

Council of Deans of Health

Guidance Notes on Disability Issues in Relation to Healthcare Education

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Introduction

The Executive of the Council of Deans of Health established a working group to produce a guide on disability issues for academic and practice staff in health care higher education to enhance the experience of potential applicants and students.

The following guidance should be used in conjunction with current institutional policy on disability issues and is designed to enhance best practice.

The guidance is designed to provide a professional prompt to academic and practice staff and is no way a definitive text on disability issues in higher education. Contributors to this guide are members from the Council of Deans of Health who have considerable, first hand experience of disabilities issues and related policy documents.

In considering this guidance cognisance needs to be taken of the findings of The Disability Rights Commission Formal Investigation into teaching, nursing and social work.

How to use this Guide

This guidance aims to assist individuals to enhance their practice in order to comply with the Disabilities Discrimination Act (DDA 1995, 2005) requirements. Specific stages in the student journey have been used as a framework and are as follows:

- **Aspiration Raising**
- **Selection and Interviewing**
- **Induction**
- **Progression**
- **Practice experience Learning**

Examples identified in shaded boxes are included where appropriate of how this guidance can be included in institutional student documents.

Disability Right Commission (now The Equality and Human Rights Commission)

The Disability Rights Commission launched a Formal Investigation (FI) in May 2006 looking at the barriers people with impairments and long-term health conditions face in trying to pursue careers in teaching, nursing and social work across Great Britain

The FI reported on 14th September 2007. The full report and further information about the FI can be accessed at: www.maintainingstandards.org the summary report has concluded that **“We recommend the revocation of the legislation, regulations and statutory guidance laying down requirements for good health or fitness of professionals. There are two reasons for this: the negative impact on disabled people; and our conclusion that they offer no protection whatsoever to the public”** (DRC 2007 pg 3).

The follow extract highlights the inquiry’s finding and recommendations in relation to higher education

Higher education institutions should:

1. *Maintain high professional standards for disabled and non-disabled students alike but not pre-judge the professional competencies of disabled applicants or students.*
2. *Consider the experiences of those higher education institutions that have enabled deaf students to qualify and practice in these professions, for examples of good practice. Higher education institutions should also consider the research carried out, and advice given, by higher education institutions that have supported nursing students with dyslexia.*
3. *Properly plan work placements for disabled students. Higher education institutions should take steps to ensure that, with the permission of disabled students, sufficient information about adjustments is shared with work placement providers.*
4. *Ensure that occupational health (OH) services operate in accordance with the higher education institutions’ obligations under the DDA, that they are enabling and focus on reasonable adjustments and not on medical diagnosis. Higher education institutions should ensure that OH services understand that professions include a variety of roles and that a student may be able to undertake some roles and not others.*
5. *Ensure that disabled people are not expected to meet competence standards at application, or at the beginning of courses, that other students are only expected to meet during, or at the end of, their courses.*
6. *Carry out impact assessments of:*
 - *processes for allocating and arranging work placements*
 - *the provision of occupational health services*
 - *admission procedures.*

7. Monitor the numbers and progress of disabled nursing, teaching and social work students, and monitor according to impairment category if considered relevant. Maximise the reliability of monitoring information by comparing it to other available disability statistics. Higher education institutions should consider how to use this information to inform impact assessments and action.

An overview of the legal framework

A student is deemed disabled if he/she has a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities. This covers most physical impairments as well as hidden disabilities such as dyslexia, mental illness, learning difficulties, epilepsy and diabetes. Also, since December 2005, people with HIV infection, cancer or multiple sclerosis are covered with effect from the point of diagnosis (as opposed to having to show that the illness has an adverse effect on that person's ability to carry out day to day activities).

There are four types of unlawful disability discrimination:

1. direct discrimination
2. a failure to comply with the duty to make reasonable adjustments
3. disability-related discrimination
4. victimisation

Direct discrimination – which means treating a person less favourably “*on the grounds of*” his/her disability – i.e. treatment caused by the fact of the person being disabled or having the disability in question.

This new definition is designed to deter an education provider from making stereotypical assumptions about disabled applicants and students, and requires a consideration of their individual abilities. In determining whether a disabled person has been treated less favourably in the context of direct discrimination, that person's treatment must be compared with that of an appropriate comparator – e.g. a non-disabled person or someone with other disabilities whose relevant circumstances, including abilities, are either the same or not materially different from the disabled person.

Failure to comply with the duty to make reasonable adjustments – which means institutions, must take such steps as are reasonable to ensure that in relation to both the admission of students and the provision of services to students those persons who are disabled are not placed at a “substantial disadvantage” in comparison to those who are not disabled.

There is no defence in law to a failure to make a reasonable adjustment.

What constitutes “reasonable adjustments”?

This is where heed must be taken of the relevant sections of the Code, which gives guidance as to the factors to which regard should be had in determining whether or not a disabled person is placed at a “substantial” disadvantage. The Code states that to be “substantial” the disadvantage must be more than “minor” or “trivial”, and account should be taken of the time, inconvenience, effort or discomfort entailed in comparison with non-disabled students or people.

In determining whether or not a particular step is reasonable, regard must be had to all the circumstances of the case in question, including the type of service being provided, the nature of the institution and its size/resources, and the effect of the disability on the individual disabled student/person.

A number of factors can be considered including:

- the financial resources available to the HEI (not the individual school)
- grants/loans likely to be available to the disabled students
- the cost of taking a particular step
- the extent to which it is practicable to take a particular step
- the extent to which aids/services will otherwise be available to disabled students/persons
- health and safety requirements
- the relevant interests of other people, including other students
- the effect of the disability on the individual disabled student

Examples of reasonable adjustments may include:

- changes to course entry requirements
- placing lecture notes on institution’s intranet
- providing sign language interpreters
- additional time in examinations
- making premises accessible to wheel chair users
- making changes to practical assessments in specialised areas e.g. clinical skills facilities, but not to the extent that it fails to replicate the clinical environment

The duty to make reasonable adjustments is an anticipatory duty owed to disabled students and is a continuing duty.

Can failure to make a reasonable adjustment ever be justified?

It is no longer possible to justify a failure to make a reasonable adjustment. It is the question of ‘reasonableness’ which alone determines whether the adjustment has to be made. If an adjustment is a reasonable one, then it should be made.

However, there is no duty to make any adjustment to a provision, criterion or practice of a kind which the DDA defines as a “competence standard”, although the duty does apply to the process of demonstrating that a person meets the competence standard.

What is a competence standard?

A competence standard is an academic, medical or other standard applied for the purposes of determining whether a person has a particular level of competence or ability.

As stated above, although there is no duty to make reasonable adjustments in respect of the application of a competence standard, such a duty does apply to the process of demonstrating that a student meets the competence standards – e.g. selection and admission procedures, examination and assessment procedures.

A competence standard can only be justified if:

- it applies equally to both disabled and non-disabled students, and
- Its application is a proportionate means of achieving a legitimate aim.

Disability-related discrimination

This is where an institution discriminates against a disabled person by treating that person less favourably for a reason relating to his/her disability. The expression ‘disability-related discrimination’ distinguishes less favourable treatment for a reason related to a person’s disability from less favourable treatment on the grounds of disability.

Such treatment will be discrimination unless the institution can show that the less favourable treatment of a disabled student is justified, after taking into account its duty to make reasonable adjustments to assist the student. There is no requirement for an education provider to know that a person is disabled in order to be liable for unlawful less favourable treatment.

