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Stephen jointly supervised a PhD candidate with Professor Lisa Webley in the area of medical law. The research focused on the so-called, reproductive torts and the Courts treatment of these claims (and the claimants who bring these claims). Stephen has also been the disability tutor/co-ordinator for Westminster Law School, which involved overseeing disabled students, and provided advice to staff and students on disability matters. He has also attended various panels and committees in the University in which complicated disability issues were considered. Stephen is now currently the Quality Lead for Westminster Law

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Acknowledgements

Disability in higher education - do reasonable adjustments contribute to an inclusive curriculum?

The study focuses on the importance of inclusive curriculum design in Higher Education (HE) and the impact of reasonable adjustments in ensuring inclusive practices. Although making reasonable adjustments attempts to ensure inclusivity, the data gathered suggests that some staff struggle to accommodate disabled students, due to a lack of knowledge, training and awareness of disability. The findings are drawn from qualitative data collected from five participants by way of in-depth interviews. The study explored the perceptions of staff members in a Law School, and attempts to offer practical recommendations to ensure HE institutions adopt inclusive practices in their curriculum design. The findings suggest that having an inclusive curriculum can in some cases minimise or obviate the need to make reasonable adjustments. It is suggested that HE institutions should now switch their focus to the social model of disability which focuses on attitudes, so as to transform the perception of staff towards disabled students. Additionally, practical solutions are provided in an attempt to recognise that disabled students may need to be treated differently, in order to achieve their full potential, which ultimately ensures inclusion within the curriculum.

Keywords: Inclusive education, curriculum, disability, reasonable adjustments, higher education

Introduction

There are over 11 million people in the UK with a limiting long-term illness, impairment or disability (Crown, 2013). In 2012/13 (academic year), 221,190 students disclosed a disability on their Higher Education Statistics Agency (HESA) student record (Equality Challenge Unit, 2015). This is equivalent to 9.5% of the entire student population in the UK, and 8% of first year students, with a majority in England and Wales (Equality Challenge Unit, 2015). Out of those students that are registered disabled, 96,805 are in receipt of Disability Student Allowance (45.9% of the entire disabled student population) (Equality Challenge Unit, 2015). In comparison, 8% of law students' have a disability, this figure is relatively low compared to other subjects, but significant nonetheless. These figures exclude those students that have a disability, but have not disclosed it.

Disability has been at the forefront of many studies focussing on inclusivity across the curriculum. It is clear that inclusive design respects diversity, supports the idea of widening participation and values opportunity (Croucher et al, 2007). Similarly, the requirement for widening participation which focuses on increasing participation in underrepresented groups (such as students that come from a low socio-economic group and those with disabilities), have contributed to the significant changes taking place in HE institutions (Croucher et al, 2007). It has been noted that:

> Academic freedoms and maintaining academic standards, as well as more prosaic issues such as time, support and resources, are all common and valid concerns raised by those teaching in Higher Education in addressing inclusivity (Croucher et al, 2007 p.2).

In addition to ensuring participation, the *Equality Act* 2010 *(EqA* 2010) places a legal obligation on universities to make reasonable adjustments for students that have disabilities. Central to this is the

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need to make reasonable adjustments that focus on inclusive teaching practices which in turn promotes equality and diversity.

The need for this study is even greater given the 2014 announcement around Disability Student Allowance (DSA) cuts and the impending removal of the DSA (Johnson, 2015). The responsibility of funding has now shifted from the public purse to universities (Johnson, 2015). As a result of these cuts, students' expectations have increased and there is now an even greater burden on universities to make reasonable adjustments. The changes to funding commenced in 2016/17 which means that universities have had time to review their inclusive practices. The reduction of these funds places more pressure on universities to ensure they adhere to their statutory duties to make reasonable adjustments. In addition, the increase in fees and the increasing litigious behaviour of students (especially those with a disability) suggests that reasonable adjustments are now expected to ensure an inclusive curriculum even more so. Moreover, HE institutions need to increase awareness in attempt to address these issues when teaching and assessing students.

This study provides recommendations in relation to improving curriculum design by focussing on the role reasonable adjustments play in ensuring an inclusive curriculum. Although there is much debate about the definition of disability amongst academics and the judiciary, the purpose of this study is to explore whether the teaching and learning methods are inclusive at a London based University. It focuses on the impact reasonable adjustments may, or may not have in ensuring inclusive practices, by concentrating on teaching, assessment and curriculum design. As this study raises legal and non-legal issues, some of the key legal concepts or words are often confused.   Defining key words at this stage will assist the reader throughout this study.

Terminology and Definitions

Disabled Student

In this study the term 'disabled student' refers to the environment that disables them (Holloway, 2001). Oliver (1996) suggests that the definition of a disabled student contains three elements which include:

(i) the presence of the impairment; (ii) the experience of externally imposed restrictions; and (iii) self-identification as a disabled person (Oliver, 1996 p.5).

Impairment and Disability

It is often difficult in some circumstances to implement inclusive practices due to the impairment, consequently, distinguishing between impairment and disability is crucial (David et al, 2008). The social interpretation of disability in the United Kingdom has made a clear demarcation between 'impairment' and 'disability' and is grounded in neo-Marxist principles (David et al, 2008). Impairment is attributed to functional limitation characterised by a physical or mental dysfunction, whereas disability is linked to the loss of opportunities caused by society's failure to break down barriers (physical and social) which hinder participation and equality within the community (Barnes, 1991). Impairment is defined as a biomedical property which has been extended to include non-physical, sensory and intellectual forms of impairment. Terzi (2004) argues that disability has nothing to do with the body (Terzi, 2004) and is to be regarded as a social creation which causes the impairment to be a problem (Shakespeare, 2006). In general terms, impairment is a social judgement whereas disability places emphasis on the effects of the impairment (Shakespeare, 2006).

