Birmingham City University

Student Disability and Mental Health Policy

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Student Disability and Mental Health Policy

1. Introduction

1.1. Birmingham City University is committed to creating an inclusive, safe and supportive environment for all disabled applicants and students, including students with mental health difficulties, students living with long-term health conditions and students who are neurodiverse. Our Equality, Diversity and Inclusion strategy sets out our ambition to make our University a fairer organisation where everyone is able to achieve their potential.

1.2. Our approach to disability equality is founded on the following principles:

1.2.1. All University staff are responsible for ensuring we meet our legal obligations towards disabled applicants, students and graduates under the Equality Act 2010.

1.2.2. We take an anticipatory approach to making reasonable adjustments for disabled people and people with long-term health conditions, and an approach of inclusive design of our service and facilities to reduce over time the requirement for many reasonable adjustments.

1.2.3. Support for disabled students at BCU follows the student journey, from application to the end of the student's course and is available throughout that time.

1.2.4. That disabled people are disabled by society and the physical and attitudinal barriers which society has erected throughout history to deny disabled people equality of opportunity in all areas of life – this is the social model of disability.

1.2.5. There are a range of barriers, external to the University, which make accessing support challenging for disabled students and applicants, such as the process for applying for Disabled Students' Allowances and access to information about support at university. The University is committed to guiding students through these processes wherever possible, and has two teams dedicated to doing so as part of their role. These are the Disability Support Team and the Mental Health and Wellbeing Team. Staff within these teams are also active members of their professional bodies, which lobby for change in areas known to make accessing state support difficult for disabled students.

1.2.6. That a 'whole university' approach will achieve the best outcomes for disabled students. Therefore we are committed to ensuring all staff working with students understand the importance of inclusive curriculum design, the duty to make reasonable adjustments, the existence of support services and how to help students access them, and the importance of providing multiple opportunities for students to tell the University about a disability and to feel comfortable to do so. We do this by delivering training to staff on these areas, both scheduled and bespoke. Training may be provided by Human Resources, the relevant support team or by the University's Educational Development Service.

2. Scope

2.1. This policy and associated guidance will explain the University's responsibilities towards disabled applicants, enrolled students and graduates, what support is available to them and how the University makes decisions about what support will be provided and whether a requested or recommended adjustment is reasonable for the University to make.

2.2. An applicant, student or graduate is disabled if they meet the definition of disability in the Equality Act 2010, which states that a person is disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

2.3. Disabled students (including students with mental health difficulties) to whom this policy, and the support described within it, applies are:

2.3.1. Enrolled students on full or part-time foundation, undergraduate and postgraduate (taught and research) courses.

2.3.2. Enrolled students who are also employed by BCU, directly by the University or as agency workers, in relation to the services they receive as a student at BCU.

2.4. This policy also applies to the following disabled students, however, support available or the way in which it is provided will differ:

2.4.1. Enrolled EU / international students, enrolled students on a course of less than one year's duration, enrolled students completing less than 25% of their course each year, and enrolled students who are completing assessments only and not attending – these students will receive reasonable adjustments from the University but are not entitled to Disabled Students' Allowances from the UK government. Where support that may be required has a cost, the University will consider whether it would be reasonable for it to fund the support.

2.4.2. Enrolled students at Birmingham City University International College – the Disability Support Team and Mental Health and Wellbeing Team at the University may provide advice to BCUIC staff on the reasonable adjustments which BCUIC should make for their disabled students and what support is available when the student progresses on to a course at BCU. BCUIC is a responsible body delivering education services to students and as such it is subject to the duty to make anticipatory reasonable adjustments for its students by virtue of section 91 of the Equality Act 2010. As international students they will not be entitled to Disabled Students' Allowances from the UK government, therefore where support that may be required has a cost, BCUIC will consider whether it would be reasonable for it to fund the support. BCU will not provide funding for adjustments or support for BCUIC students.

2.4.3. Enrolled students on Degree Apprenticeships - these students will receive reasonable adjustments to their teaching and assessment at the University but are

not entitled to Disabled Students' Allowances. Support for apprentices which has a cost attached (such as study skills support) is funded by the Education and Skills Funding Agency and will be arranged by the University. Reasonable adjustments for apprentices in their workplace setting are the responsibility of their employer.

2.4.4. Enrolled students studying for BCU awards at partner institutions (home and overseas) – these students should access disability support at the institution they are attending, except in those instances where the contract between Birmingham City University and the institution stipulates service provision by the University which has been specifically negotiated and agreed. Their institution is responsible for making reasonable adjustments, implementing one-to-one support and assisting the student to apply for any funding to which they may be entitled. Where the student may be interacting with services provided directly by Birmingham City University or accessing the University's facilities, the University will make any adjustments considered to be reasonable.

2.5. This policy also outlines the University's approach to disabled applicants or enquirers considering applying to study at the University, and the assistance and support available to them.

2.6. This policy applies to disabled graduates of Birmingham City University insofar as they access services provided to graduates, such as graduation ceremonies, alumni activities and services from the Careers+ team.

2.7. Students who have permanently withdrawn from their course or graduated, are not entitled to use the University's disability support services or mental health and wellbeing support services. Students who are temporarily withdrawn or on a Suspension of Studies may request support from the Disability Support Team or Mental Health and Wellbeing Team, such as counselling, support to prepare for return to studies and assessment of adjustments required. This support will not include one-to-one study support which is funded by Disabled Students' Allowances (such as study skills support or mentoring) as students who are temporarily withdrawn are not entitled to Disabled Students' Allowances.

3. Legal and other regulatory frameworks

3.1. The legal and regulatory frameworks which apply to the University's provision of support for disabled students and the ways in which it ensures disabled applicants and students do not experience discrimination in accessing the University's service and facilities are as follows.

3.2. The Equality Act 2010, which makes it unlawful for the University to discriminate against or victimise a disabled student or applicant:

3.2.1. in the arrangements it makes for deciding who is offered admission as a student
3.2.2. as to the terms on which it offers to admit the person as a student
3.2.3. by not admitting the person as a student
3.2.4. in the way it provides education for the student
3.2.5. in the way it affords the student access to a benefit, facility or service
3.2.6. by not providing education for the student
3.2.7. by not affording the student access to a benefit, facility or service
3.2.8. by excluding the student, and
3.2.9. by subjecting the student to any other detriment.