Victimisation and harassment – these two concepts have distinct meanings under the DDA.

‘Harassment’ means that for a reason relating to a person’s disability, an institution engages in unwanted conduct which has the purpose or effect of violating a person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her.

‘Victimisation’ is a special form of discrimination made unlawful by the DDA and applies whether or not the person victimised is disabled. Its purpose is to protect someone from being treated less favourably because he/she has made or supported an allegation of disability discrimination.

Background and Legislation

Higher Education Institutions (HEIs) have legal obligations with respect to disabled students under the DDA. These obligations extend to international as well as home (UK) students. SENDA, (also known as Part 4 of the DDA), requires HEIs to ensure that students who have a disability are able to access all aspects of the curriculum and that reasonable adjustments are made to enable them to do this. It is unlawful for a HEI, or a department or individual within the HEI, to discriminate against a disabled person during the admission process and in the provision of services provided wholly, or mainly, for students. This includes all aspects of teaching and learning (including field trips) and assessment.

The Nursing and Midwifery Council position statement on the Disability Discrimination Act (DDA) states that “Universities that offer NMC programmes will need to comply with the requirements of the Disability Discrimination Act, ensuring that staff are aware of their responsibilities and the implications of the Act, for both campus and practice learning” (NMC 2006).

NMC guidance, (August 2007) states “The NMC will not discriminate against people with disabilities by, for example having ‘blanket bans’ on particular disabilities or health conditions. Applications for registration or renewal of registration with the NMC are open to all who meet the defined NMC requirements. Where applicants or registrants declare disabilities or health conditions they are considered on an individual basis to determine whether their fitness to practise is impaired. One person who has a health condition may be affected differently from another person with the same condition. Individual assessment of health conditions and disabilities should always be carried out, including the possibility of making reasonable adjustments”.

The guidance goes on to say “Good health is necessary to undertake practice as a nurse or midwife. Good health means that a person must be capable of safe and effective practice without supervision. It does not mean the absence of any disability or health condition. Many disabled people and those with long-term health conditions are able to practise with or without adjustments to support their practice” (NMC 2007).

Long-term conditions such as epilepsy, diabetes or depression should be assessed in relation to the degree to which the person is affected, taking into account the efficacy of treatments and other methods of managing the impact of the conditions. Often the condition can be well managed and would then not be incompatible with registration.

Temporary health conditions do not necessarily mean a person is not fit to practise. For example having a broken leg may mean a person is not fit to work for a period of time. It does not mean they are not fit to practise as they can reasonably expect to recover fully and return to work.

The Health Professions Council is a UK-wide statutory regulator for thirteen health professions, and like the NMC, has the role of setting standards, keeping a Register, approving programmes, and taking action if registered health professionals are not fit to practise. Under disability legislation, the HPC is a 'qualifications body', meaning that it also has responsibilities to ensure that disabled people are treated fairly and not discriminated against.

The HPC has published two main sources of information about HPC registration and disabled people. The first, and most important, is the 'Disabled person's guide to becoming a health professional'. This document has a section for disabled applicants to approved courses, and a section for admissions staff, and is aimed at the point at which a disabled person applies for a place on an approved course. The document emphasises several points:

- Those who successfully complete an approved course must meet the HPC's Standards of Proficiency, but this includes any reasonable adjustments that an education provider may put in place to enable the standards to be met.
- Decisions must be made on an individual basis, looking at the particular circumstances, condition or impairment of the individual applicant, and should be well-documented.
- Admissions staff should not make assumptions about the likelihood of future employment, since even when this is well-meaning, it can be discriminatory.
- Completion of an approved course, and registration with HPC, is not a guarantee of someone's ability to work effectively in every possible working environment, it means that the individual can meet the standards of proficiency. Employment decisions are made separately, and disabled people have protection against discrimination in applying for employment as well as when they are employed.
- Every registered health professional, whether they are a disabled person or not, has a personal responsibility to work within their personal scope of practice, which includes taking action if their fitness to practise changes.

HPC has also published a document called 'Information about the health reference' which gives more information about the health reference that applicants for registration are required to provide. It has a section for doctors, and a section for applicants.

In addition, HPC has published a document called 'Managing fitness to practise' which details the steps that registered health professionals and employers can take to manage changing fitness to practise, and ensure that they remain registered. It may be useful to disabled health professionals, but also to any health professionals who are interested in getting more information about how they can take an active part in ensuring their practice remains safe.

Academic staff and mentors/supervisors in practice placement settings are required under the DDA legislation (1995) and its subsequent amendments to ensure that disabled students are not subject to discrimination. SENDA 2001 (Part 4 DDA) covers all aspects of educational provision including placements in section 3.14 and the placement provider is covered under Part 2 of the legislation (Employers).

The Disability Rights Commission (DRC) produced two codes of practice in 2004 which gave practical guidance on the operation of Part 2 of the legislation both of which are relevant to healthcare professions and practice. Trade Organisations and Qualifications Bodies' (2004a) extended the scope of Part 2 to cover qualifications bodies such as the Nursing and Midwifery Council and the Health Professions Council. "Employment and Occupation" (2004b) explains how disabled people are protected from discrimination if they are in employment or seeking employment. This latter code makes it clear that "the fact that two bodies have responsibility does not diminish the responsibility of either body" (2004b sect 3.18, 10.22). This code makes it unlawful for a Practice experience provider to discriminate against a disabled person whom is seeking or undertaking a work Practice experience in any of the following:

- a) the arrangements made for who should be offered a work Practice experience
- b) the terms on which access to any work Practice experience or any facilities concerned with such Practice experience are offered (section 9.41).

For the purposes of the legislation 'work experience' is relevant to all healthcare student practice experiences. A recent addition to disability legislation (currently referred to as DDA 2005) places an obligation on public sector bodies (including NHS Trusts, PCTs Health Boards and HEIs) to actively promote disability equality.

From December 2006 all public bodies are required to develop and publish a Disability Equality Scheme (DES), which will outline activities to fulfil the new duties and an action plan to achieve them. This addition to the legislation marks a deliberate move towards more inclusive education and practice as its requirements are anticipatory rather than reactive to the adjustments needed for individual employees or students.

Within the higher education sector the Quality Assurance Agency for Higher Education (QAA) has produced two documents relevant to healthcare education and practice experiences. The first is the Code of Practice for the Assurance of Academic Quality and Standards in higher education - Section 3: students with disabilities. The document contains 24 precepts and precept 11 relates specifically to disabled students on practice experience. This document states;

“Where practice experiences, including international practice experiences, are a formal requirement or standard component of the programme, institutions should consider ways of ensuring that the specified learning opportunities are available to disabled students by working with the practice experience providers to ensure accessibility and providing support before, during and after practice experiences that takes account of the needs of any disabled students, including transport needs” (QAA 1999 p 14)

The second relevant document from the QAA is their Code of Practice on Practice Learning (2001). This document notes that Institutions should produce policies on practice experience learning in which institutions should, among other requirements consider the requirements of relevant statutory, regulatory, professional or funding bodies (Precept 4). Also Precept 5 asks institutions to “ensure that students are provided with appropriate guidance and support in preparation for, during, and after their practice experiences” (page 7). There is also a call for monitoring practice experiences and establishing procedures “within which feedback on the quality and standards of the practice experience can be received and appropriate action taken where necessary” (page 8).

