Migraine: Help in Higher Education

This document provides information and self advocacy tool for migraine sufferers undertaking a university course. It is a resource for university support services and health professionals supporting students.

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Introduction

The purpose of this document provides general information and guidance for higher education students with migraine to manage the impact of their condition on their studies. It is useful for higher education providers, support services and health professionals supporting students with migraine.

This is not a substitute for individual, detailed advice as to an individual's particular rights and circumstances from medical or legal professionals.

The information in this document has been checked for accuracy and relevance by higher education disability support staff and people living with migraine.

Section 1

What is migraine?

Migraine is a complex neurological condition with a wide variety of symptoms. The symptoms will vary from person to person and individuals may have different symptoms during different attacks. The intensity and frequency of attacks can also vary. Some people will have migraine attacks only once or twice a year while for others it may be as often as two or three times a week.

The complex nature of migraine means that the treatments available are varied and differ from person to person. There is currently no cure for migraine.

For more information on migraine, treatments and migraine triggers, visit www.migrainetrust.org/about-migraine

Section 2

Migraine and higher education

Migraine should not be a barrier to undertaking a higher education course. At times migraine may impact on your ability to study, undertake certain features of your course and your attendance.

The following steps may help to minimise the impact that migraine has on your education and ensure that you have the support you need:

Disclose your condition
Telling your higher education institute and your tutors that you experience migraine means you can prepare what to do if a problem occurs together. It is a good idea to
disclose formally following your university’s policies, either when you apply or during your studies. They can advise you of any support or adjustments that you may be entitled to and what to do if you are absent due to migraine attacks. You may need to supply your higher education with a letter from your health professional that provides more information about your condition and how it impacts on you.

**Talk to your GP/neurologist**
Your GP and/or neurologist can support you if your migraine impacts on your studies. If you have moved away from home to attend university you may need to register with a new GP and familiarise yourself with services in our local area. Your student union will have details about local medical centres.

**Request Reasonable Adjustments**
Reasonable adjustments are changes to practices, policies or the environment that may be putting somebody with a long-term health condition at a disadvantage compared to their peers. You can request an adjustment for health reasons in writing to your university. If your condition meets the definition of “disability” under The Equality Act 2010 the higher education has a duty to make reasonable changes for you. More information about The Equality Act 2010 and reasonable adjustments is available in this document.

**Visit your Student Union**
Your Student Union will have lots of information about support and resources available at your university including medical centres, Disability Support Services and accommodation needs. They should be able to advise you about what to do and who to speak to if a problem occurs.

**Register with the Disability Support Service**
Disability support services provide a range of services for students with disabilities and health conditions. They can provide information and support such as requesting adjustments, claiming entitlements, accessing funding and grants, extra support and the university’s responsibilities to you. Information should be available on your university intranet or you can contact the Student Union.

**Familiarise yourself with your university’s policies**
Your university will have detailed policies and procedures which may be relevant to you as a migraine sufferer. These should include Equality and Diversity policies, absence management procedures, Health and Safety etc. It can be a good idea to familiarise with these policies and where to find them. If you feel that you are treated unfairly by any of the policies or require an adjustment based on your condition you can discuss this with your university.

**Section 3**

**Migraine as a Disability**
Migraine may be considered as a ‘disability’ under The Equality Act 2010 in some cases. This will depend on the severity and frequency of the attacks and the impact the condition has on the individual.

The Equality Act 2010 is the legislation which aims to promote equality and to prevent unlawful discrimination against specific groups (one of which is those who are ‘disabled’) in England, Scotland and Wales. For information about equality legislation in Northern Ireland contact the Equality Commission Northern Ireland www.equalityni.org

The Equality Act protects those whose medical condition satisfies the definition of “disability” from unlawful discrimination at all stages of the relationship with the university (including application).

Where a “disabled” person is put at a substantial disadvantage by the conditions or a feature of the university, the provider may have a duty to make “reasonable adjustments” for the person under the Act.

What is the definition of ‘disability’ under The Equality Act 2010?

A person is “disabled” for the purposes of the Act if they:

1. have a physical or mental impairment and
2. the impairment has a “substantial” and “long-term” adverse effect on their ability to perform “normal day-to-day activities”.

Fluctuating and episodic conditions can be covered by the act even if the effect temporarily ceases.

Whether an individual’s particular condition satisfies the requirements of being a “disability” for the purposes of the act will depend on the effect of that condition as experienced by that individual.

Is Migraine a disability under The Equality Act 2010?

Migraine may be considered as a “disability” under The Equality Act in some cases. This will depend on the severity and frequency of the attacks and the impact the condition has on the sufferer.