3.3. The most important duties we must adhere to in ensuring we do not discriminate against a disabled student or applicant are:

3.3.1. the duty to make changes to provisions, criteria or practices, the provision of auxiliary aids and services and making adjustments to physical features. This is called the duty to make reasonable adjustments and is anticipatory. This means the University must consider in advance the range of barriers that disabled people could experience, what reasonable adjustments could be made to avoid or remove the barrier and have systems in place for making those adjustments in a timely manner.

3.3.2. The Public Sector Duty, which requires public bodies to eliminate discrimination, advance equality of opportunity and foster good relations. The duty means the

University must design services and facilities inclusively to reduce the number of individual adjustments which disabled people have to request and enable equality of access and opportunity for all.

3.4. The Office for Students (OfS), the independent regulator of higher education in England. The OfS requires every university to have an Access and Participation Plan which shows how the university will address the first of the four objectives of the OfS, which is that *'all students from all backgrounds, with the ability and desire to undertake higher education, are supported to access, succeed in, and progress from higher education'*. The University is required to report annually on our progress towards the targets in our Access and Participation Plan.

3.5. The Quality Assurance Association (QAA), the independent body which monitors and advises on standards and quality in UK higher education. The revised UK Quality Code for Higher Education includes an 'Expectation' that from admission to completion all students are provided with the support they need to succeed in and benefit from higher education.

3.6. The Quality Assurance Framework (QAF) for the provision of Non-Medical Help. This ensures the quality of specialist one-to-one support the University provides for disabled students, where the support is funded by the student's Disabled Students' Allowances. Where specialist support such as a study skills tutor, mentor or British Sign Language Interpreter is provided by the University, we must meet the standards in the Framework. These relate to matters including the qualifications of support workers, accurate record-keeping and the training provided to support workers. The University's performance against the QAF is audited by the Department for Education.

3.7. The Education (Student Support) Regulations 2011, subsequent amendments and the explanatory Disabled Students Allowance Guidance Chapters. The University must provide support in accordance with the regulations and explanatory guidance as they relate to the provision of support funded by Disabled Students' Allowances. An example of this is the type of support which may be provided to a student using Disabled Students' Allowances.

3.8. The Office of the Independent Adjudicator (OIA) is the independent body set up to review student complaints about higher education providers in England and Wales. The OIA's Good Practice Framework provides advice on supporting disabled students – the University endeavours to incorporate the good practice described in its services for students.

4. Roles and responsibilities

4.1. In providing the support and meeting the principles and legal requirements outlined in this policy, the roles and responsibilities of the different parties are as follows. In the rest of this document, the Disability Support Team and Mental Health and Wellbeing Team will be referred to as *the relevant support team.*

4.2. The Disability Support Team

The Disability Support Team is responsible for:

4.2.1. Providing advice and assistance on the support available and on preparing for university, to disabled applicants and those enquiring about applying to Birmingham City University.

4.2.2. Assessment of the support requirements of disabled applicants and students, recommending the reasonable adjustments they will need to their School/Institute via a Disability Support Summary, with the consent of the student, and provision of follow-up guidance to staff and students where required.

4.2.3. Support for disabled students applying for Disabled Students' Allowances, including liaison with their funding body where the student has consented to this.

4.2.4. Implementation and administration of one-to-one support which is funded by Disabled Students' Allowances where we are the named supplier of support, and liaison with external agencies who have been appointed by the student's funding body to provide support.

4.2.5. Arrangement of one-to-one support for disabled students on Degree Apprenticeship courses where the funding is provided by the Education and Skills

Funding Agency. The financial administration of the funding is the responsibility of the student's School/Institute and the University's Department of Student and Academic Services.

4.2.6. Support, advice and training for colleagues across the University on their responsibilities under the Equality Act 2010, on supporting disabled students and on designing an inclusive curriculum.

4.2.7. Liaison with the student's School/College where the student must complete compulsory work placements, to recommend reasonable adjustments for them on placement, via a Placement Action Plan, which is shared with the placement provider with the consent of the student. In the case of healthcare students, these recommendations will be made by the Associate Professor (Accessibility and Inclusivity) in the Faculty of Health, Education and Life Sciences.

4.2.8. Screening students for indications that they may have a Specific Learning Difficulty (SpLD, such as dyslexia, dyspraxia and ADHD) and assisting students to access diagnostic assessments, where the screening results indicate the need for a diagnostic referral.

4.2.9. Liaison with other departments in the University to ensure the student receives the support and adjustments they need, such as the Accommodation Team.

4.3. The Disability Support Team provides its services in-person (via drop-ins and appointments), by telephone, by email and online via a secure platform such as MS Teams.

4.4. The Disability Support Team is not responsible for:

4.4.1. Arrangement or provision of personal care for disabled students who need support to live independently in university accommodation or with personal tasks during the day, such as using the toilet and eating. We will advise students and applicants on applying to their local authority for this funding.

4.4.2. Arrangement of support in the workplace for students on Degree Apprenticeship courses. We will advise students on applying for Access to Work funding. The provision of support in the workplace is normally the responsibility of the employer.

4.4.3. The provision of support, advice or SpLD screening for Birmingham City University employees who may be disabled, unless they are also enrolled students of the University. Employees who require this assistance should speak to their line manager or contact the Human Resources team.

4.4.4. Arrangement or provision of support or adjustments for pregnant students or students with temporary difficulties caused by an injury which is likely to last less than 12 months. The Mental Health and Wellbeing Team will assist in these cases. Where a student's injury or health condition seems likely to last longer than 12 months, and may therefore be a disability, the relevant support team will assess what adjustments and support may be appropriate.

4.5. The Mental Health and Wellbeing Team

The Mental Health and Wellbeing Team is responsible for:

4.5.1. Provision of one-off or ongoing support and advice to students with any wellbeing concern or mental health difficulty, via Wellbeing Advisers and Mental Health Advisers. This includes arranging temporary adjustments (including adjustments for pregnant students and those with temporary conditions), reasonable adjustments via a Disability Support Summary and/or Placement Action Plan and may include liaison with NHS and external support services.

4.5.2. Provision of counselling from qualified Counsellors using a One-At-A-Time (OAAT) model of counselling. There is no limit on the number of counselling sessions a student may attend but this will be subject to clinical assessment.

4.5.3. Provision of access to Cognitive Behavioural Therapy (CBT) with a qualified CBT Therapist. This is an evidence-based therapy that is effective in treating anxiety and depression.