1. Aspiration Raising

Universities have a vital role to play in raising the aspirations of disabled people who may have the potential to become health professionals. We have therefore written this information to give ideas for how you might do this. The information below mainly relates to how you can provide clear, accessible information to disabled people who are thinking of applying for a course, or to their carers, parents, friends, or anyone else who might be advising a disabled person.

Providing information

Every course should provide information to disabled applicants about admissions requirements, what the course involves, any bursaries / funding arrangements, the Disabled Students Allowance, support from your university whilst a student, etc. Information should be written in terms of the competences needed in order to successfully complete the course and the potential for reasonable adjustments may be made in order to allow a disabled student to meet the standards, rather than job roles or title. Good advice on this may be found on the DCR website at <http://www.equalityhumanrights.com/pages/eocdrccre.aspx>

Information about disabled people entering the various professions for which you run programmes should be included routinely in your general, mainstream information, which then signposts the potential applicant to more specialised information and advice.

As a provider of a health course which leads to eligibility to registration with a statutory regulator, you should provide disabled applicants with information about registration or clearly tell the applicants where else they can get this information, for example from the regulator's website.

You may also want to provide information about what is required in order to register, and tell the applicant how they can obtain a copy of the regulator's standards, and any guidance provided by the regulator for disabled people. In particular, the regulator's standards may be useful in providing information to the applicant about what is essential in order to be able to register at the end of the course, for NMC see <http://www.nmc-uk.org/aArticle.aspx?ArticleID=2558#standards> and for HPC see www.hpc-uk.org/publications/standards/

Information about Practice experience requirements and other practical aspects of the course which require specific abilities should also be highlighted for example radiography students need to be able to recognise patterns on x-rays, and midwifery students to give time limited succinct verbal and written reports.

It is important that information is easy to read, is available in alternative formats, and also, crucially, that it is easy to find. As well as making sure that your hard copy information is clearly structured, with an index as appropriate, to help applicants find relevant information, you may also want to check that your online information is easy to find, both by 'clicking through' your menu structure, and also by using a search function. In particular, presentation of information is all important, and questions such as how easy is it to understand this information and whether you portray disabled people in the images that you use in your publicity are good to ask as the end product will send a strong message about how accessible and welcoming your institution is.

In addition ensuring that there are quick effective links between the general information on your university's website and the specific information relating to professional course will be important – the onus is on the institution to make the information accessible, rather than for the students to intuitively know where and how to search.

You could test your information with groups of students or applicants, to see how easily they can find the information, or how easily they can understand the information you provide, once they have found it.

Any information made available to prospective applicants needs to make clear the importance of informed choices about N&M and AHP careers.

Disclosure

Although students and prospective students are not required by law to disclose a disability, you should encourage them to do so. This is beneficial since encouraging disclosure helps to create an honest, open environment where disability can be discussed and discrimination minimised.

However, it is particularly beneficial in the area of health students, since it may in many cases be necessary to know about a person's disability in order that you can make the reasonable adjustments required in order that they can meet the standards.

You may therefore find it helpful to encourage disclosure at several stages in the admissions process, and to provide positive information about the benefits of disclosing a disability, and how this can help you make appropriate adjustments and provide the assistance that disabled people may require. In particular, providing information about disclosure at an early stage in your prospectus, or on your website and at open days, to prospective students could help to encourage disclosure.

For people choosing to enter health care professions, decisions regarding disclosure of an impairment or a health condition may also be influenced by the regulatory framework of a professional body.

Students may not be sure whether their impairment or health condition is 'relevant' or they may fear negative consequences if they do disclose. If a course has health standards that require disclosure of a disability it is important that prospective students are aware of personnel within the department/school or institution with whom they can discuss this in confidence. This will ensure that they are able to make an informed decision regarding disclosure. Specific guidance for students about managing disclosure is available from Skill (Disclosing your disability at <http://www.skill.org.uk/>). Staff may find it helpful to also examine to examine guidance on disclosure at

<http://www.open.ac.uk/inclusiveteaching/pages/identifying-a-students-needs/disclosure.php>

HEIs may encounter real difficulties due to late disclosure by students. Often students have to undertake practice placements early in their programme and some disability assessments can take some time to organise. Where possible students should not be disadvantaged as a result but there may be times when this is unavoidable. Schools and Departments may want to review their processes to ensure that opportunities exist for disclosure early enough in the application process but unfortunately this may not eliminate delays particularly in cases where students were unaware of any disability such as dyslexia.

Dealing with queries

Communication with potential applicants is an activity which needs to be not only student friendly but requires special attention as to whether current practice accommodates applicants with disabilities. In addition to providing contact details, you should ensure that applicants feel able to contact you without fear that they may prejudice any application that they make for a place. A diagrammatic view of process stages is included in appendix (i)

2.Selection and Interviewing

The following principles are based on best practice from a sample of higher education institutions and other sources.

All information relevant for applicants should be written in clear English and in a similar format to other HEI information. The text should be with font size compatible with guidance for individuals with dyslexia.

Education providers need to ensure that good quality - information on the institution's selection and interviewing processes is available. This should include:

- A clear list of available publications the institution offers in differing formats
- A named individual whose responsibility it is to ensure all information carries the same message – internal documentation, prospectus etc
- Procedures should be designed for inclusion and reasonable adjustment rather than based on exclusion criteria.
- Audit trail of decisions ensuring maintenance of confidentiality and monitoring of number of disabled students against student population as a whole etc.
- Mentors / supervisors need to be contacted and informed on an individual basis when students are going into practice and only if the student has given permission.
- Interviewers will need equality / diversity training; it might be beneficial for some of this to take place with the contracted occupational health department.
- Careful monitoring to ensure reasonable adjustments are not confused with normal selection processes.

EXAMPLE of student information

Applicant guide

Applicants with a range of disabilities are welcomed to ensure diverse health care workforce

“Follow link to learning outcomes of programmes (+ also to NMC/HPC outcomes/standards) – it needs to be simple & clear so that if it is a requirement to do x + y that is easily visible pre application

We welcome applicants coming for an informal visit to discuss individual adjustments; this is not part of your selection process and would normally take place on a different day (but consider travel costs etc)

There may be certain disabilities which would mean you would not be able to achieve all the outcomes on the programme but it is better to meet with us to explore this individually. There may be adjustments you have already made to cope with your disability or adjustments we can make, together with our practice partners it may not be possible, for example, to have a helper with you in practice due to issues of confidentiality.

You may decide not to disclose your disability at the time of application; we would urge you to discuss your disability with us as early as possible in the application process so that we can work towards necessary adjustments

When you apply and come to a selection session an initial decision on your suitability to undertake a healthcare programme will be made. After this initial decision an assessment of whether reasonable adjustments can be made will take place. This assessment will be between the HEI, Occupational Health and Practice experience provider.

The university has a student disability adviser and there is a nominated member of staff / group of staff for healthcare students (their contact details are...). They are happy to deal with enquiries at any stage – do not hesitate to contact them prior to applying.

The issue of what might be construed as reasonable adjustments is often raised as a point of confusion. Here are some real situation examples for consideration. These may be the sorts of questions asked on application.