The Social and Medical Model

The awareness of disability movements that focus on the social model has not been at the forefront for those responsible for curriculum design (Matthews, 2009). Although equality legislation impacts on an inclusive curriculum design, it is apparent that the theoretical models used to explain disability are equally as important. It has been argued that disability imposes restrictions and disablement has nothing to do with the body, and therefore is a form of social oppression (Terzi, 2004). To this end, the social model aims to eliminate the issue of oppression by trying to '…denounce and remove the disabling barriers produced by hegemonic social and cultural institutions (Terzi, 2004 p.143).' As such, the

concept of disability (according to the social model) is socially constructed, and based upon a dominant able-bodied hegemonic model that can be compared to the hegemonic concept of masculinity as propounded by the male dominated institutions in societies globally (Connell, 1993). Nevertheless, both the social and medical models are crucial in understanding disability discrimination. These models assist the judiciary in interpreting the law by providing a framework for interpreting the notions of disability (Matthews, 2009). However, it has been suggested that one of the major problems with disability and social exclusion is the way society perceives an individual with a disability. Matthews (2009) indicates that the social model of disability should avoid using the medical model in identifying the learning needs of disabled students, since it views a disability as an 'individualised problem' to which the solution is therapies or special help. Rather, an alternative approach should focus on restructuring educational environments so that disabled individuals can be included (Matthews, 2009).

Legal Definition of Disability

Until 1990s access to many British universities for disabled students and disabled staff were limited (Barnes, 1991). Disability-related issues were perceived as an individualistic medical problem (medical model) (Barnes, 2007). The first piece of legislation that was enacted to protect disabled people against harassment and discrimination was contained in the *Disability Discrimination Act* 1995 (DDA 1995), and later in the *Disability Discrimination Act* 2005 (Hepple, 2014). Earlier legislation contained the legal definition of disability; however the definition is now contained in the *Equality Act* 2010 (s.6 *EqA* 2010) and disability is listed as a protected characteristic (s.4 *EqA* 2010). Disability under the *EqA* 2010 is defined as a physical or mental impairment which has a long-term effect on normal day to day activities (s. 6(1) *EqA* 2010). Once the individual satisfies the statutory definition, the legal duty to make reasonable adjustments (s.20-22 *EqA* 2010) is triggered if the disabled person is put at a substantial disadvantage. In order to comply with the duty to make reasonable adjustments, HE institutions have created their own codes of practice in an attempt to support students who have a disability (Claiborne et al, 2011). One such attempt is to ensure inclusivity across the curriculum.

Inclusion and an Inclusive Curriculum

The term inclusion is easily understood on its own, yet, when the term is combined with learning and teaching it becomes much more difficult to define, as it is dependent on the situation (Rodriguez-Falcon, 2010). A similar parallel can be drawn with the term inclusive curriculum. Being inclusive involves minimising barriers that hinder learning and participation (Morgan et al, 2011). Interestingly, inclusive education has been a controversial issue in schools and is relevantly a recent development within education (Hornby, 2014). It has had a considerable impact on educational policies and practices for children with special education needs and disabilities (Hornby, 2014). Hornby (2014) defines inclusive education as:

> …a multidimensional concept that includes the celebration and valuing of difference and diversity and consideration of human rights, social justice and equity issues, as well as the social model of disability… (Hornby, 2014 p.1)

David et al (2008) highlights that inclusive education in schools should involve full participation without segregation into special classrooms or services. A curriculum designed inclusively considers students' cultural and social background taking into account an individual's physical or sensory impairment and mental well-being (Morgan et al, 2011).

Not only is inclusion an issue in education it is also an issue shared by disabled service users. The National Disability Service recently identified that co-design of services was an issue in the disability sector (Sutton-Long et al, 2016). The recent 2015 NDIA Co-Design Framework defines co-design as:

> ...involving the end-user of the service experience in the design phase of a project or piece of work that aims to improve outcomes, such as service quality or solving a problem (Sutton-Long et al, 2016 p.23).

In short, the focus is on changing mindsets by engaging users in an attempt change attitudes towards disability (mirroring the social model) (Sutton-Long et al, 2016). This can be likened to the issues faced in higher education in that changing attitudes may tackle some of the inclusion issues disabled individuals encounter. Co-design is therefore useful a tool in shaping practice in the disability sector (Sutton-Long et al, 2016).

Inclusive Design and the Legal Duty to Make Reasonable Adjustments

Although inclusive design requires HE institutions to be proactive in ensuring reasonable adjustments are in place, in some cases it may require HE institutions to be responsive to students' needs (Morgan et al, 2011). Sometimes, this can mean making adjustments to teaching practices and auxiliary aids. Moreover, to ensure participation and address the diverse needs of students across the curriculum, quality processes (Morgan et al, 2011) should be embedded in curriculum design in order to ensure universities comply with their statutory duties to make reasonable adjustments under the *EqA* 2010. In order for the curriculum to be inclusive, the differing needs of disabled students should be at the forefront of the curriculum. It has been stated that:

> An inclusive curriculum encapsulates an approach whereby programmes of study are developed, designed, delivered and assessed in a way that minimises unnecessary barriers to participation by disabled students so that all students achieve their full potential. If the design or delivery of a programme of study is not set up to be inclusive it may prevent them from being able to demonstrate their academic abilities and achievements on a par with that of their peers (Davies, 2009 p.1).