4.5.4. Responding to and managing safeguarding concerns relating to students. The link to the Safeguarding Policy is provided in the appendices. During working hours a member of the team is responsible for receiving and responding to safeguarding reports and (9am-5pm, Monday-Friday) ensuring all necessary actions are completed.

4.5.5. Provision of a Duty Worker system to ensure that students in distress or in crisis (non-emergency) can access support during working hours. A duty worker is available from Monday to Friday 9 - 5pm. Contact details are available on the team's iCity site. A link is provided in the appendices.

4.5.6. Provision of advice, guidance and training to colleagues across the University on supporting students with mental health difficulties and wellbeing concerns.

4.6. The Mental Health and Wellbeing Team is not responsible for:

4.6.1. Provision of an out-of-hours service. The Mental Health and Wellbeing Team operates from Monday to Friday, 9 - 5pm. Outside these times Out of Hours Support information is available on the team's iCity site.

4.6.2. Provision of an emergency response to a student in immediate danger. Where a student is thought to be at immediate risk to themselves, to other people or from others, the emergency services should be contacted via 999. The duty worker or safeguarding clinician can be contacted during working hours to provide support to the student and/or staff member after the emergency services have been contacted.

4.6.3. Provision of a full assessment and/or ongoing urgent intervention for a student experiencing a mental health crisis. Whilst the team provides initial crisis support where essential, if a student has an urgent requirement for an ongoing mental health intervention they should be supported to access this from the NHS. The

NHS have multidisciplinary teams which include medically-trained staff who are best equipped to support individuals during times of crisis.

4.7. Academic staff

Academic staff who work with students are expected to:

4.7.1. Ensure they understand their responsibilities towards disabled applicants and students under the Equality Act 2010 so that they do not discriminate against an individual for a reason related to their disability; the concept of reasonable adjustments; and the importance of designing inclusive teaching and assessments.

4.7.2. Ensure they are aware of the disability and mental health support available at the University; how to spot the signs that a student may need support; and how to signpost or refer (with the student's explicit consent) to these services. Once a student has told a University staff member about a possible disability, the University is 'deemed to know' and therefore it is that person's responsibility to act on the information by signposting or referring as appropriate, with the student's explicit consent. Where consent is not given by the student, the relevant support team can advise on further steps, without needing to know the student's name (unless the student or a third party may be at risk. Training and advice is available for all academic staff, and details of training available can found on the Learning and Organisational Development pages on iCity.

4.7.3. Ensure they know how to access Disability Support Summaries on the University's student records system and check weekly for new Disability Support Summaries which may apply to students they are teaching or whom are their personal tutees.

4.7.4. Make the reasonable adjustments recommended in a student's Disability Support Summary or seek advice from the relevant support team if they have difficulties doing so.

4.7.5. Contribute to the creation of an inclusive and supportive environment in which students feel comfortable to tell them or someone else in the University about a

disability, long-term health condition, Specific Learning Difficulty or mental health condition and seek support, by embedding opportunities at all stages of the student lifecycle for a student to do so.

4.7.6. Design inclusive teaching and assessment activities to reduce the requirement for reasonable adjustments and help the University to meet the Public Sector Duty. Information about training for staff can found on the Learning and Organisational Development pages on iCity.

4.7.7. Check the University's student records system to see if personal tutees have a Disability Support Summary and invite them for a confidential conversation about what support they need and any concerns they may have.

4.8. Professional services staff

Professional services staff should:

4.8.1. Ensure they understand their responsibilities towards disabled applicants and students under the Equality Act 2010 so that they do not discriminate against an individual for a reason related to a disability they have told us about, and the understand concept of making anticipatory reasonable adjustments and where this duty applies to their work.

4.8.2. Ensure they are aware of the disability and mental health support available at the University and how to signpost or refer to services (with the student's explicit consent) to these services.

4.8.3. Provide training and support to colleagues where appropriate in making anticipatory reasonable adjustments for disabled students.

4.8.4. Design policies, systems, processes and services to be inclusive, whether designing for the first time or reviewing, including undertaking Equality Impact Assessments.

4.9. Students and applicants

Birmingham City University students and applicants are strongly encouraged to tell the University at the earliest opportunity if they consider they have a disability, long-term health condition, Specific Learning Difficulty or mental health difficulty and require support. Some support processes, such as applying for Disabled Students' Allowances, are lengthy and could result in delays to the student being supported appropriately. Students and applicants requesting disability support have an important role to play in arranging their support, and can do so by:

4.9.1. Providing the requested medical evidence about their difficulties as soon as possible (more information on what may be requested is in section 7.2). Certain types of support and reasonable adjustments cannot be arranged until the University has this information.

4.9.2. Applying for Disabled Students' Allowances (if eligible) as soon as possible. The relevant support team will support students in making their application.

4.9.3. Providing any information requested in a timely manner, such as confirming which third parties they are happy for the relevant support teams to liaise with and confirming agreement or otherwise with the Disability Support Summary drafted for them.

5. Disabled applicants

5.1. Disabled applicants to Birmingham City University are strongly encouraged to tell the University about their disability as soon as possible. They may do this by contacting the relevant support team (contact details on the BCU website) or completing the online profile form which can be found on the Disability Support Team pages on the BCU website. Individuals considering applying are encouraged to contact the relevant support team to find out about support at the University. The pages dedicated to disability and mental health support on the University website provide information on how to arrange a confidential discussion about support.

5.2. The decision about whether to offer an applicant a place at Birmingham City University is made on academic grounds only. An applicant's disability and the support they may require does not affect this decision. Any decision regarding a disabled applicant will take into account the University's Contextual Offers Strategy, which supports our targets on increasing participation from under-represented groups in higher education.

5.3. Disabled applicants are strongly encouraged to take up opportunities to find out as much as possible about the course/s they are interested in, such as attending open days and applicant taster days, so that they can consider what support they might need and talk about this with the relevant support team.