- Can shift pattern be individualised?
- Yes, also practice experiences may need to be adjusted to accommodate a student but still offer the opportunity for professional competencies to be achieved. Student may need to avoid respiratory ward for example or have Practice experience near public transport / parking rather than 20 minute walk
- Can there be adjustments to uniform policy?
 - each situation needs to be considered for its own merits but flexibility and reflection on whether a particular policy could be more accommodating is good practice
- Is experience of night duty shifts an essential component of the programme to achieve the requisite professional competencies?
 - while this might be desirable is it essential? Are there alternative ways of achieving this experience other than is currently custom and practice?
- Are their programme outcomes which are difficult or impossible for someone in a wheel chair to achieve? Similarly someone with limited or no sight or hearing?
 - If yes, are there alternative ways of achieving these with out compromising professional competencies?

Factors to be considered when assessing reasonableness are:

- Effectiveness
- Practicability
- Financial costs/disruption
- Employer's resources
- Availability of other assistance
- Nature and size of the employer
- Risks to health and safety
- Effects on others

- Co operation of employee

3. Induction

The induction process is an important part of a student's first experiences of the University. This provides an opportunity for staff to define the University's and Practice experience providers' attitude towards disabled students and to establish expectations of both students and staff.

Where a student has support needs in relation to their disability, it is essential that they are understood and implemented from the very beginning of an academic programme. This will ensure that the student is not unduly disadvantaged by their disability and that the University and Practice experience providers fulfil their legal and moral duties towards the student.

This period is an important time in which staff can set an ethos of encouragement and welcome towards all students and to encourage openness between staff and students. It is therefore important that the following is shared with all students.

This will assure students who have hesitated to disclose their disability (ies) of a safe, supportive and inclusive experience in both academic and practice settings. Inclusion of all students will serve to raise awareness of disability issues and provide insights into what should be available and the issues faced by people with disability

The following points may be helpful in planning the induction process for disabled students:

- Clear sign posting.
- Introduce *all* students to the specialist lead.
- Clear information on practice learning (question/answer session?).
- Repeat prior information on financial support/entitlement.
- Clear process for communicating disclosure.
- Revisit and match with professional standards.
- Link reasonable adjustments to programme leads.
- Awareness of Code(s) of Conduct.
- Academic staff's awareness of disabilities issues.

The following principles are aimed at ensuring all parties are aware of best practice

- Disclosure of a disability[ies] is best facilitated in a culture of openness, inclusivity and mutual respect
- Disclosure is shared on a needs to know basis only with the knowledge of the student and with his/her agreement
- The student agrees which personnel need to know
- The student and personnel agree who will take lead responsibility for monitoring his/her progress, achievements and the effectiveness of the adjustments made
- The student and personnel agree all information is confidential and disclosed on a needs to know basis only
- All concerned agree the frequency of reviews of:
 - effectiveness of adjustments agreed and made
 - any adjustments no longer necessary
 - any new adjustments needed
- The student and personnel agree the method[s] by which information will be communicated throughout the course / programme
- The practice and academic personnel agree the timescale for communicating what reasonable adjustments are needed
- Agreement is reached on the method of confirmation that reasonable adjustments are in place
- Agreement is reached regarding the need for all parties, with the knowledge of the student, to communicate any issues re:
 - adjustments
 - the student's capacity to comply with academic and/or practice requirements
 - student progression and/or achievement as a result of the disability[ies]
- Where the nature of the disability[ies] makes successful completion of the course / programme unlikely this will be shared openly and honestly
- Where the above is the case career guidance will be offered

The individual student should be provided with all relevant information in a format accessible e.g. audiotape, Braille, modified large print.

During the induction period, the student should be given:

- An invitation to seek advice regarding Special Educational Needs Assessments from the relevant department
- An explanation of the support mechanisms available throughout their academic and practice learning. This should include the practical and administrative processes and procedures involved in meeting special educational and support needs.

- A flow chart will be helpful for the student to map their academic journey demonstrating how their specific needs will be accommodated – needs assessment, disclosure, equipment needs, support during learning activities (e.g. lecture materials being made available prior to lectures, in the appropriate format), preparation for Practice experience, during Practice experience, assessment adjustments etc. (see appendix ii as an example).
- Details of the different departments involved e.g. central student disability support services, student counselling services, occupational health services, school-based support, student union support, academic support, practice support
- Clear signposting to all key individuals in this process about their roles and responsibilities and provision of such as a 'contacts list'
- A clear explanation of the student's responsibilities
- An opportunity for the student to meet their key points of contact – personal tutor and disability co-ordinator
- Information on support in relation to practice learning with a question/answer session
- Reiterate information on financial support, entitlements and funding for equipment

EXAMPLE

Information for Students

The next few weeks are very important to you, in making sure your studies at the University and in practice are successful. You should ensure that any support mechanisms you need are understood by the academic and practice staff so that any adjustments can be made.

Firstly, think about whether you may require a Special Educational Needs Assessment. It is important that you understand the process for making this happen so contact the disability advisor/coordinator to find out how to go about it. If you have had a Needs Assessment in the past, then you should ensure that this information is shared with the

relevant people. As this type of information is confidential, there will be one person for you to liaise with – find out who this person is and provide the necessary information as soon as you possibly can.

You then need to make sure you understand what you are entitled to – again, you should make sure you have all the documented information, leaflets, guides etc which your University produces in a form that you can access. It may also be that the Student's Union and/or your statutory / professional body produce materials so it will be of help to you if you collect and understand these.

At different points in your course, there may be different processes to follow and different people to advise and support you. It will be helpful for you to think through the course and the points at which your support needs might change. For example, in lectures, practical skills lab sessions, preparing for Practice experience, out on Practice experience, during assessments. You should ensure that you understand what adjustments could be made and how to liaise with the right member of staff to ensure these adjustments are made on your behalf.

When you review the information given to you, you may well have questions. Contact the designated person allocated to support disabled students and make an appointment with them, so you have the opportunity to ask questions at your own pace and to make yourself known to the person best placed to help you. Make your personal tutor aware of your support needs as soon as you can.

There may be financial help available to you for equipment or travel, so make sure you have this information and access these funds as soon as you can. If you do not understand anything, make an appointment with your advisor and ask for advice.

It is very important that you adhere to your statutory and professional codes of conduct during your studies. If you think you may have difficulties complying with anything, or participating in parts of your course, you should discuss this

with the appropriate person e.g. your personal tutor, programme leader and/or your practice teacher / mentor / educator at the earliest opportunity.

Reasonable Adjustments: responsibility of programme lead

- Ensure the programme team and yourself have accessed relevant staff development opportunities and diversity training
- Provide opportunities for relevant practice staff to have access to relevant staff development opportunities and diversity training
- Ensure the induction programme is accessible, in all its aspects: in the context of the students' disability[ies]
- Arrange a meeting with the student as soon as possible after the programme / course start date
- Assure the student of confidentiality and that disclosure is on a needs to know basis only, with his/her knowledge and agreement
- Advise the student that practice experience managers and practice teachers / mentor / educators will need to be aware of his/her disability [ies] so:
 - appropriate support can be provided
 - appropriate allowances / adjustments can be made
 - expectations of performance, rate of learning and rate of achievement are realistic
 - patients / clients, colleagues and/or the student are not at risk of harm
- Review what adjustments were agreed prior to the applicant accepting an offer of a place on the programme / course
- Check whether the agreed adjustments are in place
- Establish whether the impact of the disability[ies] on the student have changed in anyway since application
- If necessary agree further reasonable adjustments and ensure they are put in place in a timely way
- Agree the means of maintaining contact and provide contact details in a format that is accessible to the student
- Advise if any changes in impact of disability[ies] on capacity to meet programme / course requirements need to inform programme lead as quickly as possible so any reasonable adjustments can be made
- Implement process through which those who need to know are informed sufficiently in advance that necessary adjustments are made: academic and practice staff

Case example

Jane was having some difficulties with her academic work in the first term of a speech and language therapy programme. Her personal tutor referred her to the disability co-ordinator, who arranged for her to have a Special Educational Needs Assessment. Jane's adjustments included access to lecture materials prior to lectures, access to LEA funding to enable her to buy a lap-top and extra time in exams. Jane agreed that her needs could be disclosed to practice staff and she identified them further in her Practice experience learning contract. Jane needed to use a laptop to process her patient records in a reasonable time following her treatments, so the University had sought permission from the Trust, and this was allowed under strict controls due to the need to comply with the Data Protection Act. Jane did have to resit two of her assessments but went on to successfully complete her programme.

