

BUILDING ACCESS ROUTES INTO BLACKSTONE'S TOWER: INCLUDING DISABILITY PERSPECTIVES IN THE LIBERAL LAW SCHOOL

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Abstract

Disability, and its relationship to and relative absence within the English university law school permeates *Blackstone's Tower*, from Rutland's rickety lift and law library filled with inaccessible print texts to the recognition that minority perspectives and 'real-life' applications of law are missing from the curriculum. This article explores the importance of mainstreaming disability within curriculum content and design, to ensure that staff and students receive the inclusive experience they are entitled to. It will also explore the need to support staff, both in understanding their roles in providing access and enabling staff and students with disabilities to disclose their disability status and access any support that they might need.

Keywords: disability law; liberal education; proactive critical citizenship; inclusive teaching.

[A] INTRODUCTION

According to the Higher Education Statistics Agency (HESA) data, increasing numbers of students with disabilities are entering universities to study law in the UK, with numbers rising from 10,910 in 2017/2018 to 12,295 in 2018/2019 (HESA nd). Yet, awareness of the legal rights of people with disabilities remains low in the legal services sector, as well as amongst people with disabilities and civil society generally (House of Lords 2010). The changes to the provision of disabled student allowances (DSAs) in 2012 place more responsibility onto institutions and teaching staff to meet the needs of students with disabilities at the point of design and delivery of content. Despite this, there is little support for

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staff in interpreting, understanding and implementing these new duties in practice (Cameron & Ors 2018).

This context highlights the need and opportunity law schools have to engage with disability. Engaging in this way will encourage legal educators to answer one of the main questions posed in *Blackstone's Tower*, 'What are law schools for?'. This article will argue that disability engages both the liberal and the vocational educational objectives of the law school. By considering each in turn, it will demonstrate that recent and continuing developments within disability law provide a rich seam for research and scholarship within liberal legal education. At the same time, there is an important role for discussions around disability in vocational legal education. Vocational regulatory bodies are increasingly focusing on the practitioner's ability to provide access to legal services for people with disabilities (Bar Standards Board (BSB) 2018; Counsel 2019; Solicitors Regulation Authority (SRA) 2019; BSB 2020).

This article will then move on to focus upon the role of the jurist, arguing that disability offers valuable opportunities for external engagement. It will also consider the role of students, suggesting the ability to mainstream disability perspectives throughout the curriculum provides Twining's real-world engagement with the law while guarding against the lack of direction and external monetarization that Bradney fears (2003: 77-78). It will then broaden out the discussion to consider the ways in which universities generally could offer a template demonstrating how employer and employees could approach disability and increase awareness of particular issues in the employment context. The article will conclude that disability is of relevance within all facets of legal education, both liberal and vocational, for both jurists and students and also within the wider university as an exemplar for the workplaces of the future.

[B] LIBERAL LEGAL EDUCATION

The Nature of Liberal Legal Education

The literature indicates that, in the majority of law schools within the UK, liberal education is merely a signifier for non-vocational education that is not regulated by professional bodies (see, for example, Hepple 1996: 471-477; Bradney 2003: 31-34; Cownie 2003: 159-161; Cownie 2004: 30-35; Stolker 2014: 130-135, 137-141; Quality Assurance Agency (QAA) 2019). Cownie (2011: 129-132) and Burrridge and Webb (2007: 90-96; 2008: 264-265) identify that this superficial engagement with liberal education comes from a lack of understanding of educational