5.4. Where an applicant tells the University about a disability, Specific Learning Difficulty, long-term health condition or mental health difficulty, they will be contacted by the University's Pre-Entry Disability Adviser. The following is available to disabled applicants prior to enrolment with the University:

5.4.1. Advice and assistance on arranging support and applying for Disabled Students' Allowances.

5.4.2. Reasonable adjustments for interviews and tests (student recruitment activities) to be taken during the application process, where applicable. Reasonable adjustments will be made on a case-by-case basis depending on the circumstances of the applicant and the barriers which need to be removed in order

for the applicant to perform to the best of their ability. Non-exhaustive examples of reasonable adjustments include 25% extra time for tests and provision of a British Sign Language Interpreter for an interview. The University will not usually require medical evidence to accompany a request for reasonable adjustments to recruitment activities, however, should the applicant become an enrolled student at the University, they will usually be expected to provide medical evidence to enable full assessment for support and reasonable adjustments. Where the University is not sure what adjustment can be made to a recruitment activity or needs to assess whether an adjustment requested is reasonable, we may request medical evidence from an applicant, to help make this assessment.

5.4.3. The opportunity to meet a member of the relevant support team to discuss support, at an open day, applicant taster day, or in an appointment at another time.

5.4.4. The opportunity to attend events for disabled applicants to find out more about preparing for university and to attend transition events shortly before beginning their course.

5.4.5. Screening at the University for a Specific Learning Difficulty, if the applicant has no prior evidence of a possible SpLD. A screening identifies indicators of a possible SpLD, and is not a diagnosis. If an applicant is advised, following the screening, to seek a diagnosis, they must fund this if they wish to apply for Disabled Students' Allowances. The University can implement support and reasonable adjustments in the interim period, before a diagnosis is made, but Disabled Students' Allowances cannot be applied for without a diagnosis Applicants are strongly advised not to wait until enrolling at the University to seek a diagnostic assessment, as this will significantly delay their application for Disabled Students' Allowances and thus, the provision of one-to-support and equipment.

5.4.6. Assessment by the relevant support team of the reasonable adjustments the applicant will need on their course and support documents which will be drawn up in advance of enrolment, where adequate medical evidence has been supplied.

5.5. The assessment of adjustments a disabled applicant to the University may require is separate to the consideration of whether they should be offered a place at the University. However, we ask disabled applicants to fully engage with the assessment process and provide full relevant information about the barriers which they are facing and the effect these may have on them as a student at BCU. This will enable a full assessment to take place of all the potential adjustments and support that may be needed. Where, after thorough consideration of the information provided, the University considers that it cannot support or make adjustments for an applicant, any offer made may be withdrawn if the applicant has not yet accepted it. The student contract is the legally binding agreement formed when a student goes on to accept any offer from the University. One of the conditions of the student contract is that the University is able to implement the specific adjustments reasonably needed for the student to complete the course. This means that where the University is unable to make the adjustments reasonably needed, then the condition will not be satisfied and the offer may be withdrawn.

5.6. Any delay in the University receiving full information about the applicant's disability may delay the assessment and implementation of support and reasonable adjustments.

5.7. Disabled applicants to vocational courses such as nursing and teaching should not regard their disability as a barrier to studying for and entering these professions, and are strongly encouraged to talk to the relevant support team and course team about any concerns.

5.8. The requirements of the relevant Professional, Statutory and Regulatory Bodies (PSRBs) must be met by all applicants and students, regardless of disability, including the requirement to be *fit to practise*, which means being competent, responsible and having the characteristics needed to work in a particular profession. All applicants for courses leading to registration or eligibility for registration with a PSRB in the following areas of practice will be required to undertake health checks (this list is not exhaustive):

5.8.1. Nursing and midwifery
5.8.2. Healthcare professions
5.8.3. Teaching

6. Disclosure and confidentiality

6.1. The University aims to encourage students to tell us about a disability, long-term health condition, Specific Learning Difficulty or mental health difficulty at every stage of their journey. To that end, we take a 'whole university approach' to ensuring that colleagues across the institution are aware of the support available and how students can access it, by providing training, information and advice via the relevant support teams.

6.2. In responding to a student telling us about a disability, the University is mindful of its responsibilities under the UK General Data Protection Regulation (GDPR). We may share the data of an applicant, enrolled student or graduate where required or permitted by Law.

6.3. The University acknowledges that students may tell us about a disability at any stage in their course for a variety of reasons, for example, not realising prior to enrolment that they would need support at university due to a disability or becoming disabled during their course.

6.4. Where an enrolled student tells the University about a disability after they have taken assessments, and feels their performance may have been affected by a disability for which they did not have support at the time of the assessment, they may make a claim for Extenuating Circumstances (EC) to allow them to repeat the assessment or request a re-mark (in specific circumstances). Thereafter, ongoing support should be sought from the relevant support team. EC claims cannot normally be made for long-term or ongoing disabilities except where, as in the situation described here, it is the first time the student has made the University aware of a disability and there is no support in place yet, or where a long-term condition for which support is already in place has suddenly worsened (Principle 14 of the Academic Regulations).

6.5. The service provided to disabled students and applicants by the relevant support team is confidential; this includes any medical or other information they have provided, such as a Disabled Students' Allowances Assessment of Needs report or Education, Health and Care Plan. Details of their contact with the relevant support team are not disclosed to other departments within the University or external services unless the individual has

given consent for the service to do so; this includes situations where a member of staff has referred or signposted a student to the relevant support team – information about subsequent actions taken will only be provided to that member of staff with the student's explicit consent.

6.6. Where details of an enrolled student's contact with the service are disclosed without consent this would be for the purpose of safeguarding them in relation to significant risk or concern for them or another person. The information released would be kept to the minimum required to ensure their safety or the safety of others. Information of this nature may be disclosed to the emergency services, accommodation services, a relevant support team within the University, NHS services, GP practices, and the student's emergency contacts. This list is not exhaustive and the University may need to disclose information to other parties, where necessary.

6.7. A student's emergency contact or next of kin would routinely only be contacted in a situation where there was significant concern for the safety of the student or another person, and direct contact with the student had either not been possible, or was not sufficient to ensure this safety. Students are able to provide the relevant support team with written consent should they wish the team to make contact with, or discuss their mental health and wellbeing with, their next of kin on a more routine, non-emergency basis.

6.8. Applicants and enrolled students have the right to access any information held about them by the relevant support team and can find out how to do so by reading our Data Protection Policy. The Disability Support Team and the Mental Health and Wellbeing Team hold your personal information within a secure dedicated database and case records in line with the University's data retention schedule.

6.9. A student's Disability Support Summary (listing the reasonable adjustments they are entitled to) is released to relevant academic staff and course administrators only when the student has given their explicit consent for the document to be shared.