EXAMPLE OF STUDENT INFORMATION

FAQs

Reasonable Adjustments: Practice Learning

Q What can I expect in practice

- Practice learning will be undertaken in Practice experiences that can accommodate your disability[ies] and in which you can learn and practise successfully and safely
- Managers of services and practice teachers / mentors / educators will maintain confidentiality
- Managers of services and practice teachers / mentors / educators will be sensitive to your needs
- All adjustments that can be made to enable you to gain as much as possible from practice learning opportunities will be made
- You will be treated as a person, first and foremost
- Adjustments will only be considered unreasonable where people could be put at risk: the public, colleagues and/or yourself
- You will not be expected to undertake aspects of practice learning that could put patients / clients, colleagues or yourself at risk of harm in relation to your disability[ies]
- Practice teachers / mentors / educators will expect you to practice and achieve the standards required in a way that is sensitive to your disability[ies]
- Where possible you will be supported in achieving all that you need to achieve in practice to successfully complete your programme / course and meet statutory / professional body requirements and/or standards
- Where the nature of the disability[ies] makes your successful completion of the course / programme unlikely this will be shared openly and honestly

- Where the above is the case career guidance will be offered

Q What is expected of me in practice

- To take every opportunity to learn from your practice learning opportunities
- To make full use of the adjustments made and the modified equipment made available to you
- To alert the service manager and practice teachers / mentors / educators if there is an aspect of practice that you cannot undertake because of your disability
- To not undertake aspects of practice as a result of which you could put patients / clients, colleagues or yourself at risk of harm

Q What do I do if I am struggling with my practice based learning

- Be honest and open about it, we are here to help you successfully complete your programme / course
- Alert your personal tutor and practice teachers / mentors / educators to your difficulties
- Don't leave sharing it with someone until it's become a big issue for you
- Remember most issues can be sorted out if the right people know at the right time that there is a problem
- Consider whether the issue is because of your disability or any other reason
- Remember you are the expert in the things that help you to succeed therefore you need to share your views on what could overcome the difficulty so people can work with you to meet your needs
- Seek the type of support that is relevant to what you are struggling with
- Understand that as with all students if your difficulties in practice are such that you cannot complete the course/programme career guidance will be offered to you

An example of how one higher education institution (University of Teesside) ensures there is consistency of process in assessing an individual's needs is illustrated in Figure 1

Fig 1 - Arranging your needs assessment

Step 1

Get the forms to apply for Disabled Students' Allowances from your funding agency

Step 2

Fill in the forms and send them back to your funding agency. You must also send written evidence of your disability

Step 3

Your funding agency will decide if you can have an assessment of your needs

Step 4

You should contact the Assessment Centre on Teesside (ACT) – although you can choose another Centre if that is more convenient for you

Step 5

We will get information about your course and arrange an appointment for you

Step 6

Come to the University and meet our Assessor

Step 7

After your discussion, the Assessor will write a report. We will send this to you. When you are happy with it, sign it and send it back to us. We will then send it to your funding agency

Step 8

Your funding agency will write to you to tell you about the support that they have agreed to pay for

Step 9

When you get this letter from your funding agency, you must contact one of our Disability Advisers. They will then make arrangements to get you the support you need to study. You will be asked for permission to release your support needs to academic and placement staff

Step 10

You can then meet the Disability Co-ordinator in your School. They will contact the staff who teach on your course and make sure that we sort out any specific arrangements for your examinations, via the assessments administrator. If you have given permission, they will contact placement staff, to make them aware of your support needs

4. Progression

It is important to maintain the same standards of good practice throughout progression stages as were established at the admissions stage. The following points are aimed as prompts for institutions to review and monitor their progression processes for disabled students:

Clear guidance and information on:

For students

- Interruptions and implications.
- all aspects of assessment
- Communications and disclosure.

For academic and practice staff

- maintenance of effective records
- making difficult decisions
- inclusivity of assessment methods
- Independence versus dependence re: assessment.
- progression issues in spite of adjustments
- Openness re: emerging disabilities: Case conference.
- Good learning and teaching practice.
- Clear about required support and *ensure* it is implemented.

EXAMPLE of student information

Information for students

Having met the entry requirements for starting your course it is important for you to know the resources available to you that help you progress.

You will be allocated a personal tutor who will help introduce you to a range of services. Prior to commencing studies you may have spoken to the University disability Officer and assessment of your specific learning needs will be accessible for a number of staff to help you move forward.

We want you to be successful and meet the requirements of the course along with all the other students in your group. Many of the resources that will help you in particular will help every student and these are detailed in the programme and University handbooks.

Specific information agreed between you and the disability advisor will be circulated to the programme director, key staff involved with assessment of your progress and your personal tutor in agreement with you. These might include describing specific adjustments that might help you in your studies linked to your specific disability.

You will also have access to additional resources including funding to help you purchase special equipment to assist you. In most cases the process and commencement of funding will have been agreed prior to commencing studies. However, if a disability becomes apparent after you commence your studies then the same principles will be implemented for you and reviewed and revised as the situation requires.

Interruption to studies

There may be periods when you need to interrupt your studies for health or academic reasons and the guidance available to you will include referral to confidential services such as occupation health advisors, counselling services and liaison with the disability office as discussed with you. It is important that you are clear regarding the requirements of the Nursing and Midwifery for completing studies within a specific time period, i.e. the NMC sets a period of five years from commencement of the programme to completion and registration. If you need interruptions that take you outside of this timeframe it may be necessary to stop and start the course again taking accrued credits for your achievements at given points. The Health Professions Council does not set a statutory time limit on the completion of programmes..

All of this will be clearly described in the course handbooks and will be agreed through personal discussions with key staff if this applies to you. Our objective will be to have open and frank discussions with you to plot progress and help decision making that is necessary. You will be involved at all points and be encouraged to make your own decisions in consultation with guidance all parties will refer too.

If it seems that you are not able to meet the course requirements after all reasonable adjustments have been made there will be staff to help you understand this and facilitate career guidance that might be needed.

Assessment and progression

Assessments are a key component of the course and there will be a schedule linked to modules to help you in meeting the course outcomes. These will assess theory and practice. These will be introduced to you at the start of the course and revisited as each component progresses. If you have special requirements agreed for taking examinations and submitting course work these will be lodged in your file for all relevant staff to access and implement.

This might be that you need extra time with an examination or the provision of a computer, scribe or reader and following assessment of your requirements arrangements will be put in place as prescribed. You may have a letter that details requirements to bring to examinations or have special stickers to put on your scripts. This is to help you directly and inform the invigilators and markers of your work.