1. Migraine is a physical impairment
2. The sufferer would then have to establish that the effect of the condition has a “substantial and “long-term” adverse effect on the sufferer’s ability to carry out normal day-to-day activities”.

“Substantial” means more than minor or trivial
“Long-term” means that the impairment has lasted or is likely to last for at least 12 months or the rest of the sufferer’s life.

“Normal day-to-day activities” are not defined in the act. However the Guidance says:
‘In general, day-to-day activities are activities that people do on a regular or daily basis.’ Examples of such activities might include “shopping, reading and writing, holding a conversation or using the telephone, watching TV…carrying out household tasks, walking and travelling by various forms of transport and taking part in social activities”. It can also include general work-related activities such as “Interacting with others, following instructions, using a computer, preparing written documents, and keeping to a timetable or shift pattern”.

An assessment of the effect of the condition on the individual should ignore the effects of medical treatment e.g. what is the effect of the person’s migraine without their migraine Triptans.

Your GP, neurologist, headache nurse or Occupational Health Practitioner can advise you and your university if it seems likely that your migraine condition may be covered by the Act. As this is a legal definition, and ultimately for the courts to determine, a medical practitioner can only provide advice.

**What rights do migraine sufferers have in higher education under the Equality Act?**

The Equality Act 2010 makes it unlawful for a university to discriminate against, harass or victimise a disabled person:
**Direct discrimination** – where a university treats someone less favourably than they would others because of the individual’s disability (or other protected characteristic).
**Indirect discrimination** – where a university has a rule, policy or practice that applies to all students (or potential students) but puts student(s) with a particular protected characteristic (in this case disability) at a substantial disadvantage when compared with others and which the university cannot justify.
**Discrimination by failing to make reasonable adjustments** – where a university has a rule, policy or practice that puts a disabled person at a substantial disadvantage in comparison with non-disabled people and the university fails to take such steps as are reasonable to avoid that disadvantage (special provision is made for reasonable adjustments to physical features of the buildings and in relation to auxiliary aids).
**Harassment** – A harasses B where A engages in unwanted conduct related to B’s disability (or other protected characteristic) and the conduct has the effect of violating
B’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

**Victimisation** – Occurs when a person is treated badly because they have made or supported a complaint or grievance under The Equality Act 2010.

The law also provides protection against unlawful discrimination by association with a disabled person and by perception of disability.

In some circumstances, lack of knowledge of a disability may provide an institution with a defence to a claim of discrimination.

More information about The Equality Act 2010 and discrimination is available from the Equality and Human Rights Commission. Contact details are available at the back of this document.

**What is reasonable adjustment?**

Reasonable adjustments are changes to the student’s learning environment, practices and policies that allow an individual to participate in education without being put at a substantial disadvantage due to the person’s disability.

An institution should plan in advance about what disabled students may require and what adjustments may need to be put in place for them. This provision should cover all categories of disabled students such as prospective students, admitted students (whether absent or temporarily excluded) and former students in a continuing relationship with the institution.

Making adjustments that are ‘reasonable’ is obligatory under The Equality Act for students (or potential students) who have a disability; however it is good practice for universities to provide these to people with underlying health conditions to promote positive learning environments. What is deemed ‘reasonable’ will depend on the size and nature of the education provider, and the nature and scale of the adjustment.

**Examples of reasonable adjustment for migraine sufferers in higher education**

The following are some examples of reasonable adjustments that may be useful for people with migraine. This list is not exhaustive and all adjustments should be agreed based on your individual needs:

**Induction**: your institution is required to make sure that their induction procedures do not unlawfully discriminate against disabled students. For instance, your institution should be flexible in the way they carry out induction programs and interview for new students.
**Flexibility in course provision:** it is good practice for university institutions to make every effort to deliver courses in a flexible manner that allows wide participation by disabled students and ensure that individuals are not substantially disadvantaged through delivery of learning e.g. academic progression and transfer, study facilities, libraries, learning equipment, field trips etc.

**Equipment and grants etc:** if you are a disabled student at a university in the UK and require reasonable adjustment your institution is not allowed to charge you the cost of this. If you require equipment for your exams or assessment the Disabled Students’ Allowances can support you with the cost of purchasing such items of equipment. If you require this grant you should contact your DSS officer to help you with the application.

**Physical environment:** university institutions are required to manage their environment in such a way that it increases rather than discourages disabled student’s participation in education. Where there is an existing obstacle to a student’s learning, an institution is required to take reasonable positive steps to remove the obstacle.