7. Assessing support requirements

7.1. To enable the University to confirm that a student is disabled under the definition of the Equality Act 2010 and enable the University to assess what support reasonable adjustments they will need, a student telling us about a disability, long-term health condition, SpLD or mental health difficulty is usually expected to provide medical evidence. Failure to provide the requested medical evidence may mean that the relevant support team is unable to accurately assess for and implement the support and adjustments which would enable the student to participate fully in their course. Disabled students and applicants will be required to provide medical evidence to their funding body if they wish to apply for Disabled Students' Allowances.

7.2. Medical evidence must be provided in English. Where medical evidence needs to be translated into English, the disabled applicant or student is responsible for arranging and paying for this. The medical evidence must be translated by a qualified translator who has certified the copy to confirm their qualification as a translator.

7.3. The types of information which may be accepted by the University and by the student's funding body as medical evidence include:

7.3.1. A letter from a consultant, GP or other qualified medical professional that gives a diagnosis, if one has been made, a description of the effects upon the student's day-to-day activities and how long the student has been experiencing these effects. The medical evidence does not need to include a diagnosis, if it has not yet been possible to make one; we are able implement reasonable adjustments if we have sufficient information about the effects upon the student's day-to-day activities. Where a student is requesting reasonable adjustments for a mental health difficulty, the letter should be less than 12 months old. Where a letter does not give sufficient detail or the relevant support team considers it is too old to give an accurate view of the student's current needs, we may ask the student or applicant to provide more recent and/or detailed information from a qualified medical professional.

7.3.2. For students or applicants requesting reasonable adjustments due to a Specific Learning Difficulty (SpLD), such as dyslexia, dyspraxia or AD(H)D, a diagnostic assessment report by an Educational Psychologist or a specialist teacher assessor, which diagnoses a SpLD, must be provided. Form 8 applications for access arrangements or screenings from school or college cannot be accepted as medical evidence to support the implementation of permanent reasonable adjustments or in support of a DSA application. However, screenings from school, college or carried out at the University may be used for the implementation of interim reasonable adjustments, pending a formal diagnosis (see section 8.10 below).

7.3.3. An Education, Health and Care Plan (ECHP), where the plan provides sufficient detail to enable the relevant support team to assess the support requirements of the student or applicant. Where an EHCP does not give sufficient or appropriate information to enable the relevant support team to do this, we may ask the student or applicant to provide more detailed evidence from a qualified medical professional. Whilst the University is able to accept EHCPs as medical evidence in some cases, enabling the implementation of reasonable adjustments at university, funding bodies who administer DSA will accept these in limited circumstances only and may request other types of medical evidence described above, even where an EHCP is provided.

7.3.4. A report diagnosing an autistic spectrum condition, written by a qualified individual such as a psychiatrist, clinical psychologist or a multi-disciplinary team. A screening carried out at the University may be used for the implementation of interim reasonable adjustments, pending a formal diagnosis (see section 9.3 below).

7.4. An assessment of needs report carried out by an independent needs assessor, for the purposes of recommending support to be funded by Disabled Students' Allowances, may be used as medical evidence where it provides sufficient detail to enable the relevant support team to assess the support requirements of the student or applicant, where there is no other suitable information and where the student meets with an adviser from the relevant support team to discuss their support requirements..

7.5. The University is not obliged to fund disabled students to obtain medical evidence and where obtaining medical evidence will incur a cost, this is the student's responsibility. However, we recognise that paying for medical evidence can be a barrier to students accessing the support they need for their studies, therefore where students may not be able to meet the whole cost of paying for medical evidence (such as a diagnostic assessment for autism or ADHD), the University may support them in some circumstances. Details will be made available to the student at the relevant time and will be subject to some considerations, including:

7.5.1. whether there is time remaining on the student's course for them to apply for and benefit from support funded by Disabled Students' Allowances;

7.5.2. whether they are already in receipt of appropriate support and further medical evidence would not provide access to any additional beneficial support;

7.5.3. whether sufficient money remains in any specific financial assistance funds identified for this purpose.

7.6. Enrolled students only are eligible to be considered for assistance with the cost of a diagnostic assessment, and only where the University has screened them and found a moderate to high possibility of difficulties, or where the student has presented evidence of a screening or other assessment undertaken elsewhere which the Disability Support Team is satisfied demonstrates a moderate to high possibility of difficulties.

7.7. The sole purpose of providing help to enrolled students in funding diagnostic assessments is to remove barriers to studying and enable students to apply for Disabled Students' Allowances. The provision of help with securing a diagnosis is intended only to ensure enrolled students can access support at University and apply for Disabled Students' Allowances, where there is time for them to apply for and benefit from this support.

7.8. In the circumstances where the Disability Support Team has screened a student and implemented an Interim Disability Support Summary but considers they cannot benefit

from funding for a diagnostic assessment, the student's Interim Disability Support Summary will remain in place for the duration of their course at BCU.

7.9. Where a letter from a GP would incur a cost which a student cannot afford due to being in financial hardship, a student may make a means-tested application to the Financial Assistance Fund for assistance with this.

7.10. Where a student or applicant would like existing medical evidence reviewed to check its suitability for support at university and for their DSA application, they are invited to send scanned copies by email to the relevant support team for advice. If additional or different evidence is required, the relevant support team will advise the student or applicant on what they need to do.

7.11. Where students wish to investigate whether they have a SpLD, following enrolment at BCU or at any time during their course, they can request a free dyslexia screening from the Disability Support Team. A screening is not a diagnosis but provides indications of whether or not a student may have a SpLD. Where the screening indicates a moderate or high possibility that the student has a SpLD, they will be referred to the University's in-house SpLD assessor for a free diagnostic assessment or to an external assessor who carries out assessments on the University's behalf, if there is money remaining in the Financial Assistance Fund and none of the conditions in section 7.7 apply.

7.12. Students who have evidence (such as screening results or an EHCP) of a moderate or high possibility that they have a, as yet undiagnosed, SpLD, autistic spectrum condition or ADHD, may be entitled to an Interim Disability Support Summary, following an assessment, by the Disability Support Team, of the information provided. See section 9.3 below.

8. Reasonable adjustments

8.1. The University aims to design teaching, assessments, services, facilities, policies and procedures to be inclusive. This includes carrying out equality impact assessments to ensure decisions do not discriminate against people based on any protected characteristics. If it is found that, despite inclusive planning and designing, a disabled

student or applicant would be caused a substantial disadvantage, the duty to make reasonable adjustments will apply.