theory in law schools and in the teacher training offered by universities. Such an understanding is necessary to engage with the issues that a liberal education might raise. Guth & Ashford argue that socio-legal and liberal approaches to law degrees and inclusion of broader issues (including disability) are possible under the Legal Education and Training Review 2013. Still, academics must argue for this to prevent increasing colonization by the professions driving for vocationalism (Guth & Ashford 2014: 18-19). For Leavis, the aim of liberal education was to put both students and society in touch with the humane centre that would influence their way of looking at the world by inculcating within students a sense of sensitivity and sensibility, which enables them to produce sensitive and precise responses based on intelligence and integrity in terms of analysis and building their arguments (1943: 33-38). Students must develop their arguments rather than rehearse and repeat those of others (Bradney 1999: 4-5). By restricting students to a pre-ordained notion of the humane centre, Leavis may be undermining the idea of a genuinely liberal education, which values and encourages students to process information and form their own opinions. Bradney is critical of Leavis' conception of culture as something that excludes those who do not 'belong' (Bradney 1999: 4-5). These exclusion issues within the university are becoming more prevalent within the 'decolonizing the curriculum' movement (Charles 2019: 24). Finkelstein highlighted the tendency for there to be a 'Berlin Wall' constructed around disability studies, which has a tendency to create a further barrier between the understanding of disability and divorces it from its social context (Finkelstein 1998: 28-49). Given that the dominant legal approaches to disability are based on either social (Oliver 1990: 22; Barnes & Oliver, 2012: 11-14) or human rights (Degener 2014: 1-8) models of disability, which argue that the barriers faced by people with disabilities are as a result of society's inability to alter social, architectural, attitudinal or policy practices to accommodate their needs and a failure to recognize discrimination as a human rights issue, it would be inconsistent and counterproductive to sideline discussions of disability into separate courses. Instead, it would be more useful to both staff and students in university law schools to mainstream disability discussions throughout the core curriculum and into various modules (Pearson 2018). Disability discussions could be mainstreamed in many different ways. The following examples are intended to illustrate the variety of approaches which could be adopted.

Mainstreaming Disability in the Curriculum

Disability could be introduced into the teaching of tort law via discussion around negligence concerning cases of 'wrongful birth' and the approach to awarding damages in decisions such as *MacFarlane and Another v Tayside Health Board* (1999). In *MacFarlane*, Lord Millett stated: 'First, it is said that the birth of a healthy baby is not harm but a blessing. It is "a priceless joy" and "a cause for celebration"; it is "not a matter for compensation".' This statement appears to promulgate negative images of disability as a personal tragedy or medical issue by suggesting that the birth of an unhealthy child is a misfortune, as characterized by early conceptions of disability (Sullivan 1991): whereas later cases, such as *Parkinson v St James and Seacroft University Hospital NHS Trust* (2001), appear to embrace social model thinking around disability (Sullivan 1991), acknowledge the additional financial costs of disability and recognize that compensation can, when adequately framed, support rather than violate dignity by ensuring the child can receive necessary care and support. *Meadows v Khan* (2017) build on the precedent in *Parkinson*, finding that damages could be awarded for the cost of an unrelated additional disability, autism, provided that, but for the defendant's negligence in failing to test for a genetic disability, in this case haemophilia, the mother would not have continued the pregnancy.

In *McKay v Essex Area Health Authority* (1982), the court decided that to label a disabled child's life as wrongful and recoverable damage would violate the sanctity of human life and therefore the claimant could not be compensated. Discussion of such a decision would enable students and staff to consider the potential difficulties of viewing disability through an entirely economic lens, particularly in terms of quantifying the worthiness of life. It could also be used to highlight the dangers that can happen when this occurs and is supported by both policy and law, as seen in action in the Nazi concept of people with disabilities as 'useless eaters' (Pearson 2018: 273-275).

Lawson offers an insight into how disability-specific issues could be introduced in land law teaching (Lawson 2005). She suggests that this could be done through a consideration of the Scottish cases of *Middletweed v Murray* (1989) and *Drury v McGarvie* (1993) concerning easements. *Middletweed* dealt with the right of way to a riverbank for people with disabilities who owned fishing rights and who could not access the bank on foot but only by vehicle. The difficulty arose because the implied easement meant that there was no express provision for vehicle transport. The question in the case was whether vehicle access was necessary for the

fishing rights' owners to have full beneficial use. The argument advanced by the anglers was that vehicle access was required for their practical use, but this was rejected on the basis that the implied easement related to the needs of a person of average strength and mobility, who would not need vehicular rights, which Lawson argues prevented them from accessing their rights (Lawson 2005: 266-67). In *Drury*, the claimants were an elderly couple with disabilities who accessed their cottage by a track crossing farmland they had the right of way over. However, the owner of the farmland placed gates over the track, which were heavy. The physical impairments of the occupants of the cottage meant that they were unable to open the gates rendering them virtually housebound (Lawson 2005: 267). Consequently, they argued that the gates constituted an obstruction that the landowner should remove to give them access. The claimants in *Drury* were allowed the option to make adjustments to the gates at their own expense (Lawson 2005: 267). There is an English precedent for considering implied rights of easement for particular groups of people, which could incorporate disability into the land law curriculum outside of the specialized landlord and tenant area. Within this area, disability could easily be covered as a protected characteristic under the activities covered by the Equality Act 2010 (EQA). Consequently, this provides an opportunity to explore the issues highlighted by Lawson in the general undergraduate law curriculum through problem questions in both tutorials and exams. Discussing *Middletweed* and *Drury* would go some way to mainstreaming disability in the core elements of the curriculum and offer the opportunity to explore liberal aspects of legal education through the issues raised relating to disability and access to social participation.

