disability. For this reason the university designs policies, procedures or academic content/curriculum taking in to account that a percentage of students accessing them will have a disability.
  - 2.6.4 Anticipatory duties are not designed to negate the needs for considering individual reasonable adjustments for students who do declare and for whom individual reasonable adjustments may be required.

### 3 Evidence requirements, formal evidence and other evidence

3.1 We encourage all individuals to seek full 'formal' professional statements or assessment reports so that as much information as possible is available to understand the individual's condition/s and subsequent effects. Formal evidence also gives home status applicants and students eligibility for Disabled Students' Allowances (DSA) and access to a range of equipment and nonmedical helper

assistance, as appropriate. International students and apprentices are also able to access DSA equivalent support from the University of Bolton on provision of appropriate formal evidence.

3.2 Formal evidence will be from a suitably qualified medical practitioner, such as a GP, consultant, or specialist nurse, or a specialist educational assessor. Formal evidence will show that a long-term health condition, mental health issue, SpLD or disability has lasted, or is likely to last, for more than 12 months.

3.3 We can provide limited support based on documentation that indicates an applicant or student has experienced difficulties in previous settings and/or previous support arrangements have been put in place for them. This documentation is not evidence of an SpLD or disability and formal evidence would need to be shared to access any further support.

#### **4. Evidence for SpLDs, such as dyslexia, dyspraxia, ADHD, ADD and dyscalculia**

4.1 Formal evidence -For full access to support and reasonable adjustments, as appropriate to the individual, we accept both pre- and post-16 evidence from:

- An educational psychologist, specialist teacher, occupational therapist or equivalent
- An Interim Assessment Report
- Reports from an appropriately qualified medical practitioner
- EHC (Education, Health and Care) Plans

4.2 Reports must include appropriate diagnostic information of the assessment carried out.

4.3 Other evidence - for access to limited support and reasonable adjustments we accept:

- A signed letter or other document from school, college, or previous university outlining any previous test
- A Detailed Assessment of Speed of Handwriting (DASH) report
- A Disabled Students' Allowances needs assessment report

4.4 Applicants and current students who have not had a formal assessment for SpLD and would like to find out more about whether they have a Specific Learning Difference, should speak with a Disability Advisor.

4.5 Evidence not accepted - we will not accept the following as suitable evidence of a SpLD:

- A Meares-Irlen Syndrome assessment report
- Results from an online screening tool

## **5.0 Evidence for long-term health conditions, mental health issues or disability**

5.1 Formal evidence - for full access to support and reasonable adjustments, as appropriate to the individual, we accept:

- Recent letters and/or clinical notes from medical practitioner consultations, which include diagnosis (name of the condition) and when the condition was identified.
- A completed Student Loan Company DSA medical form, signed by a medical practitioner.
- A completed Medical Evidence Form signed by a medical practitioner.

5.2 Other evidence -for limited support we accept recent documents of the following:

- An Occupational Health Report.
- Letters from counselling providers (excluding University of Bolton Counsellors) or Improving Access to Psychological Therapy (IAPT) services.
- Letters from medical professionals confirming referrals or appointments, discharge notes with diagnosis, or medical sick notes.
- Print out or screen shots of GP and medical consultations, showing diagnosis and timelines
- Letters showing use of secondary health services, such as a Community Mental Health Team or out-patient clinic for a medical condition.
- DSA Needs Assessment Report.
- School EHCP report that clearly shows medical evidence was assessed.

5.3 Evidence not accepted - we will not accept the following as suitable evidence:

- Pictures of injuries/health conditions.
- Letters from people who work in the field of complementary health practice, for example Reiki healers.
- The medical evidence of another person, for example a family member.

## **6. Pursuing evidence of Autism Spectrum Conditions or ADHD**

6.1 Individuals pursuing a medical identification of Autism Spectrum Conditions and/or ADHD/ADD can experience an assessment pathway that takes more than 12 months. In this situation we will consider offering limited support and reasonable adjustments with the following evidence:

- Letters from a medical practitioner, such as a consultant, GP or specialist nurse, confirming a referral or appointment for an assessment.

## 7 Policies and Further Information

7.1 This policy and procedure is available via the University of Bolton Policy Zone and Disability Service webpages: **INSERT LINKS**

7.2 This Policy and Procedure should be read in conjunction with:

- Health, Wellbeing and Supported Study Policy and Procedure
- Fitness to Practice Procedure
- Mitigating Circumstances Regulations and Procedures
- Student Suspension Policy
- Student Admissions Policy
- Data Protection Policy
- Health and Safety Policy
- Faculty Of Health and Wellbeing Student Occupational Health Assessment
- Individual Exam Arrangements for Disabled Students
- Dignity at Study Policy and Procedure
- Students Complaint Procedure

## 8. Equality Impact Assessment

8.1 The University is committed to the promotion of equality, diversity and a supportive environment for all members of our community. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, the promotion of the positive duty in relation to the protected characteristics of race, sex, disability, age, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity.

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