There will be policies that staff will use to make your assessment process as smooth as possible as long as you work in partnership with advisors and support systems. Guidance notes detailing special arrangements for examinations and for marking papers for students with specific disabilities will be available to staff. For example, a different room might be provided to accommodate students with alternative arrangements.

Depending on your requirements, any of the following may be recommended

- Extra time;
- Rest breaks;
- Special equipment (e.g. computer, specialist software);
- Each exam answer booklet to indicate that the you have a Specific Learning Disability;
- Ergonomic furniture;
- A reader;
- Taped questions;
- An amanuensis (scribe)¹;
- An alternative format for question papers (e.g. enlarged print, coloured paper, question papers in electronic format);
- Or other requests depending on the nature of your individual needs.
- Finally, in some cases, it may be necessary to offer an alternative form of assessment.

A key component of your course is the practice element and assessment of competencies in practice is part of the progression criteria. Guidance with regard to this can be found in the section linked to practice. Of note here is the need to ensure you are fit for practice as well as award in professionally registered courses.

Recording your progress

Records of your progress will be kept as part of the documentation used for all students. These records will be cognisant of the Freedom of Information Act, Data Protection Act and Disability Discrimination Act in particular along with all other diversity legislation guidance for good record keeping. All records will be shared with you and content agreed with regard to what is recorded. The purpose of your records is to inform staff so that agreed principles specifically relevant to you can be achieved.

This is one of the reasons that we encourage and enable you to disclose all the information that is associated with your disability. There will be every opportunity for sensitive information to be kept in confidence and only necessary information will be shared with your permission.

You have every right for the information about your disability to be kept confidential and any requests made by you regarding this will be adhered to. Any disclosure to relevant parties will be in full and frank conversation with you with rationale given for decisions made. If you choose not to disclose information then it is important for you to be aware of the implications that might evolve from this decision. If you feel you have been unfairly treated at any point you have recourse to the university complaints procedure as well as the Disability Rights Commission...

Whilst every attempt will be made for you to progress in your studies through all the agreed reasonable adjustments it may be necessary to make the difficult decision that you are unable to successfully complete the programme. This will be based on records of progression and meeting the required competencies for the programme. Such decisions will not be taken lightly and you will be advised at every point, however if, in the opinion of all the relevant staff, it would not be in your interest nor the interests of good professional practice to continue choices may need to be made.

A range of mechanisms, processes and documentary frameworks such as assessment regulations, professional guidance from registration bodies and programme competencies/outcomes will inform such decision making. You may also be referred to Fitness to Practice panel, or equivalent, or consideration of your particular case as part of the process so that any difficult decisions are based on full and frank assessment.

Working in partnership with you

This guidance is designed to help you take responsibility for your learning and provides examples of support systems and structures that will help you achieve your goal of becoming a registered practitioner. It assumes at all times that you will be making independent decisions on what will work for you and your specific needs and your own professional development plan will help you use support and guidance elected by and for you. As an adult learner making informed decisions our goal is to enable you to be successful through provision of reasonable adjustments and guidance. We fully appreciate that you have very right to choose what support works for you and respect that wholeheartedly.

We may at times have to assist your decision making if for professional, academic and health reasons it seems you are not making good progress and we commit to involving you at every point where this might be the case.

We refer at all times to the legislative guidance around disability and discrimination and professional standards and ask that you respect and understand that patient and client protection are paramount and might need to be considered in advising you. We promise to make all reasonable adjustments that are possible for your specific needs and will help you make informed choices whenever there is a need to do so providing this is in the professional interest of all associated parties.

5 Practice Experience Learning

Practice experience is an integral component of healthcare education programmes and inextricably linked to successful completion of a course and THE subsequent award of a protected professional title. The primary aim in pre-registration programmes is to ensure that students are prepared to practise safely and this is reflected in the statutory requirements for all programmes which state specific levels of theory and practice.

Practice experiences can be an anxious and stressful time for all students as they want to perform well and be seen as competent. For healthcare students who have a disability or have a health condition or long term illness this can be a particularly demanding time. It is essential that the needs of disabled students are addressed through effective pre-Practice experience planning and monitoring so that they are able to demonstrate the required standards of proficiency

In relation to practice experiences, it is essential that academic and practice partners discuss how best the requirements of DDA, QAA, HPC and NMC guidance can be met through making 'reasonable adjustments' for individual students. This need for discussion, negotiation and collaborative responsibility is made explicit in the DRC (2004b) code of practice which states:

“It would be reasonable to expect the sending organisation and the Practice experience provider to cooperate in order to ensure that appropriate adjustments are identified and made. It is good practice for a Practice experience provider to ask a disabled person about reasonable adjustments before the Practice experience begins, and to allow him to visit the workplace in advance to see how his needs can be addressed. Once a particular adjustment has been identified, it would be reasonable for the sending organisation and the Practice experience provider to discuss its implementation, bearing in mind their respective obligations under the Act” (DRC 2004b sect. 9.49).

This can best be achieved through proactive pre-Practice experience planning, monitoring and reviewing, effective communication and partnership working. Diagrammatic views of the three stages – pre practice experience, in practice experience and post practice experience are included as appendices (iia) (iib) (iic).

Pre-Practice experience Planning

For all healthcare students pre-Practice experience planning should form part of the preparation for Practice experience. For disabled students it is vital that the academic institution, the practice experience and the student themselves are fully aware of their respective responsibilities and are provided with sufficient information and guidance on how to meet them.

Academic Staff

As a minimum, academic and practice staff should have undertaken some form of Disability Equality training. This should include detailed information of their responsibility under disability legislation. Perhaps the most challenging area for academic staff to address is the issue of managing disclosure and ensuring confidentiality. The issue of disclosure is best dealt with at the admissions stage. However, clear guidance is needed on how this is managed within the Practice experience area. Doyle and Robson (2002) stated that early disclosure facilitated effective pre-Practice experience planning.

“If students are agreeable to disclosing their disability to the potential employer it is in their best interest. Ill-prepared Practice experience providers can often lead to poor experiences for all (and could possibility (sic) jeopardise the future availability of Practice experiences). Prepared Practice experience advisers who are fully informed of the needs of their students often encourage staff awareness and will be more likely to make adjustments.” (Doyle and Robson, 2002 p 39)

It is important that the student understands the importance of disclosing their impairment to mentors so that adjustments can be put in place. Whilst the student may be comfortable with disclosing to the academic department they may have reservations regarding disclosing to mentors and other staff in the practice environment. This is best addressed prior to the start of the practice experience.

If students do not wish to disclose then the implications of this must also be discussed with the student.

Individuals responsible for organising student practice experiences are key players in organising and delivering pre-practice experience planning. All practice experiences are audited and this should include collating information on suitability of practice experiences for disabled students. This generally means more than just ensuring that the practice experience is accessible but perhaps identifying mentors and/or practice experiences that have disabled staff or mentors who have experience supporting disabled students. This may necessitate collaborating with other universities to identify best practice and understanding that a practice experience that is suitable for one disability may be unsuitable for another.

Practice experiences for disabled students should be organised as far in advance as possible. This will enable the academic staff, practice staff and student sufficient time to discuss any issues of concern regarding the appropriate adjustments and their relationship to achieving competencies. In addition, there must be effective discussion of the practicalities of implementing reasonable adjustments in the practice environment. These are essential to managing expectations and available resources. The students should always be fully engaged in these discussions and be encouraged and supported to take a leading role in managing disclosure of their disability.

