

Retrospective allowance in assessed work for students diagnosed with a disability during their programme of study

Introduction

1. In compliance with the Equality Act 2010, the University must take steps to ensure that students with disabilities are not unlawfully discriminated against in a number of specified areas, including in examinations and assessment. In consequence, the University is required to take such steps as are reasonable so that students with disabilities are not placed at a substantial disadvantage in comparison to other students for a reason relating to their disability (sometimes known as making “reasonable adjustments”).
2. If a student is diagnosed with a disability during their programme of study and reasonable adjustments are required to avoid disadvantage to the student for the remainder of their course, then the University should also take steps, where the student's disability existed prior to diagnosis, to make appropriate reasonable adjustments retrospectively to work already completed. This is to guard, so far as is reasonable, against the student being disadvantaged overall because of their disability when the final award for their programme is determined.
3. The University is not required to make retrospective adjustment for students who are diagnosed with a disability only after leaving the University, for whatever reason, including failure, withdrawal and completion of studies, provided that the University did not know, and could not reasonably have been expected to know, that the student had a disability when they were enrolled for their course.
4. The way in which adjustment may be made depends on the individual circumstances of the student, and the stage which they are at in the assessment process and in their programme of study. It should be noted, however, that complying with The Equality Act 2010 will not result in academic standards being compromised for students with disabilities. Examinations and other assessments must be rigorous to ensure that all students are genuinely tested against the appropriate academic criteria. For instance, it is an academic requirement of most degree courses that students should be able to communicate and develop academic concepts and arguments in writing.

Diagnosis of the disability

5. The Equality Act 2010 (“the Act”) applies to students who are disabled according to the definition of disability in the Act. According to the Act, a disabled person is someone who has a physical or mental impairment which has a substantial, long-term (i.e. lasting or likely to last for more than 12 months) and adverse effect on his or her ability to carry out normal day-to-day activities. The type of adjustment that it would be reasonable for the University to make depends on the individual disability of the student in question, and some examples are given in the Appendix.
6. The way in which retrospective adjustment may be made depends on whether the student in question has been diagnosed with a disability where detailed marking recommendations have been made, and the stage which the student is at in the assessment process and in their programme of study.
7. In general terms, students found to have specific learning difficulties (such as dyslexia or dyspraxia) during their programme of study will have been diagnosed by suitably qualified

and experienced practitioners, holding a current practising certificate. The students will be in possession of certified diagnostic evidence with recommendations concerning appropriate arrangements for examinations and other assessments. The vast majority of students diagnosed with dyslexia and / or dyspraxia are recommended to receive extra time in which to complete examinations and timed assessments, and special marking arrangements, for example proposing that no penalties are imposed for poor spelling, grammar or awkward sentence structure in examinations and in coursework, where this is appropriate and not central to assessing competency standards.

8. Students found to have other disabilities may have been diagnosed by their GP, Consultant, Psychiatrist, Psychologist or other recognised health professional. In such cases, detailed recommendations concerning examination and other assessment arrangements may not have been made. A School should therefore consider, in conjunction with the student and Disability Advisory Service, what reasonable arrangements should be made to ensure that the student is not disadvantaged in examinations and other assessments for a reason relating to their disability.
9. Retrospective adjustment should only be applied to work completed during the period when the disability existed and before reasonable adjustments were made. For acquired disabilities, consideration should be given to the length of time and the extent to which the student was affected before they were diagnosed.

Consultation with the student

10. Once a student has been diagnosed with a disability, they should be offered an appointment with a Disability Adviser and the School Disability Representative to discuss the recommendations on examinations and other assessments that have been made, or to ascertain what arrangements, if any, would be appropriate to ensure that the student is not disadvantaged in examinations and other assessments. If appropriate, the student should be asked to confirm whether they would wish retrospective adjustment to be considered in respect of work completed prior to diagnosis.
11. In some cases, a student may decide that they do not wish special examination and assessment arrangements to be put in place, nor do they wish retrospective adjustment to be made for work already completed. If so, the student should be asked to provide written confirmation of their wishes, which should be kept on file in case of future query.
12. Where it would be appropriate for retrospective adjustment to be made, and where the student has agreed accordingly, then relevant action should be taken according to the guidelines detailed below.