'Disability hate crime' or crimes where the victim's disability was a material motivation for the conduct could be discussed in criminal law (Crown Prosecution Service 2020), for example using the high-profile cases of Fiona Pilkington (HSAB 2009) and Gemma Hayter (WSAP 2011), which could be considered in the context of the Offences Against the Person Act 1861 and the Homicide Act 1957, respectively. Disability could be addressed within the context of public law in debating the passage of the Disability Discrimination Act 1996, where the absence of people with disabilities from the drafting process meant that many gaps in coverage and effectiveness remained (Gooding 1996: 3). This could be contrasted with the direct involvement of people with disabilities in the drafting of the United Nations Convention on the Rights of Persons with Disabilities 2006. The barriers to the possibility of engagement with parliamentary processes for people with disabilities could be explored

through discussions of the Crip the Vote movement across the globe (CripTheVote nd). A disability-inclusive liberal legal education could lead to students and staff developing the skills necessary to critique the legal response to disability and to call for change, creating a sense of 'proactive critical citizenship', which offers a new route to external engagement from the law school (Pearson 2018).

[C] VOCATIONAL LEGAL EDUCATION

In response to low-level awareness of the needs of clients with disabilities in the vocational sector, both the SRA and the BSB have launched initiatives examining how to address these issues (Counsel 2019; SRA 2019; BSB 2020). An SRA report found that respondents would welcome increased disability equality training and information about legal practitioners' experience concerning disability to address access barriers to services (SRA 2019: 9, 12, 13, 67, 76). The report also highlighted key issues, such as being able to access materials in appropriate alternative formats. The 'Disability at the Bar' report also highlighted significant problems with access to chambers and legal buildings (BSB 2018). Furthermore, the Legally Disabled project is focused on investigating the barriers to employment in legal services for people with disabilities in England and Wales (Legally Disabled nd). This project has made multiple recommendations, including increased awareness of reasonable adjustments and their application and transparency around the issues involved. Arguably, the inclusion of disability perspectives and consideration of key pieces of legislation and foundational concepts at the academic stage could help inculcate accessible practice in future practitioners (Cardiff Business School 2019: 6-11).

Moreover, the needs of prospective clients with disabilities could be considered in activities such as mooted and client interviewing. For example, participants could be tasked with carrying out an access audit for the proposed appointment and ensuring that information is provided to clients in accessible formats. The National Health Service (2016) Accessible Information Standard and the SRA (2017) plain English requirement could provide a basis for this approach.

[D] THE ROLE OF JURISTS AND STUDENTS

Twining highlights the importance of ensuring that law schools develop an environment whereby both academics and other community members can participate in a variety of activities outside of the law school (1994: 130)—contributing to government consultations and engagement with law reform processes. Twining also emphasizes the importance of students

and society understanding that law is a participatory discipline (1994: 128). However, participation needs to be handled carefully in the context of education to avoid the challenge that students would be vulnerable to indoctrination by their educators. To guard against this it is important that students are made aware of teachers' and others' values so that they can recognize and navigate which they choose to absorb or share and which they choose to jettison and why, based on reasoned assessment (Freire 2000: 87). Freire recognized the importance of this awareness in order to ensure those who were previously oppressed by existing educational and social structures do not merely declare their own newly voiced values to be superior to any others without reasoned engagement and assessment and perpetuate the oppression they suffered, only this time as the perpetrators rather than the recipients (Freire 2000: 87). Some of the criticisms of the Disabled People's Movement for its failure to include young people with disabilities and variant experiences of both disability and activism in their activities illustrate Freire's concerns. Such behaviour has the potential to lead to stasis in terms of the development of the movement (Griffiths 2018: 121-122).