Designing a fully inclusive curriculum should therefore take into account course content, teaching and assessment methods, all of which involve consideration of students' characteristics (Morgan et al, 2011). As has been noted, a curriculum designed inclusively:

> ... does not place groups in opposition to each other. It respects diversity but does not imply a lack of commonality it supports the concept of widening participation, but does not imply an externally imposed value judgment; it values equality of opportunity, but encourages all to feel that this relates to them, and that the issues are not just projected as being relevant to groups more commonly defined as disenfranchised, and translated into universities' targets for equality (Croucher and Romer, 2007p.3).

An inclusive curriculum design therefore promotes student-centred learning catering for a number of diverse students. This not only benefits disabled students but also benefits the university's diverse student community (Davies et al, 2009). In many cases, a curriculum designed inclusively saves time and reduces the need to make adjustments at a later stage. Morgan et al (2011) recommends including diversity as an item on the agenda at various committee meetings. These discussions can be fruitful between students and staff as this can be fed into curriculum design and enhance an inclusive curriculum (Morgan et al, 2011). Not only is this an issue in higher education, but is an issue that arises in youth services where the priority is for services is to develop frameworks on inclusive practices for young people in order to strengthen youth citizenship (Wearing, 2011). Wearing (2011) highlights that youth participation is crucial in developing these frameworks. He states that:

> …decision making on strategic planning, programs and resources allocation can be a shared process between youth and adults (Wearing, 2011 p.540).

Interestingly, an inclusive curriculum designed to address diversity (including disability) does not only enable each student to achieve their full potential, but also satisfies the university's legal requirements. Legislation has placed emphasis on quality assurance, and requires higher education institutions to review and revise their curriculum content (Morgan, 2011). Inclusive curriculum design should ensure that disabled students' needs are accommodated during their studies, which may in turn minimise the need to make individual adjustments. Despite this, there are still some instances where adjustments will be required. Unfortunately, the workload in schools has been reported as a contributing factor for not adapting the curriculum to suit the needs of disabled children (Pivik et al, 2002).

As discussed earlier, this duty is outlined in the *EqA* 2010 and arises when a disabled student is placed at a substantial disadvantage (s.20 (4) *EqA* 2010). Universities in these cases have a legal duty to take reasonable steps to remove or avoid the disadvantage (s.20 (4) *EqA* 2010). More importantly, this legal duty requires duty-bearers (the university) to treat the disabled person differently by way of taking reasonable steps to remove the disadvantage (Lawson, 2008), which could effectively mean treating a disabled person more favourably to remove the substantial disadvantage. The varied interpretation of

'reasonable' and how the reasonable adjustment applies (outlined in *Archibald v Fife* [2004]) makes it difficult for teaching staff to implement inclusive practices if they are not proactive. This equally applies to selection and admission in all aspects of learning, teaching, assessment and academic support (Davies, 2009). However, this is much different to other forms of protected characteristics (such as race and gender) under the *EqA* 2010 where the main purpose is to treat individuals the same. The only exception to this duty is where there is a requirement for an individual to reach a particular level of competence ('Competence Standards') (Davies, 2009). Matthews (2009) has suggested that the precaution to adapt HE institutions to ensure disabled individuals are included by making reasonable adjustments and ensuring teaching practices are inclusive, is usually considered as a mechanism to avoid litigation. This not only assists institutions in meeting their legislative duties, but also increases awareness between students (Wray et al, 2013). Although making reasonable adjustments may be a legal requirement, Florian (2012) stresses that teachers are not equipped or prepared to incorporate inclusive teaching strategies, and techniques.

Study Aims

This study focuses on an ex polytechnic London based University that noticed reasonable adjustments to be an issue within their institution as a means of ensuring inclusive practices. The findings in this study may well apply to similar HE institutions in implementing inclusive teaching practices. As discussed earlier, the varied interpretation of what constitutes reasonable in the context of the duty to make reasonable adjustments sometimes makes it difficult or impossible to determine what is reasonable; and in some cases is a contributing factor as to why inclusivity across the curriculum has become a contentious issue amongst the judiciary. However, certain considerations need to be taken into account when assessing whether an adjustment is reasonable. These considerations include: the institution's financial resources; practicability; whether the adjustment is likely to overcome or reduce the disadvantage in question; funding available from other sources; health and safety; and the interests of other students (Davies et al, 2009). As a result, teaching staff in HE are usually faced with a number of difficulties in incorporating inclusive practices in their teaching.

This qualitative study was designed to assist HE institutions in understanding staff experiences of an inclusive curriculum and the legal requirement to make reasonable adjustments. The data gathered in this study will focus on the views and experiences of law teaching staff on an LLB Undergraduate Qualifying Law Degree in ensuring inclusive practices across the Level 4 curriculum. This course is unique in that there are certain requirements placed on the university by the Solicitors Regulation Authority (SRA). Students are required to study core modules, and therefore in some cases any changes to the assessment and curriculum design must be approved by the SRA.