8.2. The reasonable adjustments and support provided by the University will be directly related to the student's studies and enabling them to access the University's teaching and other facilities. The University is not required to provide:

8.2.1. support the disabled student would need regardless of whether they were studying or not, such as personal care during the day or personal care to live in university accommodation, or equipment such as a wheelchair;

8.2.2. funding for study support where the student is eligible for Disabled Students' Allowances (DSA) and that support can be funded by DSA.

8.3. Section 20 of the Equality Act 2010 requires the University to make reasonable adjustments where a provision, criterion or practice, any physical feature of the education provision or the absence of an auxiliary aid or service puts disabled students at a substantial disadvantage compared with students who are not disabled. Non-exhaustive examples of adjustments which the University may make are:

8.3.1. Extra time for interviews, tests or other activities designed to assess disabled people applying to study at the University
8.3.2. Support to enable attendance at open days or applicant events, such as the provision of a British Sign Language interpreter
8.3.3. Extra working days for coursework, calculated by assessment word count
8.3.4. Extra working days for pre-submission deadlines, such as the deadline by which feedback on a draft assessment must be sought
8.3.5. 25% extra time for exams; 50% extra time may be considered exceptionally, where medical evidence is provided which clearly supports this and where no other adjustments would remove the substantial disadvantage
8.3.6. Adjustments to the conduct of and arrangements for vivas
8.3.7. Adjustments to the mode of assessment, but not to the competence standard being used to determine whether the student has a particular level of competence or ability

8.3.8. Alternative assessments where there are no adjustments to the original mode of assessment which would remove the substantial disadvantage

8.3.9. Electronic provision of teaching materials in advance of teaching sessions

8.3.10. Permission to record teaching sessions

8.3.11. Provision of a notetaker

8.3.12. Provision of a support worker or assistive software for exams

8.3.13. Provision of assessment feedback in a particular format

8.3.14. Timetable changes, including room changes

8.3.15. Providing some course information in advance

8.3.16. Provision of support to use the library or other facilities

8.3.17. Adjustments or support for a field trip or practical work

8.3.18. Adjustments to university accommodation, such as the type of accommodation provided, room adaptations or permitting a student to have a therapy animal live with them.

8.4. The University will assess whether an adjustment would be reasonable to make using factors including but not limited to:

8.4.1. The medical evidence provided by the student or applicant. The relevant support team will use the evidence to check that the student/applicant meets the definition of disability in the Equality Act 2010 and whether the evidence supports the need for the adjustment requested or being considered;

8.4.2. whether making the adjustment would be effective in overcoming the substantial disadvantage;

8.4.3. the extent to which it is practicable for the University to make the adjustment;

8.4.4. the extent to which aids and services will otherwise be provided to the disabled student;

8.4.5. the cost of the support and/or reasonable adjustments and the resources of the whole university and the availability of financial or other assistance, such as Disabled Students' Allowances and other grants or loans;

8.4.6. health and safety factors following a suitable and sufficient risk assessment;

8.4.7. whether making the adjustment would substantially disadvantage other students;

8.4.8. the requirements of the Professional, Statutory or Regulatory Body which accredit, recognise and approve the student's course and whether these prevent us from making a specific adjustment. Courses which may be affected in this way include (this list is not exhaustive):

8.4.8.1. Nursing and midwifery
8.4.8.2. Health care professions
8.4.8.3. Teaching
8.4.8.4. Law courses validated by the Solicitors' Regulation Authority and the Bar Council

8.5. The University is not required to alter the competence standards used to assess a student's competence and ability; it is only required to make adjustments to the mode of assessment. However, the competence standards must be a genuine and proportionate method of achieving the course aims. Where the mode of assessment itself is a genuine competence standard (for example, a time-limited assessment of giving emergency medical treatment), there is no duty for the University to make a reasonable adjustment to the mode of assessment, but it will consider other adjustments to support the student with the assessment.

8.6. If an enrolled student is receiving support from the University and a request for additional support has been made, the relevant support team may seek factual information from the student's support worker, such as what support has been provided and the progress of the student in developing strategies. Support workers are not permitted to advocate on behalf of the student in disputes about support as this constitutes a conflict of interest; the relevant support team will communicate only with the student. Where a student feels they need advocacy, they may request this from the.

8.7. Where a disabled student has attended a needs assessment as part of their application for Disabled Students' Allowances, recommendations made by the needs assessor about institutional support will be taken into account but are not binding on the University. The University is entitled to take into account all the factors listed above when deciding what adjustments would be reasonable.

8.8. Where the University has decided an adjustment would not be reasonable to make (see section 8.10 below), it will carefully consider other adjustments which may remove the substantial disadvantage.

8.9. Section 12 of this policy explains how a student may appeal a decision by the University not to make an adjustment or provide support.

8.10. Reasonable Adjustments Panel

Where an adjustment or the type/amount of support requested by an applicant or student or recommended by a DSA needs assessor is not considered by the relevant support team or the student's School/Institute to be reasonable (using the factors listed at 8.4), a Reasonable Adjustments Panel (RAP) will be convened 'virtually' or in-person to consider the request and make recommendations. Where cost is one of the factors which may mean the adjustment is not reasonable, the RAP will be convened where:

8.10.1. The cost of the one-to-one support or reasonable adjustment requested is not of a type that would be covered by Disabled Students' Allowances and exceeds 50% of the student's course fee (postgraduate taught courses) or 50% of the course fee for one year (undergraduate courses);

8.10.2. Where the cost of the one-to-one support or reasonable adjustment requested would exceed the amount that would be paid by Disabled Students' Allowances by £1,000 or more.

8.11. The RAP membership will include:

8.11.1.1. **Chair:** Pro Vice Chancellor Learning and Teaching

8.11.1.2. **Deputy Chair:** Director of Student and Academic Services or their nominee

8.11.1.3. Associate Dean (Student Learning Experience) from the student's Faculty

8.11.1.4. Head of Disability Services or Deputy Head of Disability Services or

8.11.1.5. Head of Mental Health and Wellbeing Operations

8.11.1.6. Clerk

8.12. The procedure for convening a RAP and requesting a review of a decision made by the panel can be seen here.

9. Disability Support Summaries

9.1. Following assessment by the relevant support team of what reasonable adjustments should be made for an enrolled student, the team will aim to draw up a Disability Support Summary (DSS) within 10 working days of provision of all the required medical evidence. This document lists all recommendations related to the student's course. The student will be asked to confirm they are satisfied with the content and consent to the DSS being shared with University colleagues who will be teaching and assessing them as well as course and assessment administration colleagues.