**Assessments:** exams and coursework deadlines can bring on stress and migraine attacks. An institution can make adjustments when this need arises to its assessment methods. Sometimes a migraine sufferer may miss a deadline or is unable to complete an exam due to a migraine attack, your institution may be flexible to support you by making adjustments such as rest breaks, extra time, separate room for exam, assistants, flexible deadlines or alternative assessment methods. Be aware that your institution may not be able to lower the particular academic, medical or other standard it uses to assess your level of competence or ability.

**Graduation ceremony:** an institution can make reasonable adjustment that can allow disabled students to participate in such events like other non-disabled students. For example, if a migraine sufferer due to an attack is unable to attend their graduation ceremony, the institution can make reasonable adjustment to enable the student participate in this ceremony at another suitable time.

**Access to a dark quiet room:** if a student is on campus and feels an attack is coming on or has already started they may need a quiet room to lie down. This is beneficial, where possible for the student to have access to this facility on campus as they may able to reduce the severity of the attack and recovery time.

**Ventilation:** dry airless rooms can create headaches and fatigue. Improving ventilation can be beneficial for all students. A migraine sufferer may want to relocate their desk in an appropriately ventilated area of the classroom to minimise migraine attacks.
Lighting: lighting glare can be a major migraine trigger as the eyes try to adapt to differences which can cause visual disturbances. It is important to understand and control glare where possible as this can minimise attacks during lectures. A glare can be direct e.g. from a window and shining directly on a person, and indirect e.g. when natural or overhead electric light is reflected off shiny surfaces, which can also cause a masking or shading glare on a computer screen. Flicker from fluorescent lighting may also cause problems for some migraine sufferers. Glare from overhead lighting can be controlled by parabolic louvres which minimise reflection. Natural light can be controlled by blinds or curtains and supplemented by lamps with uplighters. A lighting consultant may be able to provide support to you and your institution if this is a problem.

Antiglare screens: antiglare screens can also help with VDU flicker. This is available for most sizes of computer screens and, to help limit flickering on the screen ensure the correct screen frequency is set. The newer flat panel screens that are widely used now do not tend to have this problem. They are easier on the eyes and usually have an anti-reflective surface.

Regular breaks: breaks give you the time to stretch, relax muscles and manage trigger factors. They are particularly beneficial if you are working at a computer or machinery or in the science laboratory. It maybe helpful to take frequent breaks every hour to relax your muscles.

Text display: Text may need to be altered to ensure that it is easy enough to read on screen and printed documents. Migraine sufferers may also benefit from colour contrasts that are easy on the eye. Harsh contrasts like red text on blue backgrounds can trigger attacks, and colours can be adjusted on screen and print if required.

It is important you discuss your needs with your institution as the most effective way for a reasonable adjustment to be implemented is through continuous communication, review and agreement between you and your institution. Your health professional may be able to recommend appropriate support for you.
What are my rights as a trainee on placement?

If you are a student undergoing placement or training you are covered under the Equality Act 2010. Your placement provider has similar duties towards you as an employer would do under the Act. Your institution also has a duty to protect you from discrimination when they are making arrangement for your placement and should liaise with your placement provider regarding your disability needs. If a problem occurs in placement or training you should contact your institution to try and resolve the problem. If this is not agreeably resolved your institution has the duty to find an alternative placement and prevent this occurrence from happening. For more information see the Code of Practice on Employment www.equalityhumanrights.com

I am studying at a foreign institution, what are my rights?

If you are a student at a British institution and are studying at a foreign institution for a period of time, your home institution is responsible for ensuring that you are not discriminated against in any of the arrangements it makes. Your home institution must collaborate with the foreign institution in relation to your specific needs arising from your disability. If a problem occurs at your foreign institution you should contact your home institution to make them aware. It is their duty to make effort to resolve the problem and where this is not mutually resolved your home institution may need to arrange for you to study at an alternative institution. While you are studying abroad you will be protected by the domestic or regional equality law applicable to that country.

Section 4

What to do when problems occur

Dealing with the problem informally: It is always best to try to deal with a problem informally first. You can contact your DSS officer or tutor depending on the nature of the issue and discuss the issues with them or the relevant department. Keep a record of any issue you raise informally and the outcome.

Formal complaints: if your problem cannot be resolved informally your DSS officer should be able to advise you on your institution’s internal complaints procedure to raise a formal complaint. Make sure you put your concern in writing. Your health professional may be able to write a letter of support to your institution. Make sure that you familiarise yourself with the relevant policies and procedure of your institution. Template letter is available to download from The Migraine Trust website.