Categories for making retrospective adjustment

13. The way in which retrospective adjustment may be made depends on whether the student in question has been diagnosed with a disability where detailed marking recommendations have been made, and the stage which the student is at in the assessment process and in their programme of study. In general terms, there are three categories into which a student may fall, which will affect the procedure to be followed in making retrospective adjustment:
 - (i) Where a student has been diagnosed with a disability where detailed recommendations for examination/assessment arrangements and/or marking have been made, and marks have yet to be approved by the Examiners.

Action: Module Convenor to review existing marks

- (ii) Where a student has been diagnosed with a disability where detailed recommendations for examination/assessment arrangements and/or marking do not apply, and marks have yet to be approved by the Examiners.

Action: Consideration by the University Standing Committee on Special Cases

- (iii) Where a student has been diagnosed with a disability where marks for a Part or Parts have already been approved.

Action: Consideration by the University Standing Committee on Special Cases

14. It could well be that a student falls into either categories (i) or (ii) plus category (iii), in which case it may be necessary for more than one procedure to be followed.

Procedures for making retrospective adjustment

15. It should be noted that any retrospective amendment to a student's result(s) might need to be approved by the relevant External Examiners.

- (i) **Where a student has been diagnosed with a disability where detailed recommendations for examination/assessment arrangements and/or marking have been made, and marks have yet to be approved by the Examiners.**

In this case, the relevant Module Convenors should take action in respect of modules studied by the student during the current academic year.

Module Convenors should review marks awarded for work already completed, and should ensure that, where appropriate, any penalty imposed previously for poor spelling, grammar or awkward sentence structure is removed, where it is appropriate to do so. One approach to facilitate such a review of marks would be for marking sheets to be used, making explicit the marking criteria and the student's performance against those criteria. If one of those criteria was 'good spelling, grammar, use of English' etc, and this was not a core competency standard, then it may be possible to identify how many marks a student lost in this respect, and for the mark to be adjusted accordingly.

Consideration may also need to be given by the Module Convenor as to the effect a lack of extra time may have had on a student's performance in timed assessments and class tests. Module Convenors should then return marks in the usual way. The fact that adjustment has been made should be recorded on file. Where marks have been adjusted by Module Convenors, the University Standing Committee on Special Cases should not make adjustment for a second time at its meeting.

- (ii) **Where a student has been diagnosed with a disability where detailed recommendations for examination/assessment arrangements and/or marking do not apply, and marks have yet to be approved by the Examiners**

Where a student has been diagnosed with a disability where detailed marking recommendations do not apply (but where special examination and assessment arrangements would be appropriate), and marks have yet to be approved by the Examiners, then the student should be asked to complete an Extenuating Circumstances Form. The student should indicate on the form when their disability first started to affect them, including details of pieces of work/modules completed before reasonable adjustment to accommodate their disability was made.

The University Standing Committee on Special Cases should then consider the student's circumstances, and make recommendations as appropriate. Such recommendations could include: raising the student's overall result where academically justified and where evidence exists to confirm that this would be appropriate; waiving penalties for late submission of coursework; deeming the student not to have sat (which may apply to more than one set of examinations/assessments) so that they can be assessed again but with an alternative assessment or adjustments in place to accommodate their disability. Exceptionally, the USCSC may recommend that the student's circumstances be taken into account at a subsequent meeting of the University Standing Committee on Special Cases, when the student has completed their programme and their full set of marks is available.

(iii) Where a student has been diagnosed with a disability where marks for a Part or Parts have already been approved

Where a student has been diagnosed with a disability where marks for a Part or Parts were approved in previous years, then the student should be asked to complete an Extenuating Circumstances Form. Where a student has been diagnosed with a disability where detailed marking recommendations have been made, then the Extenuating Circumstances Form will only apply to marks already approved by the Examiners, and not to modules being undertaken during the current academic year.

Where a student has been diagnosed with a disability where detailed marking recommendations do not apply, then the Extenuating Circumstances Form will cover both modules being undertaken by the student during the current academic year, and marks approved in previous years. The University Standing Committee on Special Cases should consider the student's circumstances, and make recommendations as appropriate.