The skills and confidence developed as part of this will be of future benefit to the student when they are qualified practitioners. If the practice experience is organised well in advance the students has time to prepare themselves including reading relevant information on the type of practice experience they are going to undertake. Where ever possible, the practice experience should not be changed at the last minute as this can be very stressful for the student as it does not leave them or practice staff time to prepare. It would be useful if the student could receive information on the practice experience in advance, either electronically or a hard copy. Whilst this is helpful for disabled students, all students can benefit from practical preparation such as this.

It is good practice to make sure that any adjustments agreed upon are recorded so that the academic staff, practice mentors and the students are all fully aware of what is expected of them. This can be recorded as part of Personal Development Planning (PDP) or other mechanisms for recording the student experience. CoWork (2001) has produced a leaflet on practice experiences and advocate written agreements as they “ensure that each party is aware of their responsibilities in terms of any adjustments or additional support that may be required.” (CoWork 2001 p 1)

Mentors / Supervisors

Mentors need to be adequately prepared, have sufficient information, knowledge and/or experience to support a disabled student in practice. This involves clear lines of responsibility between education and practice providers. Mentors and supervisors should be aware of the type of impairment or long term health condition the student has. This would include identifying what the impairment is, how it affects the student, how the ward can help and how best to make adjustments. In addition, mentors need to be aware and understand their responsibilities as ‘employers’ under the legislation.

There are 3 main ways in which an employer can discriminate against a disabled person; direct, indirect and failure to make reasonable adjustments. Mentors and supervisors need to consider this third form of discrimination carefully because if they are aware that a student has an impairment, disability or long term health condition they are required to make the necessary adjustments.

Unfortunately, the Act does not specify what is reasonable and what is not. However this should include issues such as practicality, effectiveness, efficiency, costs and health and safety of the student and others. As previously stated this is something that has to be discussed and agreed prior to the student commencing a practice experience.

The adjustments that are suitable (and reasonable) for disabled students will vary. No two disabled students are alike and there is also considerable variability in the conditions and resources of practice experiences. If a mentor with sufficient knowledge or experience to support the student is not available on a specific practice experience it is essential that academic staff provide sufficient information and guidance as to how best to meet the needs of a particular student.

However, mentors will be more familiar with the demands of the practice environment and their expertise should inform the pre practice experience discussion so that the adjustments are appropriate. If there are resource implications for the delivery of any agreed adjustments it is important that this also forms part of the pre practice experience discussion.

The Student

The student also has a responsibility when preparing for their practice experience. Informing others about their impairment can be source of anxiety and discussing their needs beforehand can help them understand the potential impact of their impairment in the practice environment. In most cases the student is the expert on their disability, how it affects them and what strategies and adjustments will be helpful and/or unhelpful. Students should also take advantage of the University support systems (study skills advice, disability learning support services) to prepare themselves for the practice experience. It is important to bear in mind that their particular needs may limit practice experience choice if a mentor/practice experience does not have the adjustments or skills to offer them adequate support.

It should also be noted that learning in practice in its totality is challenging for all students and there may be cases in which students are unable to meet the required standards even after adjustments have been put in place.

Once the student is in the practice environment

When the student starts on the practice experience all relevant staff should be aware of how the students learning support needs are going to being met. Clear information needs to be available as to who has been informed of the student's needs and what has been agreed as reasonable adjustments. This information should be available in advance of the commencement of the student's practice experience. Flexibility is a key theme reiterated in other literature "As far as students are concerned the key is to be flexible and supportive" (Flynn 2002, page 4). This flexibility will need regular review and be delivered without compromising academic and professional competencies.

DfES guide on Providing Work Practice experiences for Disabled Students: a good practice guide for further and higher education institutions (2002) has advised that "Practice experience staff need to monitor Practice experiences to ensure they are working well for disabled students. In particular staff need to monitor the adjustments made for the students to ensure they are responsive to their current needs." (DfES 2002, p. 20).

For the disabled student, being on a Practice experience may also allow them to 'test out' the world of work to see the impact of their impairment in the practice environment and determine what adjustments might suit them when they entered that environment upon qualification.

At the end of the practice experience

At the end of the Practice experience it is useful if the student and mentor complete an evaluation form.

The information provides valuable feedback to the academic staff and allows for future revision and development of how support can best be delivered. Whilst this can be undertaken as an additional evaluation to that usually conducted, a more inclusive approach would be for this to form part of all Practice experience evaluations.

Concluding comments

Delivering adjustments can be challenging in the current health care environment. For this approach to work it is important that academic and practice staff and students all acknowledge their responsibilities as well as their rights. The adjustments a particular student might need on Practice experience should have been discussed and agreed (in principle) between academic and practice staff at the beginning of a course or where relevant, in advance of a practice experience.

When a student who has an impairment or long term health condition is offered and accepted on a pre-registration healthcare programme, there is an implicit understanding that their needs will be met with reasonable adjustments put in place in both academic and practice settings.

Relevant protocols for the implementation and evaluation of reasonable adjustments in practice environments which documents clear lines of responsibility for all staff as well as the student need to be accessible, transparent and available.

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Resources and Information

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A disabled person's guide to becoming a health professional – Health Professions Council

NMC's guidance on health, character and disability (when final versions available)

Disabled health care professional's website:

<http://www.david-j-wright.staff.shef.ac.uk/HCP-disability/Professionals/People.html>

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UK health professionals with hearing loss: <http://www.hphl.org.uk/>
The College of Occupational Therapists, OTs with disabilities forum:
<http://www.cot.org.uk/forum/intro>