9.2. The reasonable adjustments recommended in Disability Support Summaries will be tailored to the specific activities undertaken by postgraduate taught and postgraduate research students, as we recognise that many of the activities undertaken will be different to those undertaken at undergraduate level.

9.3. Where a student has a mental health difficulty and another disability, such as long-term health condition, the relevant support teams will work together to co-ordinate support for the student. The predominant condition will determine which team leads on co-ordinating the student's support and drawing up their Disability Support Summary, and the teams will work together to ensure the student receives appropriate support which meets their assessed needs. Information will be shared between the teams only with the explicit consent of the student, but students should be aware that if consent for this is withheld, it may make it challenging to support them appropriately.

9.4. Students who provide evidence of a moderate to high possibility of having a Specific Learning Difficulty (SpLD, such as dyslexia, ADHD or dyspraxia) or an autistic spectrum condition (ASC), but do not yet have a formal diagnosis, may be provided with an Interim DSS, pending a formal diagnosis. Evidence must be in the form of a screening (including one completed at the University) or evidence of support in a previous education setting (such as an Education, Health and Care Plan containing the required information). The Interim DSS may be withdrawn if the student does not attend a diagnostic assessment within 3 months of the date of the Interim DSS or if they attend a diagnostic assessment which does not result in a diagnosis. Students in this position will be signposted to other sources of support.

9.5. Where the student has not been able to attend a diagnostic assessment within 3 months of the date of the Interim DSS due, for example, to funding issues, the length of a waiting list for an external assessment, illness or bereavement (this list of examples is not exhaustive), the Interim DSS will not be withdrawn if the Disability Support Team considers that the student's reason for not attending an assessment within 3 months is due to circumstances beyond their control and therefore justifiable. A small number of students each year present with learning difficulties which are not diagnosed as a Specific Learning Difficulty but are of a general nature affecting a number of areas of ability. Depending on the extent of the difficulties and their effect on the student, the University may consider they constitute a disability within the definition of the Equality Act 2010. In these cases the Disability Support Team will assess what adjustments would be reasonable and draw up a DSS outlining what reasonable adjustments should be made for the student.

9.6. The only colleagues within the University permitted to draw up and amend DSSs are colleagues within the Disability Support Team and the Mental Health and Wellbeing Team. All teaching and professional services colleagues working with a disabled student are required to adhere to the recommendations in their DSS or raise a query with the relevant support team if they feel an adjustment cannot be made as described, so that an alternative adjustment can be agreed. Where this has not been done, a disabled student may make an Academic Appeal.

9.7. Only colleagues teaching/assessing the student or course administrators are able to view a student's DSS. They may view a DSS on the University records system but should not download it or share it with colleagues by email. This safeguards confidentiality and ensures the most recent version of the DSS is used to make adjustments.

9.8. The University believes disabled students should not have to repeatedly tell University staff about their disability during their course. Therefore, students are not required to advise teaching colleagues of the existence of their DSS, unless they wish to. Teaching colleagues are expected to check weekly whether students they are teaching have a DSS, and to make the reasonable adjustments recommended or seek advice from the relevant support team if they have difficulties doing so.

9.9. A student's DSS may be reviewed at any time by the relevant support team, for example, following a health change or a change to their course. The request for a review may be made by the student or by a colleague teaching them. All proposed changes will be made with the student's consent. Some changes requested may require the student to provide recent appropriate medical evidence for them to be considered.

9.10. Students who have a DSS cannot normally make a claim for Extenuating Circumstances, for an assessment, based on the disability or health condition for which they have a DSS, unless they experience a sudden and unexpected worsening of symptoms, the adjustments were put in place after any assessment falling within the current academic year or they receive a new diagnosis for a different condition and the adjustments they would be entitled to for this are different to those they already have in place.

9.11. Where a student with a DSS has a fluctuating disability or health condition which causes unpredictable difficulties with assessment deadlines, a Fluctuating Conditions Clause may be added to their DSS, allowing the negotiation of an extension to the assessment deadline of up to 10 additional working days. Additional medical evidence may be required to enable the relevant support team to consider whether this adjustment would be reasonable. Once added, where a student wishes to use this, they must speak to their adviser so that the request can be made of their School/College.

9.12. Where a disabled student must undertake compulsory work placements as part of their course, such as nursing, social work and teaching courses, they may request that a Placement Action Plan be drawn up to advise placement providers of the reasonable adjustments they may need in the placement setting. When considering what adjustments would be reasonable, the factors outlined at section 8.5 will be taken into account, as well as the limitations to adjustments which may be imposed by professional competencies the student must demonstrate on placement, including those set by the relevant Professional, Statutory or Regulatory Body.

9.13. The DSS does not list reasonable adjustments which would be required to access other services, such as Careers+, the Students' Union and the Centre for Academic Success. However, all services offered to students at the University are required to plan their services inclusively and make anticipatory adjustments as well as individual reasonable adjustments and ensure they do not discriminate against disabled students. Where a student is concerned about equity of access to a University service, they should seek advice from the relevant support team or the Students' Union Advice Team.

9.14. Where a disabled student requires specific facilities when using the library (such as priority booking of a private study room), the relevant support team will draft a Library Support Form which is shared with library colleagues, with the explicit consent of the student.

10. Fire safety

10.1. The University has a Generic Emergency Action Plan to ensure that disabled people who cannot evacuate unassisted in an emergency have full information on what to do to keep themselves safe. Individuals who have specific requirements will have a Personal Emergency Evacuation Plan drawn up. Students with a mobility difficulty studying in the School of Art and School of Jewellery may require a Personal Emergency Evacuation Plan (PEEP) due to the nature and layout of those buildings.

10.2. Deaf Alerter pagers are available on request at all University building reception desks for use by individuals who may be unable to hear the building alarm in the event of an emergency evacuation.

11. Funding for disability support at university

11.1. Undergraduate and postgraduate UK disabled students are entitled to apply for Disabled Students' Allowances (DSA), which are non means-tested grants, to help with the additional costs of being a disabled student. DSA is administered by the student's funding body. Support recommendations are made by a needs assessor external to the funding body and the student's university, and may include:

11.1.1. specialist equipment, for example a computer and specialist software;
11.1.2. non-medical helpers, for example a British Sign Language interpreter, Study Skills Tutor or Mentor;
11.1.3. extra disability-related travel costs;
11.1.4. other disability-related study support, for example printing costs.