In respect of marks that have already been approved, it is envisaged that the University Standing Committee on Special Cases will normally recommend that overall consideration be given to the student's circumstances at a subsequent meeting of the Standing Committee (when the student has completed their programme and their full set of marks is available.), where marks achieved before and after appropriate arrangements were put in place can be compared. In a very small number of cases, a student may have failed to qualify for their intended degree programme, because they were disadvantaged prior to diagnosis for a reason relating to their disability. It would seem reasonable, if appropriate under the circumstances, to allow the student to transfer back to their original programme, although it should be noted that this might entail the student having to suspend their registration until the start of the next academic year.

Right of appeal

16. Students will have the same right of appeal against decisions taken retrospectively as they would for other results.

Period of retention of examination and coursework scripts

17. Examination and coursework scripts are normally retained for a period of five years following completion of the student's programme. Relevant information is therefore

normally available if retrospective adjustment is to be made at a meeting of the University Standing Committee on Special Cases on completion of the student's programme/Part.

Appendix

The type of retrospective adjustment that may be made depends on the student's particular disability, and each case should be considered on an individual basis. However, there are some types of disability where recommendations concerning examination and assessment arrangements are broadly similar.

(a) Students with dyslexia

An individual with dyslexia will have a combination of symptoms, which could include problems such as poor reading, writing or spelling, which are due to the interaction of specific underlying deficits such as poor phonological process, weak short-term memory, spatial difficulties and organisational difficulties. Many students are first diagnosed with dyslexia whilst at the University. Had they been identified earlier, then, where appropriate, their work might not have been penalised for poor spelling, grammar or awkward sentence structure, and they might have been granted extra time in which to complete examinations and timed assessments.

When reviewing marks for work completed during the current academic year, Module Convenors should seek to ensure that, where a student has been penalised for poor spelling, grammar or awkward sentence structure, this penalty is removed where this is not a core competency standard. Consideration should also be given to the effect a lack of having extra time may have had on the student's performance in timed assessments, such as class tests.

Where the University Standing Committee on Special Cases recommends retrospective adjustment, marks achieved before and after special arrangements were put in place should be compared, so that appropriate action can be taken.

(b) Students with dyspraxia

The developmental motor co-ordination disorder of dyspraxia is occasionally identified in students who do not have dyslexia, but the conditions can be co-occurring. A student with dyspraxia may present work which looks 'sloppy'. Despite efforts to address his / her difficulties, the student may have very slow and untidy handwriting, have poor short-term working memory, be very disorganised, and have extreme difficulty working to deadlines.

Once identified, students with dyspraxia can be given appropriate support to learn ways of organising their studies so that they can submit work on time; however, it may be reasonable for the University Standing Committee on Special Cases to recommend that penalties imposed for late submission of coursework be waived retrospectively.

(c) Students with Asperger Syndrome or Autistic Spectrum Conditions

Individuals with Asperger Syndrome or Autistic Spectrum Conditions may be diagnosed for the first time during their programme of study. Very poor time management and limited social imagination can lead to coursework being completed but not submitted. A student with good understanding of and ability in a subject may be unable to start an assignment without individual support. Even preparation and revision for examinations may need one-to-one support. Autism

is a comprehensive diagnosis. Students living with Autism can also have other learning differences.

Appropriate examination and assessment arrangements will vary according to the individual's difficulties. However, time management is such a critical difficulty that it may be reasonable for the University Standing Committee on Special Cases to recommend that penalties imposed for late submission of coursework be waived retrospectively.

It is difficult to assess what effect not having had support to help prepare and revise may have had on an individual with Asperger Syndrome's performance in examinations. It may be reasonable for the University Standing Committee on Special Cases to consider whether it would be appropriate to deem the candidate not to have sat for one or more modules in the current academic year/Part, so that they have the opportunity to sit their examinations again but with suitable support mechanisms in place. Alternatively, it may be reasonable for account to be taken at a meeting of the University Standing Committee on Special Cases at the completion of their Part/programme, where marks achieved before and after appropriate arrangements were put in place can be compared.

(d) Students with mental health conditions

Students with mental health conditions may have a number of difficulties in relation to examinations and assessment, and recommendations as to appropriate provision will vary. Consideration should be given as to what would be a reasonable adjustment to make under the circumstances.

(e) Students with other disabilities

Other disabilities which may affect academic work may also be diagnosed during a student's programme of study. For instance, the slow onset of diabetes or the diagnosis of a degenerative condition such as multiple sclerosis may affect a student's performance in coursework and examinations. Consideration should be given as to what would be a reasonable adjustment to make under the circumstances.

Document control

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