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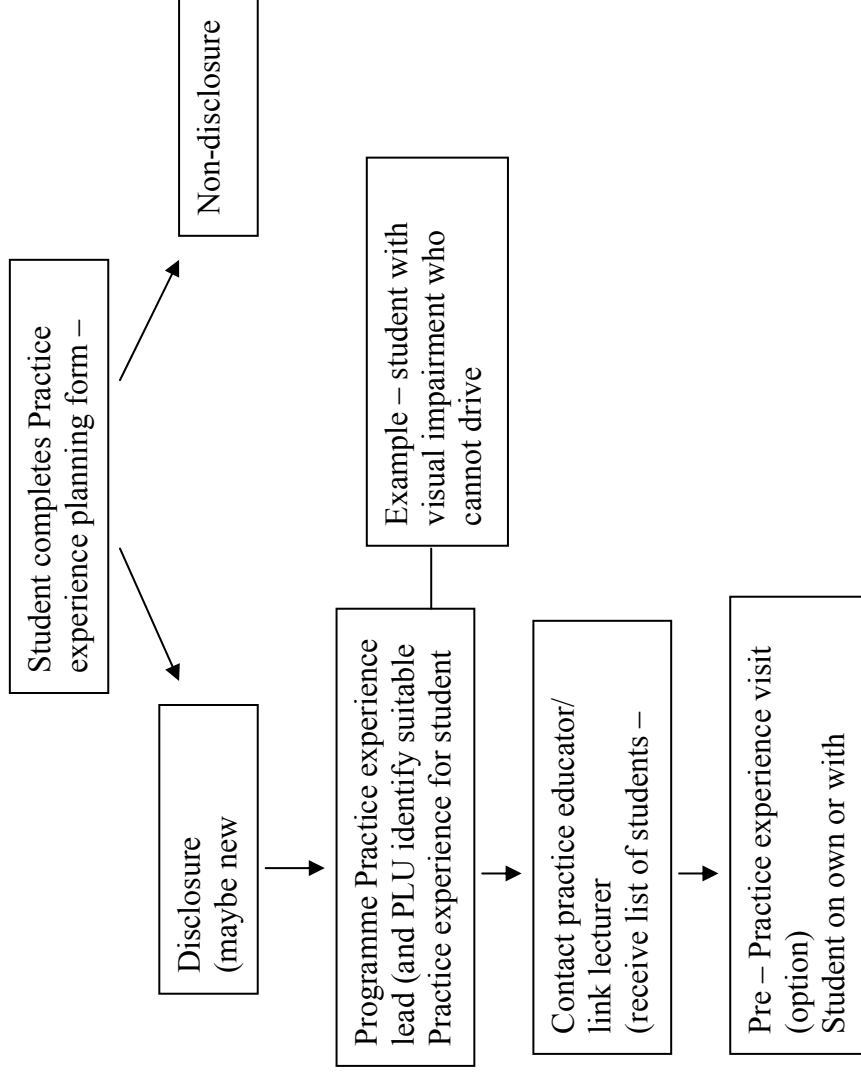
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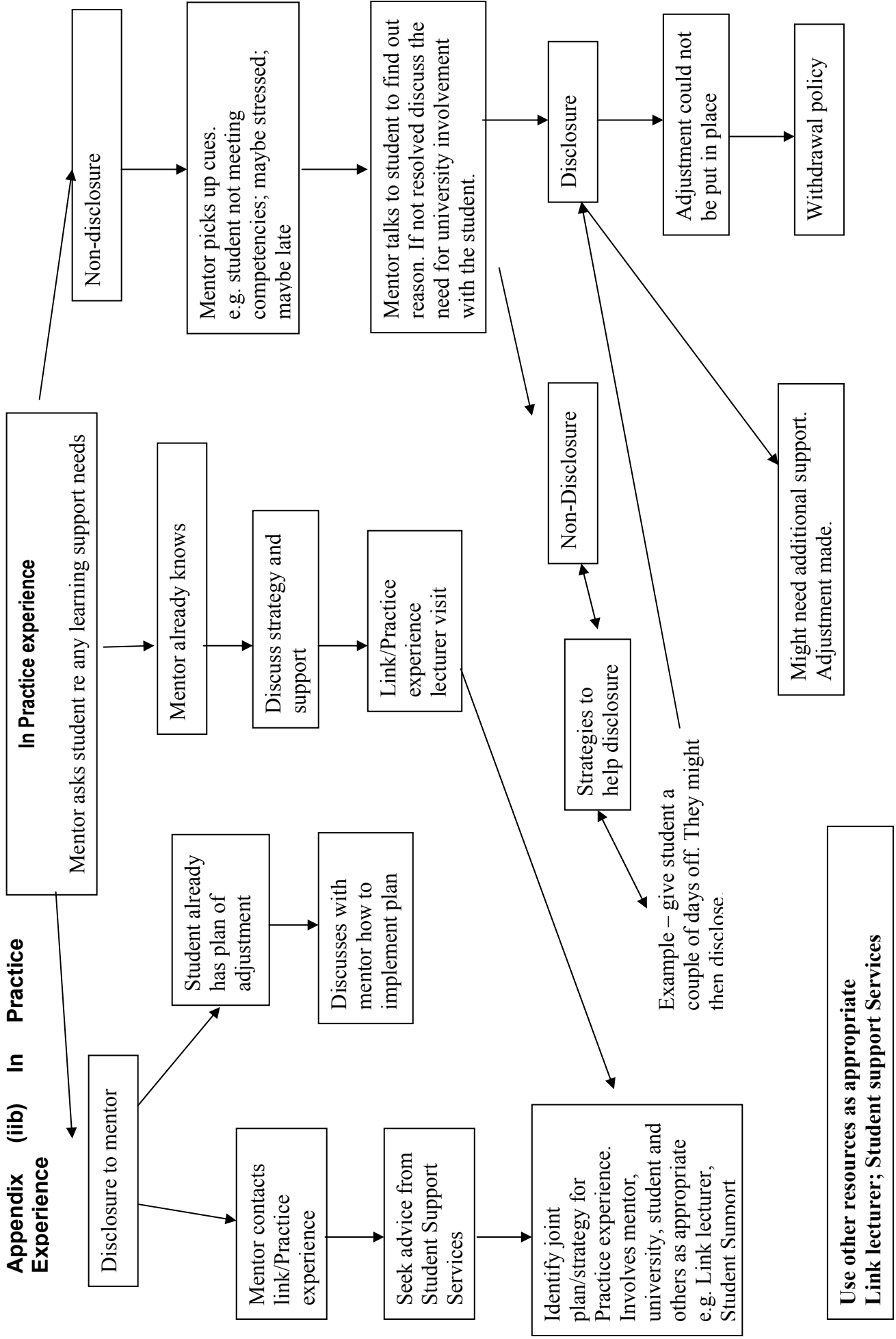
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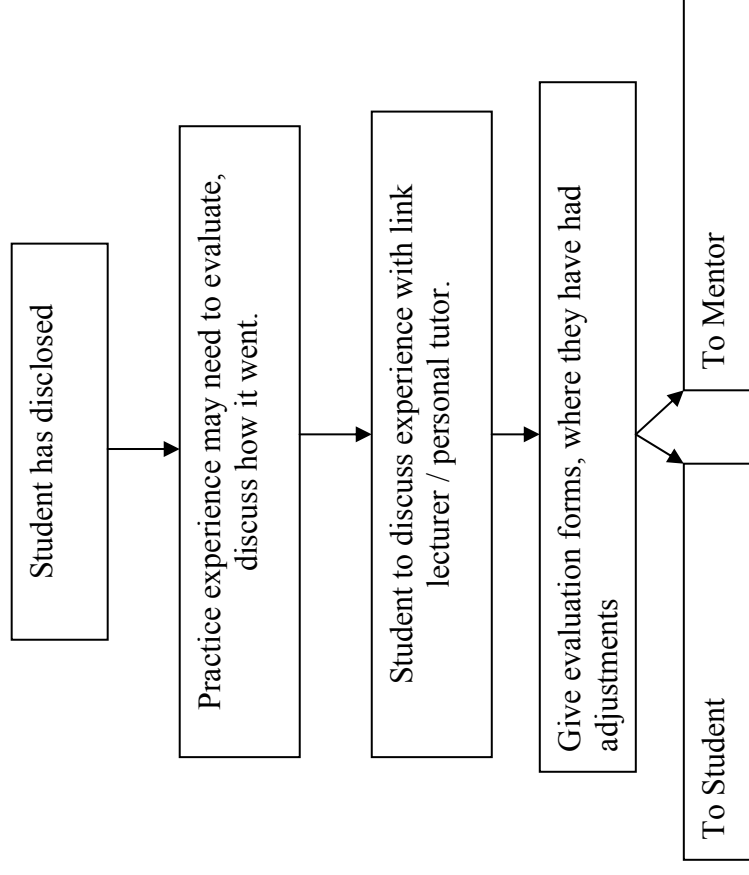
Appendix (iia) Prior to Clinical Practice experience



Appendix (iib) Experience



Appendix (iic) Post Practice experience



Appendix (iii) Dyslexia Guide