The overall aim of this study is to investigate whether practice across the LLB course is inclusive, by focussing on disability in HE generally, and the duty-bearer's responsibility to make reasonable adjustments. The findings in this study provide insight from interviews intended to find out how staff experience and understand issues related to an inclusive curriculum and the duty to make reasonable adjustments.

Methodology

Disability has been at the forefront of most studies focussing on inclusivity across the curriculum. It is clear that inclusive design respects diversity, supports the idea of widening participation and values opportunity (Croucher et al, 2007). Various studies have focussed on issues that hinder inclusivity across the curriculum, and as a result it is this that has now become a major issue in higher education. There is literature that discusses how institutions should deliver an inclusive curriculum generally but not much literature that focuses on how this applies to law specifically; because of this, the literature review predominantly focussed on inclusive practices generally. It must also be noted that there is limited literature that focuses on inclusive curriculum design (Morgan et al, 2011). The research was conducted at a time of curriculum review and revalidation. The researcher came from a disability background in a London based Law School responsible for curriculum design. Their experience as a lecturer and disability tutor in a Law School informed the study; therefore the bulk of the findings should be seen in this light. This put the researcher in a better position to engage with the data and developed their understanding of the issues that currently face disabled students.

The research was conducted by way of an in-depth qualitative study based on interviews with five members of teaching staff. It provided the researcher with the opportunity to gain a breadth of views on an inclusive curriculum and the legal duty to make reasonable adjustments. Using in-depth interviews to gather information from staff about their experiences was essential in gaining a deeper understanding of the issues that arose in an inclusive curriculum and the duty to make reasonable adjustments. The chosen methodology provided freedom to follow up questions and allowed the researcher to seek clarification on certain issues that arose during the interviews. The methodology also allowed participants to respond to questions which focussed on in-depth perceptions of law and the inclusive curriculum.

In order to assure credibility throughout the study, the line of questions were based on existing comparable empirical studies that focussed on disability, and the inclusive curriculum (Shenton, 2004). The questions used during the interviews were constructed using an appreciative inquiry model. This method was useful as it focused on what was working well, and why. This encouraged positive responses from participants (Claiborne, 2009) and also required the researcher to explain the models used to define disability in order to set the scene. Using an Interview Guide during the study further assisted the researcher by ensuring the main issues were covered. The questions set out in the Interview Guide contained specific questions which focussed on disability and inclusive practices, as well as open-ended questions, which allowed for more discussion (Walliman, 2011). In addition, document analysis (the source-orientated approach) was used to supplement the data collected during the interviews and assisted in framing the interview questions. A number of university documents and guides focussing on the inclusive curriculum were used to gain insight into the inclusive curriculum. The semi structured Interview Guide was piloted and subsequently adapted.

Content Analysis

Content analysis was used as a method to organise the data into categories (Cohen et al, 2007). These categories enabled the researcher to draw theoretical conclusions from the data; this assisted in identifying the frequency and importance of various topics that arose during the interviews. During the

content analysis stage, the data gathered from the interviews was analysed using computer software (Nvivo [v10]). As part of the qualitative analysis, thematic coding was used to identify common themes.

Ethical Considerations

The researcher encountered a number of ethical dilemmas. Law teaching staff were reluctant to participate, which may have been because of fear that the findings would be used to assess their performance. Therefore setting out conditions and guarantees for the participants was crucial in obtaining the participants' consent and ensuring co-operation which assisted in meeting some of the concerns participants had around issues such as confidentiality and anonymity. Participants were provided with a Consent Form by email in advance of the interview. The study was approved by the university's internal Ethics Committee, and the researcher had to acknowledge that the closeness associated with being an insider researcher impacted on their ability to engage critically with the data (Drake, 2010).

A Participant Information Sheet (Code of Practice) was agreed with the researcher and participants. Participants were given the opportunity to withdraw from the study at any time during and before the data collection stages. Reassuring participants that they would not be judged, and stressing that the data gathered would remain confidential was an important factor in gathering honest responses to the questions asked. Although a small scale study, it is hoped that the findings in the study can nonetheless be relevant in informing policy and practice in other HE institutions.

Findings

The findings in this study provide a discussion to the inquiry aims; namely the inclusive curriculum and the duty to make reasonable adjustments. Various themes arose from the interviews. The findings from the study will be presented as they appeared in the Interview Guide.

Definition and Perception of Disability

Participants were asked to define an inclusive curriculum and whilst responses differed, it was possible to identify common themes from the data collated. The findings indicated that the perception of

disability was an important factor amongst staff. Several participants highlighted that it was easier to identify a disability if it was physical, as opposed to being hidden. Most participants' defined disability as someone needing extra support or help. It was apparent that most participants based their definition on the medical model which labels individuals as in need of help. However, some participants suggested that the issue with disability lies with society, replicating the social model. As such, defining disability in the context of the medical model or having certain perceptions about disability, can in some cases raise issues in relation to incorporating inclusive practices across the curriculum and prevent staff from making reasonable adjustments. The majority of participants felt that an inclusive curriculum included equal treatment. However, it is interesting to note that disability is unique in comparison to other forms of anti-discrimination legislation under the *EqA* 2010 as it is permissible to positively discriminate (see also *Archibald v Fife* [2004] and s.20-21 *EqA* 2010).