Proactive critical citizenship rather than 'activist' or 'active citizenship' necessitates genuine dialogue and reflection, embodying real respect for humanity to produce meaningful change (Pearson 2018). Ellison argues that citizenship is a critical avenue for the proactive defence of rights in the face of postmodern societal fracture and acknowledges multiple identities (Ellison 2000). Beckett challenges pluralist accounts of citizenship in relation to disability (2006: 162-191), suggesting that many people with disabilities do not conceive themselves as belonging to a distinct or united culture distinguished by disability status (2006: 171-172). She highlights that it is important not to assume that a select number of voices within social groups represent a group of people (2006: 174). Any attempts to discuss disability within a liberal legal education should acknowledge that the cases and issues discussed relate to the experiences of specific people with disabilities, while at the same time highlighting issues about the system surrounding disability rights. Beckett argues that what is necessary is a system to facilitate proactive engagement, which would lessen the need to engage defensively (2006: 182-183).

Jurists play a key role in these processes as sources of learning and inspiration for the students; it is important that students are exposed to sources of critical legal theory and jurisprudence. Critical theory's genesis within the social and political upheaval of the Second World War (Held 1980: 16-19) and the failure of Marxist theory to respond to issues outside its original ideas and consider the potential action and consciousness

of individuals makes it more suitable than pure Marxist theory for the critique and assessment of the impact of established social structures and processes in creating and maintaining relationships even when the utility of those relationships is questionable (1980: 20). Lukács (1970 and Korsch 1980; both cited in Held 1980: 22) argues that social position consciousness and challenging the social order relies on gaps between the actual and possible being exposed. Lukács identifies reification as a means of preventing people from developing this awareness by making social institutions, rules and behaviour appear unchangeable, preventing people from recognizing the unjust allocation of resources between groups within society (Lukács 1967). As future jurists, students could examine the reification of law, legal education, disability and the human rights framework to explore how these have the potential to maintain existing approaches to disability. Honneth considers reification as a psychological element within interaction when people fail to recognize the personal characteristics of other people within society and merely begin to see them as things and a means to an end (2005: 130, 131). This removes context from interactions and prevents people from questioning the potentially negative effects of it. Honneth also identifies external pressures and influences that arrange society to preserve prejudices or stereotypes, to prevent people from recognizing that these are created to fulfil the purpose of maintaining the social order (2005: 131-134). This approach is evident in the historical treatment of disability (Pearson 2018: 15-18). If Honneth's approach is synthesized with Hedrick's (2014: 178-189, 193), that reification exists outside of solely economic contexts, and law plays a role in this by presenting information as neutral and depoliticized. Arguably, the failure of undergraduate legal education to consider discourses around disability is itself an example of reification (Pearson 2018: 72). Hedrick builds upon Lukács' argument by accounting for reification within individual rather than society-wide interactions (ibid 193). Considering the impact of reification enables analysis of the legal approach to disability to encompass both the rhetoric and textual analysis of legislation and policy documents and consideration of the potential effects of intrapersonal translation of these into practice by individuals in continuing, maintaining and, in some cases, exacerbating weaknesses. However, Jütten (2010: 247-248) criticizes Honneth's argument as unworkable, arguing that it is impossible to treat people as things because this would be a moral injury (Jütten 2010: 247-248). Transforming reification from the subject of social interactions and commodity exchange to one of morality falls outside of understanding the concept as proposed by Lukács and Marx (Jütten 2010: 248-249). Arguably, Britain's legislative history concerning people with disabilities

and the acceptability of institutionalization (Shakespeare 2006: 11-14) is an illustration of Honneth's arguments.

In addition to jurisprudence, students should also be introduced to critical disability theory. Pothier and Devlin define critical disability theory as a response to 'the binaristic approach to disability [which] engenders a process of "othering" and categorization, when the more nuanced reality is that Disability might be better understood as a systemic and contextualised range' (Pothier & Devlin 2006: 5-6). They argue that disability has no essential nature but is socially created (2006: 5-6). The current focus on society over the individual's experience is disempowering and removes the role of people with disabilities from actioning change. Meekosha & Shuttleworth highlight critical disability studies' requirement for self-reflexivity and the revaluation of symbolic concepts such as participation and autonomy in response to changing contexts, but with a view to what has gone before (2009: 64-65). Therefore, any attempts to mainstream disability into the law school must recognize these challenges and the need to facilitate engagement between legal academics, activists and civil society organizations to ensure that all shades of experience are recognized. It is important to remember that students with and without disabilities may want to contribute to debates and calls for change concerning disability. It is crucial that, while we respect the disability movement's motto of 'nothing about us without us', we do not fall into the trap of perpetuating the othering of disability by having an unacknowledged 'them' in opposition to the 'us' (Pearson 2018: 62-63).