Conciliation bodies: if you are dissatisfied with the outcome of your internal complaint you may be able to use any of the conciliation services applicable to you.
• If you are a student studying in a university in England or Wales you can complain through the Office of the Independent Adjudicator (OIA). The OIA is a mediation and conciliation service that can help you resolve your dispute with your institution. Further information available at www.oiahe.org.uk

• If you are a student at a university in Scotland firstly you should try and exhaust your institution’s internal complaint procedure. If your problem is not resolved or you remain dissatisfied with the decision, you can make a complaint to the Scottish Public Services Ombudsman. For more information visit http://www.spso.org.uk/. Students in Northern Ireland can contact Equality Commission for Northern Ireland www.equalityni.org

**Court litigation:** if you have a problem with your educational institution and are not happy with the resolution from your complaint or outcome of the review by the relevant conciliation body, then you can submit a disability discrimination claim in a County Court in England and Wales within the prescribed time. More information via www.hmcourts-service.gov.uk. Scottish students should go to the Sheriff Court in Scotland within the prescribed time period. Please be aware that litigation can be costly, stressful and time consuming. More information at www.scotcourts.gov.uk/home
Section 5

Open letter from The Migraine Trust

Dear Disability Support Officer

Re: support for migraine sufferers in higher education

The Migraine Trust is the health and medical research charity for migraine in the United Kingdom. We fund research, provide evidence-based information, campaign for and support people affected by migraine.

Migraine is a complex neurological condition with a wide variety of symptoms. It is highly prevalent and can be extremely disabling. Migraine is ranked globally as the seventh most disabling disease among all diseases (responsible for 2.9% of all years of life lost to disability/YLDs) and the leading cause of disability among all neurological disorders (Steiner TJ et al JHP 2013).

It is estimated that the UK population loses 25 million days from work or school each year because of migraine. A migraine sufferer may be disabled for the purposes of the Equality Act 2010. A person can be ‘disabled’ if they have physical or mental impairment and the impairment has a ‘substantial’ and ‘long term’ adverse effect on their ability to perform ‘normal day to day activities’.

A higher education institution can make reasonable adjustments to ensure that migraine sufferers are not put at a substantial disadvantage when compared to non-disabled students. Many of these adjustments are low cost and easy to implement, e.g. adjustment to exam policies and disregarding disability related sickness absence.

A student’s GP, neurologist, headache nurse and/or with appropriate input from the individual will be able to provide information and advice based on the individuals’ circumstances. It is important that adjustments and support reflect the fluctuating and episodic nature of the migraine condition. More information and resources are available at www.migrainetrust.org/living-with-migraine/

If you would like support for your university or staff please can contact the Advocacy Service by email advocacy@migrainetrust.org or telephone 02076316973.

Yours faithfully,

Advocacy Officer
Helen Dada
Section 5

Further information and resources

UK wide
**Equality and Human Rights Commission:** has a lot of expert information, advice and support on discrimination and human rights issues and the Equality Act 2010. [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

**Equalities Advisory Support Services:** the Helpline provide advice and support individuals on issues relating to equality and human rights, across England, Scotland and Wales.

**Freephone** 0808 800 0082
**Text phone** 0808 800 0084
[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

**Citizens Advice:** they provide information and represent individual’s rights in the UK, including education matters. [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

England
**Government website:** has loads of information on UK legislation and education. [www.gov.uk](http://www.gov.uk)

**Office of the Independent Adjudicator** [www.oiahe.org.uk](http://www.oiahe.org.uk)
**Her Majesty’s Courts and Tribunal** [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

Scotland
**Government website:** the government website contains a wide range of general information about government services including information for pupils with disability and education providers. [www.gov.scot](http://www.gov.scot)
**Scotland’s Ombudsman** [http://www.spso.org.uk/](http://www.spso.org.uk/)
**Scottish Courts and Tribunal** [www.scotcourts.gov.uk/home](http://www.scotcourts.gov.uk/home)

Wales
Government website: has a lot of information on government regulations and people living in Wales.
[www.gov.uk](http://www.gov.uk)

Northern Ireland
**Equality Commission for Northern Ireland:** Provides general information and advice about equality legislation in Northern Ireland. Telephone: 02890500600; [www.equalityni.org](http://www.equalityni.org)

**Department of Education:** provides information on equality and human rights including education matters [www.deni.gov.uk](http://www.deni.gov.uk)
**Telephone:** 028 9127 9279
About The Migraine Trust

The Migraine Trust was founded in 1965 to improve the lives of people with migraine through research and education, and this remains our focus 50 years on.

Our mission is to promote research into migraine and reduce its burden on sufferers.

We fund research, provide evidence-based information, campaign for and support people affected by migraine in the UK.

Visit our website to subscribe to email updates and news, access migraine information and to learn more about The Migraine Trust including our support services, research and events.

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