Some participants interpreted inclusion to mean that the disabled person would be able to fully participate in society (Claiborne et al, 2011) and similar to the definition in the literature. The literature referred to social inclusion as:

> …participation by all students, whether or not with any impairment, together as a part of a community of students in the larger society... (Mullins et al 2013, p.515)

Another participant added that time and perception as to how law is taught and assessed should be, or has been taught and assessed is an additional barrier:

> I think one is time, so I think thinking creatively takes time and I think we are all under huge time pressure and that is more difficult. I think there is also inherently built into probably all courses I don't know but certainly law courses are sort of conservative and with a small c, which means that people tend to go back to how it was done before and how it should be done now. And sometimes it can be trickier with some teams to be able to take them with you on a journey of trying to rethink… (Participant 3)

It is clear from these findings that the allocation of resources is an issue within university and is consistent with the findings in schools (Pivik et al, 2002). Teachers often fail to provide appropriate

work or think creatively about alternatives for children with special needs and in some cases delegate the task to a support teacher due to lack of time (Pivik et al, 2002). Bessant (2011) also noted in his study that there was resentment amongst staff in making reasonable adjustments. However, a change in the staffing profile, in other words new members of staff, made a considerable difference to attitudes (Bessant, 2011). It is clear from the findings that the task of changing attitudes amongst staff does not come without its difficulties due to ingrained attitudes about disability. This was also consistent with the findings in schools in that a successful inclusive school depended on the unintentional attitudes of staff (Pivik et al, 2002). This is a key challenge that service providers deal with regularly (Sutton-Long et al, 2016). A recent study conducted by Huddle reported that service providers believed that educating society about disability and changing stigma is difficult and time consuming (Sutton-Long et al, 2016).

Stigma

Some participants stated that there was a stigma associated with disability when asked to define disability. One participant highlighted the issues with identifying whether an individual has a disability:

> Well it might not look like anything. If it looks like something then it obviously is easy to know that you are dealing with someone who has a disability, but I guess the problem for us is when the disability is hidden… (Participant 1)

One participant reported that disabilities not so obvious make it extremely difficult in that it feels like the student is making an excuse for not performing so well. Moreover, it may be impossible no matter how inclusive the curriculum is to cater for every disability. It is clear that staff may not have the confidence to manage a diagnosed disability, in particular if the disability may vary in its level of prevalence and effect on the person, which may require a highly trained person to diagnose (Mullins et al, 2013). Although the university has a specialist team of staff that deal with disabled students, teaching staff may not feel it is within their remit to diagnose a disability. One participant welcomed more training in relation to the diagnosis of dyslexia.

Barriers to an Inclusive Curriculum

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A recurring theme that arose throughout the interviews included time, knowledge, training, curriculum design, and the legal requirement to make reasonable adjustments. Even though there were constraints some participants felt supported, but others felt that more could be done in terms of other barriers such as training.

Participants' Definition of an Inclusive Curriculum

Most participants defined an inclusive curriculum as one which encompasses equality regardless of any protected characteristics (under the *EqA* 2010). For one participant an inclusive curriculum was defined as bespoke and stated:

> …so you have your module and you have your programme. And now at the beginning you are told that there is a student with a mobility impairment or something. You would have the resources to actually provide an alternative which has the same learning criteria but it's an alternative so they would still benefit (Participant 1).

This participant suggested that an inclusive curriculum would require tailoring their existing module to meet the needs of the particular individual. It is clear that the participant was not aware of the need to be proactive, which may in some cases result in the university being sued for a failure to make reasonable adjustments. The findings in the study also revealed that adopting an inclusive approach from the outset would mean that staff may not have to make as many reasonable adjustments as they would have considered various adjustments during the module validation process. Unsurprisingly, the data indicated that the emphasis is on the need for staff to be proactive in their approach in implementing inclusive practices across the curriculum in order to ensure they adhere to their statutory duty to make reasonable adjustments.

In addition, the data suggested that an inclusive curriculum also involves taking into account different learning styles. As one participant put it:

…if we had a brilliantly inclusive curriculum we would not need to make reasonable adjustments because we would have already…done it. We would already have taken into account the full spectrum of learning needs… (Participant 3)

Based on this participant's account, it is clear that an inclusive curriculum would incorporate various learning styles and needs. In essence, this would mean that staff members subconsciously implement adjustments in their teaching practice due to the diverse student body, and not just because of the individual's disability. Some participants highlighted that an inclusive curriculum would incorporate different teaching styles, and one reported about their experience of teaching:

…I suppose my idea about…teaching was to try and move away from only having one way…lectures are set up so that we talk at students for part of the time but no reason they cannot be interactive…(Participant 3)

Curriculum Design

Participants were asked about the importance of an inclusive curriculum and curriculum design. One participant highlighted that diversity and flexibility in relation to assessment, and teaching is an important characteristic of an inclusive curriculum. In addition, the mapping of learning outcomes with alternative assessments was raised. One participant suggested, providing information or guidelines for staff focussing on an inclusive curriculum would be beneficial, so as to ensure the relevant learning outcomes are achieved when providing alternative methods of assessment. Not being aware of this information in some respects hinders participation, and as a result excludes the disabled individual from the curriculum.