[E] A MICROCOSM OF SOCIETY

Universities and law schools also provide the potential to test out theories and approaches to disability within a microcosm of society (Twining 1994: 191-195). Consider that most universities are made up of offices, labs, theatres, libraries, sports and leisure facilities, housing, healthcare, employment and learning. This means that the university has the opportunity to examine and address the barriers present within these spaces. Furthermore, as universities in the UK are covered by the public sector equality duty (PSED), this requires public sector institutions to have 'due regard' to the need to eliminate discrimination, harassment and victimization and any other conduct that is prohibited by or under the EQA; advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and to foster good relations between people who share a relevant protected characteristic and those who do not share it (EQA, section 149). However,

the impact of the PSED has been criticized by Hepple (2010 19-24), who argues that the wording of the duty has created a tick-list approach focusing on procedure rather than outcome. Authorities are only required to show that institutions have considered elements of equality rather than achieving results. Consequently, Hepple argues that 'due regard' be replaced by an obligation to 'take such steps as are necessary and proportionate for the progressive realization of equality'. The disability-inclusive law school could work towards improving this within the context of the university by demonstrating a commitment to disability equality in terms of teaching, research, outreach and internal policy engagement, as well as by creating future employers and employees with an awareness of the duty and its impact.

Physical Inclusion

Twining highlights that the 'cramped' and traditional layout of the law school can also present barriers (1994: 71), which is a common experience for students with disabilities (Lukianova & Fell 2016: 2-5). O'Connor & Robinson argue that universities need to take a holistic, sustainable approach rather than using one-off initiatives to address issues driven by watchdogs or charities. They highlight that continued focus on cost-effectiveness in terms of access can adversely affect the student experience. Responsive policies result from involving people with disabilities rather than relying on experts (1999: 91). Fuller & Ors highlighted barriers facing students with disabilities at all stages of learning, from processing aural information in lectures, reading and writing at the necessary speed in seminars, examinations (2004: 303-318) and oral presentations (2004: 308-310), and difficulty with information sharing between disability services and lecturers (2004: 313). In terms of physical access to the university environment, there is evidence that universities are encouraging staff to embrace a universal design framework when designing spaces. De Montfort University (2019) has committed to embedding universal design's principles into institutional policy; this is positive as it places accessibility onto the institutional agenda and embeds it into continuing professional development (CPD) for teaching staff. Universal design focuses on an approach to learning which permits multiple means of representation, multiple means of action and expression, and various means of engagement. Teaching materials should be accessible and fair, flexible, straightforward, consistent and explicit.

However, Kroeger (2016) and Lombardi & Ors (2011: 250-261) question how far the universal approach, which focuses primarily on physical interactions with the curriculum, addresses the attitudinal barriers facing

students with disabilities (Griful-Freixenet & Ors 2017: 1627-1649). Reeve refers to these experiences as psycho-emotional disablism, whereby people with disabilities are provided with ineffective adjustments and are left feeling doubly oppressed because they have failed to overcome a barrier, despite adjustments. Therefore, they internalize this, rather than those who made the adjustments taking responsibility for their failure (2014: 92-98). Kroeger expresses the belief that 'society is deliberately perpetuating many of its citizens' disablement'. She debates the use of the word 'deliberately' by exploring its synonyms and antonyms, arguing that the use of the term may seem harsh but what is the critical point is that society as an external model has a role to play in the disablement of individual members. She uses the analogy of students with disabilities moving into the 'rooms of power ... With the understanding, once inside that we want to rearrange the furniture, move some walls, use captions and electronic print, and generally move in as co-owners, rather than short-term tenants' (2016: 138).

The Covid-19 pandemic and the need to move to online teaching (Jisc 2020) has forced institutions to consider access to resources in non-traditional formats. Additionally, they have had to confront issues surrounding copyright that have long presented a barrier for alternative formats, which in turn has long been difficult for students with text disabilities due to copyright restrictions and arrangements (Pearson 2018: 240-245). Recorded online lectures have undermined some of the rationales behind resistance to using lecture capture technologies as an accessibility measure (Pearson 2018: 246-248). However, in so far as online teaching has helped address many issues with physical access, it has also created new ones, such as the difficulties encountered in making online teaching platforms accessible to students with sensory impairments. It is also essential to recognize the potential difficulties in making changes to older university buildings. However, the law school could become a centre for achieving physical improvement by encouraging and fostering innovation in the context of potential alterations and changes to layout, features and teaching styles. Additionally, by equipping students with the knowledge of their legal rights, the law school can actively help students achieve the co-ownership that Kroeger (2016) has identified.

