

# Designing for Inclusion – Competence Standards

by Caroline Davies and Tina Elliott

Disability legislation requires post-16 education providers to set non-discriminatory 'competence standards' for each of their courses. This has significant implications for the design, delivery and assessment of courses and the way in which applicants are selected. Institutions are required to review and evaluate their course standards to ensure that they meet these legal duties.

The Quality Assurance Agency's (QAA) code of practice for the assurance of academic quality and standards in higher education has a revised section on disabled students (1). It specifically refers to inclusive curriculum design, the importance of setting competence standards and the need for academic staff to seek appropriate advice within their institutions. Disability practitioners are well placed to advise and support academic colleagues involved in the process of reviewing standards or writing new ones.

This article describes the benefits of setting competence standards and gives practical information on their purpose and essential features including suggestions on how to avoid discrimination.

## The benefits of setting competence standards

If set and implemented appropriately, competence standards will support the work of academic staff and help to prevent discrimination.

- Setting competence standards ensures courses are inclusive by design and do not inadvertently discriminate against disabled applicants and students.
- Applying competence standards assists academic staff to make consistent decisions, and to objectively justify those decisions, e.g. in relation to disabled applicants,
- Properly explained and publicised course competence standards help disabled applicants to choose a course where they can meet the standards.
- Competence standards help all applicants and students understand what is expected of them.

## What does the law require?

The education section of the Disability Discrimination Act (DDA, Part 4) previously said that discrimination against disabled students could be justified in order to uphold 'academic standards' or other prescribed standards. It was very difficult to interpret this requirement in a consistent and equitable manner. To clarify the intention of the legislation and to protect disabled students and applicants, the DDA was revised in 2006. The 'academic standards' justification was replaced with the concept of meeting pre-set 'competence standards'. Institutions must now define and set competence standards for each of their courses.

The DDA, Part 4 defines a competence standard as

*'an academic, medical or other standard applied by or on behalf of an education provider for the purpose of determining whether or not a person has a particular level of competence or ability.'* (2)

### **Characteristics of competence standards**

Standards are traditionally set and applied for a variety of purposes by post-16 educational institutions. A standard is likely to be regarded as a 'competence standard' if it concerns:

- selecting which applicants to admit to a course
- defining the learning outcomes for courses
- evaluating and grading students' performance, knowledge and skills in assessment
- placement and professional learning criteria
- the conferment of awards.

Practical guidance on setting and assessing learning outcomes (= competence standards) can be found in the other article in this series, 'Designing for Inclusion – Learning Outcomes and Course Descriptions', Elliott, T. and Davies, C. (2009) (3).

The legislation explains that competence standards must have certain characteristics. These characteristics help make them a precise tool for avoiding discrimination.

The primary purpose of a competence standard is to determine whether or not an applicant or student has a particular level of competence or ability. The following features must **all** be present for a standard to be a 'genuine' competence standard.

- The standard must be **specific** to an individual course. Competence standards are not set across the whole institution or even across subject disciplines.
- It must be **relevant** to the specific course. For example the ability to play a musical instrument to a specified level is likely to be a competence standard for entry onto a performance-based music degree. However the requirement to demonstrate a 'high level of physical fitness' for a course in Sports Management would not be relevant if the course was predominantly theory-based and did not involve strenuous physical activity.
- It applies equally to **all students**, not just disabled students. There does not have to be one set of criteria for disabled students and another for non-disabled students: competence standards are truly inclusive.

- It must not **directly discriminate** against disabled people. 'Direct discrimination' is about making (often detrimental) judgements about a disabled person's ability on the basis of their impairment. It often involves making generalised or stereotypical assumptions about what a disabled person can or cannot do which does not take account of their individual circumstances. For example if an admissions competence standard requires 'proficiency in use of IT', and an admissions tutor assumes that a blind person cannot have or develop this proficiency because they are blind, then this is direct discrimination.

### **Who sets competence standards?**

Competence standards are normally set by course teams as courses are developed and validated. This process includes setting entry standards and defining learning outcomes and assessment criteria.

In certain circumstances, competence standards may be set in conjunction with external professional or qualifications bodies that accredit the course, eg where successful completion of a course, or specific modules, allow students to apply for and obtain professional body membership.

Since 2004, the DDA has required professional bodies to set non-discriminatory competence standards for those wishing to enter their profession or trade (4). If a course is accredited by a professional body and incorporates that body's standards within its own competence standards, the institution is then responsible for the non-discriminatory implementation of the professional body's competence standards.

### **Are courses required to make reasonable adjustments to competence standards?**

Competence standards **are non-discriminatory** by design and so, by definition, there is no duty to make a reasonable adjustment to a competence standard.

However, in most circumstances, institutions are required to consider and make adjustments to **the process of demonstrating** that a disabled student or applicant is able to meet or has met a competence standard. This is because there may be a variety of ways, other than the standard method, for students and applicants to show that they have achieved or are able to achieve a particular competence standard.

Adjustments to interview and selection methods designed to test admissions competence standards include:

- providing a BSL interpreter or an induction loop for the interview
- ensuring that the interview is held in an accessible venue
- providing information for selection activities in alternative formats.