Interestingly, another participant reflected on their experience as a module leader and commented on their attendance policy as part of the assessment criteria. Even though there may have been instances where some students could have been excused, the participant questioned whether the intended learning outcomes in the module were achieved. It was reported by the same participant that they did not feel equipped to deal with the situation in relation to absence, as the module was predominantly based on debates, which formed part of the learning outcomes. The results from the data suggest that staff may

in some cases fail to consider alternative forms of assessment because of curriculum design and intended learning outcomes. In some cases, this may hinder staff from adhering to their statutory obligation to ensure they implement reasonable adjustments, thereby restricting inclusivity. This can be achieved by making provisions in the learning outcomes which incorporate different forms of assessment, and delivery thereby promoting inclusivity. Another participant reported their experience organising a mock exam for a core module which has in excess of 300 students. As one participant put it:

> …a real mock exam situation in terms of them being in a room by themselves with a computer and an invigilator [was not] possible with the amount of students, the different combination of their needs and so in the end for practical purposes I said to students well you have a choice which is you can do the exam at home under exam conditions…totally up to you and then we will mark it… (Participant 5)

It was also highlighted by the same participant that making these reasonable adjustments for a formative mock assessment was not practical. This was mainly due to the lack of resources (as noted in Bessant's study). These results revealed a development need for staff in relation to curriculum design and learning outcomes.

Training

A few participants generally felt equipped to make adjustments they believed to be relatively easy. For others, the more complicated adjustments (mostly hidden disabilities) were difficult to implement. In most cases, participants' reported that they did not feel equipped to make these adjustments and suggested that disability training would be beneficial. One of the main frustrations reported was the lack of training available, and the optional requirement to attend training sessions. Compulsory training was recommended by one participant:

> I think it should be a requirement that anybody who teaches should have to have some kind of training. I think we have got lots of staff that have not had any at all you do not necessarily need the training but you do need the exposure…(Participant 4)

It is notable that having compulsory training would encapsulate inclusive practices, encourage participation, promote inclusion across the curriculum, as well as adhering to the statutory duty to make reasonable adjustments. Claiborne et al (2011) confirms that training seems to be a common issue that arises in a number of HE institutions, and suggests that education and training is part of the solution to ensure staff are better equipped to deal with these issues. Claiborne et al (2011) further suggests that better information sharing, training and commitment to change would be beneficial, which in turn will encourage an inclusive approach to learning that encompasses all protected characteristics, not just disability. One participant commented on the quality and content of training and welcomed more training. The participant suggested ideas in terms of content and stated that it would be beneficial to:

> …know what it is like to be dyslexic rather than somebody saying if you are dealing with a dyslexic student do this this and this. I can read that for myself I would like to hear from people who are knowledgeable about dyslexia and what it means in the brain how the brain actually processes information. I know there is a wide spectrum of dyslexia but these are the kinds of things that could help different types of dyslexic. I can have those conversations with students myself (Participant 3).

The findings highlight that training was available and some participants made use of it, but others had not prioritised it. The results from the interviews did not indicate that training had an impact on participants' views.

The University's Structure

The data gathered suggested that the university's complicated information sharing structure was an issue and in some cases prevents staff from making reasonable adjustments. In addition to the experiences reported, information sharing amongst staff is a particular issue within universities. One participant reported that they felt equipped but not necessarily informed. Participants expressed their annoyance with the way in which they are informed about students with declared disabilities and indicated that in some cases the information they receive is too late to accommodate or make reasonable

adjustments for students, highlighting institutional flaws within the university structure. The account of the participant's experience was consistent with the students' experience in the classroom. This is also an issue that staff have to deal with in schools where it has been reported that the most frequently reported barriers were institutional (Pivik et al, 2002). Service providers have also voiced frustrations about government infrastructure in that bureaucracy (such as limited resources) can prevent them from delivering services to disabled individuals (Sutton-Long et al, 2016). The data gathered from a study reported that it is not only the social barriers that restrict students with invisible disabilities, but also the organisational barriers (Mullins et al, 2013).

The Ideal Inclusive Curriculum

Participants were asked what an ideal curriculum would encompass. The majority of participants agreed that an ideal curriculum is one that caters for the needs of all students regardless of disability or, any other protected characteristics (contained in s.4 *EqA* 2010). As mentioned earlier, the complexity of some disabilities and lack of resources may in some cases make it impossible to ensure inclusion. One participant reported that it may be impossible to have an inclusive curriculum due to there being so many disabilities and suggested that one size cannot fit all; this could potentially be a barrier to an inclusive curriculum, although some participants thought that the theoretical models used to explain disability were equally important.

The Impact of the Social and Medical Models on the Inclusive Curriculum

After explaining the differences between the two theoretical models during the interviews, most agreed that a contributing factor in ensuring inclusive practices was a mixture of both the medical and the social model. This was a common response amongst participants, one participant noted that an inclusive curriculum would raise awareness too. Morgan et al (2011) confirmed that raising awareness plays a pivotal role in implementing inclusive practices across the curriculum. This was consistent with the findings in the study which suggested that raising awareness amongst the student body would assist in combatting some of the issues. Others commented, and indicated that the issue with disability

discrimination lies with society, and suggested that unless the university raises awareness about the issues associated with disability, discrimination on the grounds of disability will still remain. This is a common complaint with staff in education generally and is similar to the experience staff face in schools. Parents have raised this as a concern for their children and suggest that integration and inclusion within all aspects of society will assist in combatting these issues (Pivik et al, 2002).