Policy Inclusion

Universities can also offer both students and staff the opportunity to become involved in policymaking about disability via participation on internal committees as encouraged by the QAA (2018: 8-10). Beauchamp-Pryor argues that the effectiveness of such engagement depends on the

attitudes of those in positions of authority to ensure genuine involvement of people with disabilities (2012: 289). Barriers to involvement include disparities of power, inaccessible dominant discourses and the validity of the participation of students in terms of influencing and changing practices at an institutional level, as well as the timing of consultations to ensure that students could take part without jeopardizing their studies alongside their peers, issues of disability identity and stigma, and recognition and encouragement of those with 'invisible' disabilities (2012: 292). The inculcation of the ideas of proactive critical citizenship through the curriculum can redistribute some of the power between institutions and students; this may help them express their ideas through more formalized avenues such as the PSED under the EQA (Equality and Human Rights Commission 2017). The Disabled Student Stakeholder Group's development offers a new avenue for universities to engage students with disabilities in shaping policy and raising issues to be discussed. Moreover, given that policy consultation is one of the extracurricular activities highlighted by Twining in *Blackstone's Tower*, the law school is perfectly placed to offer training and experience on writing such documents for students (Twining 1994: 124-127).

Attitudinal Inclusion

Kendall (2016: 3) also highlights the need for disability equality training for staff. There is evidence that some staff members can view requests for reasonable adjustments with suspicion, seeing them as a way of disabled students seeking to gain an unfair advantage over their peers (Denhart 2008: 483-497; Harriet & Billington 2017: 1358-1372). Tinklin & Ors (2004) acknowledged the effect of a disconnect between the intention and goal of diversity policies and their implementation. Several authors identify difficulties facing students in accepting or appropriating a particular impairment or disability label to enable them to access support for their studies (Tinklin & Ors 2004); Konur 2006: 351-363). Another commonality across the literature is students' feeling that staff misunderstand their disability or impairments, or that they are likely to be accused of claiming reasonable adjustments as a means of gaining an unfair advantage (Olney & Brockelman, 2003: 12; Madriaga 2007: 405).

Though there is evidence to demonstrate that staff do want to assist students in overcoming barriers, it appears that they are sometimes unsure of how to do this and would appreciate more advice (Fuller & Ors 2004: 303-318; Burgstahler & Doe 2006; Cameron & Ors 2018: 224). It is crucial that any advice offered is readily accessible to academics and provided in a format which is easily understood by non-specialists, so

that it does not contribute unduly to their workload (Burgstahler & Doe 2006). Many institutions have developed website sections and manuals to assist staff with making their practice more inclusive (Manchester Metropolitan University 2012). Aguirre & Duncan discuss how staff and student collaboration and discussion about access needs to develop confidence on both sides by removing the fear of offending or doing the wrong thing. Disabled students' involvement means that adjustments can be tailored to their needs and overcome barriers (Aguirre & Duncan 2013: 531-551). Despite the value of collaboration, Dempster & Ors highlighted that this could be difficult to achieve without sufficient support and time from management to collaborate and respond to student feedback when designing courses (Dempster & Ors 2012: 135-147).

The Issue of Disclosure and Lack of Role Models

To facilitate attitudinal inclusion, universities and law schools must work together to address student concerns around the potentially negative impact of disability disclosure, such as the impact of stigma or stereotypical attitudes (Habib & Ors 2012). Rates of disclosure are gradually increasing due to various awareness-raising measures by disability support services (IES 2019: 3-6). Law schools could also support this by providing accessible summaries of equality legislation and its practical application within higher education for both staff and students. Accessible resources would increase confidence and expectations on both sides around how the implementation of adjustments would work in practice. Moreover, both students and staff with disabilities must have access to more role models, which can only be achieved by increasing diversity across various university roles. Measures could include ensuring that staff with both visible and invisible disabilities have the opportunity to perform in leadership, teaching and research roles and confirming that university marketing materials are reflective of the university's diversity (Brown & Leigh 2020: 93, 97, 157).

