



Advice and Information for providers regarding reasonable adjustment

Background

1. The 2022/23 update to the PEAT 1 Outcomes adds commentary on reasonable adjustments. The duty rests with the providers to ensure that reasonable adjustments are considered where there is a risk of disadvantage arising from the method of assessments. The assessment methods outlined in the Accreditation Guidelines are suggestions only and they are subject to the provider's duty to make reasonable adjustments.
2. When we consulted on the PEAT 1 Outcomes we received useful insight into how providers could make their courses more inclusive for disabled students. This is not intended to be authoritative and providers are encouraged to speak with their students, intending students, disability services, and disability organisations on a consistent basis. Speaking to recent graduates may also be informative.
3. We share this information here for providers to consider when applying their duty. The Society may update this from time to time depending on feedback from universities, students and disability charities and organisations.

Supporting students

4. Providers may wish to give students who require more granular detail about what some of the PEAT 2 Outcomes mean (e.g. what does '*demonstrate an awareness*' mean? How can that be evidenced or assessed?). This is best done at provider level given the wide-range of assessment methods available and different ways the courses are delivered.

Providers should think carefully about how best to include disabled students and ensure those students can get the most from the course. Providers should involve the disabled student as they will know best how their impairment(s) affect them. Disabled students may have suggestions for adjustments that should be considered regarding access to and assessment of the course. This involvement is vital as people with similar impairments may have different preferences (one Deaf person may prefer to use British Sign Language; another may prefer to lip read). It should be noted not every disabled person will be aware of the range of adjustments that could be made by a provider particularly if they are changing provider between LLB and PEAT 1.

5. The nature of the LLB and PEAT 1 programmes are different. The former is academic; the latter is vocational where skills are assessed in a simulated environment. Many students will not have significant experience in such an environment before starting the DPLP. Providers should consider how best to support the transitional between the two courses particularly for disabled students. Given the differences between the two courses disabled students may not know prior to starting the PEAT 1 programme what adjustments they need. Providers may wish to consider having open dialogues with current and intending students in a way that allows those individuals to share or disclose their disabilities openly and, also, allow for students to return to these discussions when necessary (e.g. an individual may ask for a particular adjustment at the start of the programme but during the course of the programme realise that a different adjustment may be appropriate). Working to build a culture which encourages sharing is

important. Moreover, students may require time to think about adjustments via self-reflection, experience and discussion with staff.

6. As above, Providers should work with their disability advisory service and, where necessary, work with disability organisations around Scotland.

Feedback we received

7. It is not possible to list every possible reasonable adjustment that providers could consider making in this document.

However, during the consultation phase we received comments in discussion or in formal response that may help providers in course and assessment design. We hope this is a document that we can build upon and honed in the future.

Simulation and neurodivergent students

- a. The neurodivergent population is diverse just as the neurotypical population is. It is not the case that all neurodivergent students cannot undertake simulated activities or role play. Many neurodivergent students do so daily and this is often known as "masking". There may be many neurodivergent students who excel at role play because role play is central to their daily lives. Other neurodivergent students may require more support.
- b. Role play in a simulated environment such as PEAT 1 can be useful as it allows for control of variables in a way that a real life situation cannot.
- c. Some neurodivergent students may require additional time and support when it comes to some simulated activities. For example, in a simulated interview it may be useful to outline clearly and directly in advance to the student in question what the other person in the interview may do or say. Additional help, guidance, and planning may significantly reduce uncertainty and stress.
- d. This may be helped further by giving some neurodivergent students time to practise the simulated activity numerous times (with a support worker if necessary). Providers could give the support worker access to the marking scheme and/or relevant course materials.
- e. Tutors giving clear and direct instructions of what to do on the day of assessment would also be helpful.
- f. It may be necessary for advance notice to be given to the student, and the provider could have a meeting with the student and disability services, to discuss the forms of assessment and adjustments which could be put in place. The advance notice may be helpful for the student to focus on coping strategies as well as preparing for the assessment.

Group assessment

- g. As group work is of fundamental importance during PEAT 2 and in the legal sector more generally learning in groups is a useful development tool and assessment method during PEAT 1. Group Work can be difficult for some students. Reasonable adjustments may be needed for students with mental health conditions and neurodivergent students. Support and guidance for other students in the groups may be necessary and it may be useful to explain to those students the reasonable adjustments being made.

Station activities

- h. If using station activities as a means of assessment reasonable adjustments providers the following adjustments should be considered: rest stations, additional time, the provision of a reader, the provision of a scribe etc. This list is by no means exhaustive.

Litigation Outcomes

- i. We received feedback which focused on potential adjustments for the litigation outcomes.
 - (i) **Written form assessments:** In assessing the criminal or civil litigation outcomes some disabled students may require adjustments. These might include a reader, a scribe and/or assistive technology to draft documents.
 - (ii) **Simulated court situation:** In assessing the criminal or civil litigation outcomes, some disabled students might require: additional time to make their submission, comfort breaks, a note taker, using a tablet or laptop with assistive technology.

If assessment is taking place in a court room or mock court room, providers should give consideration to the accessibility e.g. is it accessible for wheelchair users; does it have hearing loops etc

Training

8. The 2022/23 update to the PEAT 1 Outcomes introduced a requirement for appropriate training for all involved in the PEAT 1 programme. Questions were asked of the Society to define what that training might be.

Training regarding disability inclusion should be provided to anyone who is involved in the delivery and assessment of the course. What form, regularity, type and extent of training takes place is for the provider to decide. Factors to think about include:

- a. Feedback from disabled students on the course or intending to join the course.
- b. Best practice from the disability advisory service.

Best practice

9. Providers are encouraged to share best practice in regards disability inclusion in a way that does not compromise student confidentiality and in a way that is compliant with data protection legislation.

Recourse to the Law Society of Scotland

10. There may be rare cases where a disabled student is unable to meet one or more of the PEAT 1 Outcomes even with reasonable adjustments in place regarding how the Outcomes are assessed and achieved.

It is the Society's view that this would be something that providers escalate to the Society rarely given the duties on the provider, their knowledge of their course components and assessment process, adjustments they have made and discussions

with the student and their disability services.

That said, in such rare occurrences the provider and student should liaise with the Law Society of Scotland to determine whether achievement of a particular outcome can be waived.