Teaching and Assessment Methods

It was further suggested by one participant, that the traditional teaching style limits certain students' ability. It has been noted in Bessant's study that this perception is common with teaching staff in most institutions (Bessant, 2011) and could result in universities not adhering to their statutory obligations under the *EqA* 2010. A number of participants' highlighted that an inclusive curriculum would incorporate a combination of teaching methods and generally felt that adopting a social model approach would assist in moving towards a more inclusive curriculum. In addition, a study suggested that adopting an inclusive approach employs universal design throughout the curriculum (Wray et al, 2013). By not doing so compromises inclusion and as noted in the data excludes certain disabled students. One participant stated during the interview, that an inclusive curriculum would acknowledge difference which they felt would inevitably mean treating disabled students differently depending on their disability. For example one participant stressed that:

>…we need to do things multiple ways all of the time. And by doing that we would be inclusive and that is what inclusive means, it is not just about disability, but it is also about recognising difference and thinking positively not being irritated by it (Participant 3).

Evidently, different teaching practices not only benefit disabled students, but also benefit students that do not have a disability. One participant stated that learning theory was an important aspect in adopting inclusive practices. It is clear from this participant's comments that it is extremely difficult to promote inclusive practices if staff do not understand the many and varied ways of how people learn, which

could well be a contributing factor as to why some individuals may not feel equipped to make reasonable adjustments.

Conclusions

This study explored the difficulties that staff encounter in attempting to incorporate inclusive practices that benefit not only disabled students but all students. Overall, most participants expressed their concerns about an inclusive curriculum and wondered whether it would realistically be achievable. Participants generally welcomed more training, although some noted that time and lack of resources was an ongoing issue. Some participants were apprehensive about dealing with disabled students that had hidden disabilities due to lack of knowledge and/or insufficient training. Although reasonable adjustments are made in some circumstances, on occasions it is difficult for staff members to implement adjustments for students with disabilities, particularly those with a hidden disability as a result of the stigma that may be attached to their particular disability.

Participants generally perceived an individual with a disability as in need of assistance. Some participants suggested that an inclusive curriculum would mean ensuring the disabled person is treated equally. Although this may be common in other anti-discrimination legislation, it is somewhat different with disability legislation in that duty-bearers are required to treat the disabled person differently.

In essence, the findings suggested that the obstacles teaching staff face when attempting to make reasonable adjustments are complex. The university's structure has been highlighted as a major hurdle in trying to secure reasonable adjustments. Many staff felt that the theoretical models used to explain disability assist staff in understanding disability. However, in most cases the participants believed that the medical model and the varied interpretation of what constitute a reasonable adjustment in some respects hindered some staff from adopting an inclusive approach to teaching and learning. The data also indicated that the legal duties assist the university in meeting their legal requirements as well as promoting inclusive practices across the university. Ensuring reasonable adjustments are in place during the initial curriculum design stages may assist in combatting exclusion and promote participation, although reasonable adjustments may still be required due to the complexity of various

disabilities. This would essentially mean that staff may in some cases have to be reactive in implementing inclusive practices across the curriculum. Although this might help solve some of the issues disabled students face, it is not the panacea. Unfortunately, this is not always at the forefront during the initial curriculum design stages; a contributing factor to this (as noted in the findings) is a lack of training and understanding of disability and the varied interpretation of what is reasonable.

References

Andrew, A. 2004. Strategies for ensuring trustworthiness in qualitative research projects. *Education for Information* 22, 63-75.

Barnes, C. 1991. *Disabled people in Britain and discrimination: the case for anti-discrimination legislation* (London, Hurst and Co).

Barnes, C. 2007. Disability, higher education and the inclusive society. *British Journal of Sociology of Education* 28 no. 1: 135-145.

Bessant, J. 2012. Measuring Up? Assessment and students with disabilities in the modern University, *International Journal of Inclusive Education* 16 no. 3: 265-281.

Better Evaluation Organisation. 2016. *Thematic coding*. Available from: http://betterevaluation.org/evaluation-options/thematiccoding (Date viewed 1 August 2015).

Butler, C. 2013. 'University?...hell no!': Stammering through education. *International Journal of Educational Research* 59: 57-65.

Cane, P., and Kritzer, H. 2010. *The oxford handbook of empirical legal research.* Oxford University Press.

Cohen, L., Manion, L., and Morrison, K. 2007. *Research methods in education.* (6th edition). London: Routledge.

Connell, R. 1993. *Gender and Power: Society, the person and sexual politics.* Blackwell Publishing, 1993.

Claiborne, L., Cornforth, S.,Gibson, A., and Smith, A. 2011. Supporting students with impairments in higher education: social inclusion or cold comfort. *International Journal of Inclusive Education* 15, no. 5: 513-527.

Croucher, K., and Romer,W. 2007. Inclusivity in teaching Practice and the curriculum. Guides for Teaching and Learning in Archaeology: Number 6. *Liverpool: Higher Education Academy.* Available from:
www.heacademy.ac.uk/assets/hca/documents/guides/Archaeology_teaching_and_learning_guides/Number6_Teaching_and_Learning_Guide_Inclusivity.pdf. (Accessed 5 January 2015).

Crown. 2013. Family Resources Survey United Kingdom 2011/12. *Department for Work and Pensions.*

David, J., Susan, L., Deborah, J., and Morton, M. 2008. Disability studies and inclusive education – implications for theory research, and practice. *International Journal of Inclusive Education* 12 no. 5-6: 441-457.

Davies, C., and Elliott, T. 2009. ICDS 10 Inclusive assessment. University of Westminster.

Davies, C., and Elliott, T. 2009. ICDS 1 Introductory guide. University of Westminster.