A Way to Join the Club?

In 2019, I secured Staff and Educational Development Association (SEDA) development funding with colleagues from Keele to develop a new immersive approach to disability awareness training to enable staff to experience some of the more abstract barriers facing students with disabilities in the teaching environment to assist them in addressing these in practice (Pearson & Ors 2020a: 21-23). The 'Lecture from Hell' programme is designed as a three-hour session, divided into three parts. The first hour requires attendees to voice their concerns around

implementing accessibility without fear of judgment from others. The team will address specific issues and or misconceptions as the session progresses. In this session, attendees will reflect on potential barriers in their praxis and discuss how they might be overcome. After a break to enable attendees to reflect on the session, the second hour will consist of a lecture on disability theory. In the lecture, they will experience first-hand the impact of these barriers on student learning. To achieve this, we will design a series of techniques utilizing technology to recreate some of the most commonly reported abstract and concrete barriers identified by students and the literature. A configurable lighting system emphasizes the difficulties faced by those with sensory and psychosocial issues. A restrictive audio setup simulates the experience of those with hearing difficulties. Specially adapted physical objects, such as hard to open books, weighted seating, Braille handouts and inaccessible slides, affect those with various conditions. We will therefore be able to provide specially designed training for the session leader to be able to show how staff can inadvertently create barriers (Pearson 2020). Being able to develop this research and approach in the context of my work within the law school and to work towards delivering these sessions to colleagues outside of the school through CPD avenues highlights how a disability-inclusive law school could become more connected to the university as a whole, by providing experience and training to both students and colleagues.

New Expectations and the Need for Support

DSA is a non-repayable, non-means-tested grant provided to students to meet the additional costs they incur due to the impact of their disability (Clark 2014). This has been available to students since 1990, and expenditure on DSAs has increased year on year along with increased rates of participation (Willettts 2014). As a result, in 2012, changes were introduced to maintain sustainability. Consequently, higher education institutions must ensure (and fund) students' access by making reasonable adjustments as per their EQA obligations rather than relying on DSAs to fund retroactive adjustments to design, such as the provision of support or assistive devices (Hubble & Bolton 2016: 12). These changes appear to have produced an anxious response within the sector: 59 per cent of students indicated that they did not feel confident in passing their course without the funding (Association of NMH Providers 2019: 2). A 2017 report by Gov UK refers to the 'risks' of failing to meet these obligations, including 'litigation' and 'reputational damage' (Gov UK 2017). Conceptualizing the failure to meet the new obligations as risks rather than missed opportunities is inherently negative and links

disability to danger rather than equality and inclusion. This attitude is an example of indirect stigma, which students fear, preventing them from disclosing their disabilities to the institution. This fear is also rooted in the difficulties that staff face in navigating the legal framework around disability equality, as exemplified in the article by Cameron & Ors (2018), which demonstrates the challenges that the fictional Dr James has in responding to a request for reasonable adjustment by a student, such as provision of directed reading lists, adjusted submission dates and modified assessments and the potential implication for standards. The Gov UK report also highlighted staff difficulties in understanding what constitutes a reasonable adjustment or how to accommodate these within the competence standards set for courses by the institutions and, where appropriate, by external regulators (Cameron & Ors 2018: 21-22, 24 and 25-27). Moreover, Cameron & Ors (2018: 224) highlight the difficulties that even law staff can have in interpreting and implementing reasonable adjustments. It is crucial that the law school demystifies and empowers both staff and students to utilize disability legislation and internally and externally achieve its aims and situate the law within its social and legal context to highlight its role and importance.

[F] CONCLUSION

Building access routes into the law school and including disability in the law curriculum present an opportunity to maximize the law school's strengths and address its weaknesses to bring it in from the institution's periphery while maintaining its independence. By nurturing staff and students who can both implement and critique the law, the law school can influence and drive change in the future. To achieve this, the law school must consider the place of disability perspectives within the curriculum and develop a collaborative approach with students and colleagues at the point of design and during the delivery of courses. This must be supported by the management and the wider institution by creating spaces where collaboration and review can flourish and is supported by time and the provision of appropriate CPD training. Moreover, the law school and its staff should be part of the development of these CPD courses to assist both external and non-specialist colleagues in understanding and implementing their duties under the EQA and the reforms to DSAs.

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