Adjustments to assessment methods designed to test learning outcomes include:

- additional writing time and the use of a computer for a dyslexic student taking a written exam
- extensions to coursework deadlines for a student with chronic fatigue
- use of a practical assistant working under the direction of a blind student for a practical exam
- providing an alternative form of assessment, eg an additional piece of coursework instead of an exam.

Where an alternative way of demonstrating achievement of a competence standard is permitted, it must be equally rigorous. If it is agreed that a student can undertake an alternative form of assessment as a reasonable adjustment, then that assessment mode must be equally capable of demonstrating that the student has met the requisite learning outcomes (= competence standards) as the original form of assessment. This is an example of where the introduction of competence standards helps clarify practice.

In certain circumstances the process of demonstrating whether a competence standard has been achieved is **inextricably linked to the standard itself**. The DDA, Part 4 Code of Practice says,

‘The passing of an assessment may be conditional upon having a practical skill or ability which must be demonstrated by completing and passing a practical test. Therefore, in relatively rare circumstances, the ability to take the test may itself amount to a competence standard.’

If a course has a competence standard requiring a student to demonstrate their personal ability to perform a particular technique (eg for a course in dentistry or tree surgery), the course would be unlikely to have to offer a written essay in place of the practical assessment or to permit the task to be undertaken by a practical assistant at the student’s direction. If demonstrating the practical technique within a particular time was part of the competence standard, then it may not be possible to allow extra time to complete the task. Deciding whether the prescribed form of assessment is ‘inextricably linked’ to the demonstration of the competence standard can involve difficult decisions: these should always be well documented.

Professional body competence standards may specifically preclude the use of certain adjustments or alternative forms of assessment. The professional body should have revised its standards to ensure they are genuine competence standards. If academic staff delivering the course feel that the standard is unnecessarily discriminatory, they need to discuss this with the professional body.

### **Can discriminatory competence standards ever be justified?**

Direct discrimination can never be justified. However, in certain circumstances courses may be justified in setting competence standards that result in disability-related discrimination, ie less favourable treatment related to a person’s impairment. For example:

A degree course in acupuncture requires the development, practice and assessment of clinical skills. A competence standard for this course may require applicants to demonstrate a level of manual dexterity. An applicant who has limited manual dexterity or a hand tremor may be unable to develop or demonstrate these skills and so is unlikely to be able to undertake the course.

If a competence standard would be impossible to achieve for a reason related to a person's impairment then the decision to apply that standard and to 'justify discrimination' should only be taken after very careful consideration. The course team would need to be satisfied that there is no alternative competence standard that would be less discriminatory but which would still achieve the same aim.

Ideally, a decision to justify disability-related discrimination should be made during admissions in order to avoid wasting the potential student's time and money and causing distress. If this decision is made and communicated in a timely manner, UCAS applicants for higher education courses should be able to substitute an application for another course where they are able to meet the competence standards. Guidance on competence standards and admissions decisions has been produced by Skill (5).

The DDA Part 4 Code of Practice explains that in order to justify disability-related discrimination, there is a statutory legal test. An institution must be able to show that the standard in question:

- is applied equally to people who do not have the particular impairment, ie to all applicants or students
- is 'a proportionate means of achieving a legitimate aim'.
  - There must be a pressing need that supports the aim, ie the aim is 'legitimate'.
  - The application of the competence standard must be causally related to achieving the aim. For example, the level of the standard should not be set at an unreasonably high level: it must be 'proportionate'.
  - There is no other way to achieve the aim which would be less detrimental to disabled people.

### **Avoiding discrimination in relation to competence standards**

Course teams can do a number of things to help avoid discrimination. The DDA, Part 4 Code of Practice offers the following advice:

- Take an anticipatory approach, in advance of any issues arising, and systematically review and evaluate competence standards.
- Identify the specific purpose of each competence standard and examine how each standard achieves that purpose.

- Consider the possible impact of each competence standard on disabled people. If any have a negative impact, ask whether the application of the standard is absolutely necessary.
- Review the purpose and effect of each competence standard in light of changing circumstances, such as developments in technology.
- Examine whether the purpose of the competence standard can be achieved in a way which does not have an adverse impact on disabled people.
- Document how these issues have been addressed, the conclusions that have been reached and the reasons for those conclusions.

The University of Edinburgh provides a useful 5-Step Test (6) to help course teams review their standards in a systematic manner to determine whether they are genuine competence standards.

Publishing a summary of key course competence standards and publicising them in marketing materials (such as Entry Profiles, web information on courses, prospectuses) and in course handbooks, helps ensure applicants and students are aware of what is required in order to make informed choices. Guidance published by the Higher Education Academy emphasises that, 'Competence standards should be made transparent to those applying to a course as well as students who have enrolled'.(7)

## Summary

Disability practitioners have a range of disability-specific knowledge and experience to offer academic colleagues as they develop and set competence standards and in their implementation and assessment. Along with an understanding of the principles of competence standards, they can play a crucial role in supporting the development of inclusive curricula.

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Adapted from a fuller briefing produced by the authors for the University of Westminster's Inclusive Curriculum for Disabled Students (ICDS) project (8).

## References

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