Davies, C., and Elliott, T. 2009. ICDS 7 Inclusive learning and teaching resources guide. University of Westminster.

Davies, C., and Elliott, T. 2009. ICDS 6 Inclusive placements, work experience and off-campus learning. University of Westminster.

Davies, C., and Elliott, T. 2009. ICDS 8 Inclusive lectures, seminars, tutorials and group work. University of Westminster.

Drake, P. 2010. Grasping at methodological understanding: a cautionary tale from insider research. *International Journal of Research and Method Education* 33, no. 1: 85-99.

Equality Challenge Unit. 2015. Equality in higher education: statistical report 2015. Part 2: students. Equality Challenge Unit.

Florian, L. 2012. Preparing teachers to Work in Inclusive Classrooms: Key Lessons for the Professional Development of teacher educators from Scotland's inclusive practice project.

Gillham, B. 2000. *The research interview*. London: Continuum.

Gubrium, J. F. 2012. *Handbook of interview research*. London: Sage.

Goode, H. 2007. Managing disability: Early experiences of university students with disability. *Disability and Society* 22, no.1: 35-48.

Haq, F. S., and Mundia, L. 2012. Comparison of Brunei preservice student teachers' attitudes to inclusive education and specific disabilities: Implications for teacher education. *Journal of Educational Research* 105, no. 5: 366-374.

Hepple, B. 2014. *Equality: The legal framework*, Second Edition, Hart Publishing.

Hockings, C. 2010. Towards inclusive learning and teaching principles into practice. Workshop presentation at the research Conference: Promoting equity in higher education, Nottingham.

Holloway, S. 2001. The experience of higher education from the perspective of disabled students. *Disability and Society* 16, no. 4: 597-615.

Hornby, G. 2014. *Inclusive special education: evidence-based practices for children with special needs and disabilities*. Springer New York Heilderberg Dordrecht.

Ijir,L. 2000. Supporting nursing students with learning disabilities: a metacognitive approach. *Journal of Professional Nursing* 16, no. 3: 149-157.

Johnson, J. 2015. Disabled students' allowances: Written statement – HCWS347. *Department for, Business Innovation and Skills*. Available from: https://www.parliament.uk/publications/written-questions-answers-statements/written-statement/Commons/2015-12-02/HCWS347 (Date viewed 5 January 2015).

Koretz, S. 2008. *Measuring up: What educational tests really tell us*. Cambridge, MA: Harvard University Press.

Lawson, A. 2008. *Disability and equality in Britain: The role of reasonable adjustments*, Hart Publishing.

Matthews, N. 2009. Teaching the 'invisible' disabled students in the classroom: disclosure, inclusion and the social model of disability. *Teaching in Higher Education* 14, no.3: 229-239.

Morgan, H., and Houghton, A. 2011. Inclusive curriculum design in higher education: Considerations for effective practice across and within subject areas. *The Higher Education Academy*.

Mullins, L., and Preyde, M. 2013. The lived experience of students with an invisible disability at a Canadian university. *Disability and Society* 28, no. 2: 147-160.

Oliver, M. 1996. *Understanding disability: From theory to practice*. London: Palgrave Macmillan.

Oliver, M. 2009. *Understanding disability*: *From theory to practice*. Second Edition London: Palgrave Macmillan.

Oliver, M. 1998. Theories of disability in health practice and research. *British Medical Journal*, 317: 446-1449.

Pivik, J., Mccomas,J., and Laflamme, M. 2002. Barriers and facilitators to inclusive education. *Exceptional Children* 69, no.1: 97-107.

Rodriguez-Falcon, E., Evans, M,. Allam, C., Barrett, J., and Forrest, D. 2010. *The inclusive learning and teaching handbook*. The Inclusive Learning and Teaching Project.

Shakespeare, T.W., and Watson, N. 2006. *Disability rights and wrongs*. London: Routledge.

Shenton, A. 2004. Strategies for ensuring trustworthiness in qualitative projects. *Education for Information* 22 no. 2: 63-75.

Stierer, B., and Antoniou., M. 2004. Are there distinctive methodologies for pedagogic research in higher education? *Teaching in Higher Education* 9, no. 3: 275-285.

Sutton-Long,C., Skov Agaard, S., Howard, Z,. Tassone,V. 2016. Co-Design for community inclusion. *Huddle*.

Tight, M., 2003. *Researching higher education.* Maidenhead: Open University Books/SRHE.

Terzi, L. 2004. The social model of disability: A philosophical critique. *Journal of Applied Philosophy* 21, no. 2: 141-157.

Walliman, N. 2011. *Your research project* (3rd edition). London: Sage.

Wearing, M. 2011. Strengthening youth citizenship and social inclusion practice – The Australian case: Towards rights based and inclusive practice in services for marginalized young people. *Children and Youth Services Review* 33: 534-540.

Wray, J,. Aspland, J,. Taghzouit, J,. and Pace K. 2013. Making the nursing curriculum more inclusive for students with specific learning difficulties (SpLD): Embedding specialist study skills into a core module. *Nurse Education Today* 33 no.6: 602-7.

Yates, L. 2012. Young people with health conditions and the inclusive education problematic. *International Journal of Inclusive Education* 18 no. 3: 283-294.

Statutes

Equality Act 2010

Case Law

Archibald v Fife Council [2004] UKHL 32

SCA Packaging v Boyle [2009] UKHL 37