11.2. Students not eligible for DSA include:

11.2.1. International students including students attending Birmingham City University International College
11.2.2. EU students eligible for fee support only.
11.2.3. Students studying on a BCU course outside the UK;

11.2.4. Students on courses of less than one year's duration.

11.2.5. Students completing less than 25% of their course each year.

11.2.6. Students on a temporary withdrawal (interruption), who have suspended their studies or who have assessments to complete but are not attending teaching (assessment-only).

11.2.7. Students on salaried teaching training programmes; Access to Work funding may be available.

11.2.8. Students on Degree Apprenticeship courses; they are entitled to disability support funded by the Education and Skills Funding Agency (ESFA). Students on Degree Apprenticeship courses do not have to apply for this funding themselves, but are required to engage with the relevant support team to enable full assessment of their support requirements.

11.2.9. Students for whom the University has made reasonable adjustments because they have not been diagnosed with a Specific Learning Difficulty (which would entitle them to DSA) but whom the University considers are disabled due to general learning difficulties (which do not entitle them to DSA), if this is their only difficulty and they have no other disability or health condition which might make them eligible for DSA. Where these students need support which has a cost attached, the University will consider whether it is reasonable for it to fund the support, using the factors outlined at section 8.4.

11.3. The steps of applying for DSA, being assessed for support to be funded and using the agreed support (such as ordering equipment), are external to the University. The disabled student/applicant is responsible for making the application and completing the required stages. However, the Disability Support Team or Mental Health and Wellbeing Team will provide support and guidance throughout the process, including to BCU offer-holders prior to enrolment. The University recognises that it is in every disabled student's best interest to access all the support to which they are entitled, and is committed to helping them do so.

11.4. Where, during the University's assessment of a disabled student's needs, we identify support requirements that may be funded via DSA, the disabled student will be required to

apply for DSA to fund this support. The University is not obliged to fund support that may be funded by DSA.

11.5. Where, during the University's assessment of a disabled student's needs, we identify support requirements that are not funded by DSA or the student is not eligible for DSA or other funding, we will consider whether it would be reasonable for the University to provide the support using the factors outlined at section 8.5. Where the relevant support team or the student's School/College considers that a requested or recommended adjustment or support may not be reasonable for the University to provide, the procedure the University will follow is outlined at section 12.5 onwards Where the University decides that providing the support would be reasonable, the student's faculty may be required to fund some or all of the support.

11.6. Where a student applying for DSA is awarded computer equipment (usually a laptop), they are required by the funding body to contribute £200 towards the cost before ordering the equipment. Therefore, enrolled students who have been awarded a DSA computer, and cannot afford to make the £200 contribution, may make a non-means tested application to the University's DSA Computer Support Fund to receive the £200 prior to ordering their DSA-funded computer. Once awarded, this money must be used by the student to order their DSA-funded computer. This facility is subject to money remaining in the fund at the time of application. Other conditions also apply, and further information can be found at DSA Computer Support Fund or by asking the relevant support team.

12. Complaints and appeals

12.1. A disabled applicant to the University who wishes to complain about the application process, including matters relating to reasonable adjustments to the application process, should refer to the Admissions Complaints Procedure.

12.2. Where an enrolled student wishes to raise a concern about disability or mental health support, they should initially discuss the matter with their adviser in the relevant support team, so that an informal resolution can be sought. This may include concerns about their one-to-one support, an apparent failure to make an agreed reasonable adjustment, or a

decision by the University not to make a particular adjustment or provide a particular type of support.

12.3. Where the matter relates to an apparent failure to make an agreed reasonable adjustment, if this cannot be informally resolved, the student may make an Academic Appeal. Support to do this is available from the Students' Union Advice Team.

12.4. For other matters, where the matter is not resolved to the student's satisfaction, they may make a formal complaint using the University's Student Complaints Procedure. Support to do this is available from the Students' Union Advice Team. Where a decision not to make a particular reasonable adjustment or provide a particular type or level of support has been made by the Reasonable Adjustments Panel (see section 8.10 above), and the student wishes to appeal this decision, the student will not be required to use the University's Student Complaints Procedure. They will have a right of appeal to the University Secretary. The University Secretary is a member of the Vice-Chancellor's Office and is responsible for all matters of governance, and legal and statutory compliance.

12.5. Where the applicant or student is not satisfied with the decision of the panel, which they will receive in writing within 10 working days of the panel, they may request a review of the decision by the University Secretary or an appropriately qualified and senior member of staff nominated by the University Secretary. The decision letter will explain how to request a review. The University Secretary is a member of the Vice-Chancellor's Office and is responsible for all matters of governance, and legal and statutory compliance. Where the University Secretary, or their nominee, upholds the RAP decision, the student will be issued with a Completion of Procedures letter (a CoP) and will be advised about their right to make a complaint to the Office for the Independent Adjudicator. Applicants will receive a copy of the University Secretary's decision but will not receive a formal CoP because the OIA does not consider complaints associated with admissions decisions.

12.6. The procedure for the convening of a Reasonable Adjustments Panel is available on the BCU website: Reasonable Adjustments Panel Guidance.

12.7. Where a student, who is eligible for DSA from Student Finance England (SFE), wishes to appeal a decision by the University not to provide support recommended by the DSA

needs assessor but which SFE has refused to fund, they may use the SFE Exceptional Case Process. This process enables the student to appeal the University decision whilst requesting that SFE fund the support in dispute whilst the University reviews its decision. The Disability Support Team will provide the student with full information about this process if relevant. The student may approach the Students' Union Advice Team for support with this process.

12.8. In any relevant matter where a disabled student has exhausted the University's internal procedures and (where relevant) the Exceptional Case Process described at section 12.5, they will have the opportunity to make a complaint to the Office of the Independent Adjudicator.

Document Type	**Student Disability and Mental Health Policy**		
Document Owner	Head of Disability Services Head of Mental Health and Wellbeing Operations		
Division / Service	Department for Student and Academic Services		
Version	3.0		
Document Status	Final		
Approved by	Learning, Teaching, Assessment and Quality Committee Academic Regulations and Policy Committee	**Date**	15 June 2023
Date of Publication	26 June 2023	**Next Review Date**	1 May 2024
Related Documents			
Amendments since approval	**Detail of revision**	**Date**	**Approved by**