Journal of Interdisciplinary Social Sciences Review (JISSR) ISSN: 3078-8358
Vol. 1, Issue 1:2024

The Abrahart Framework: A compliance model for UK universities on the anticipatory duty to disabled students after *University of Bristol v Abrahart*

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Abstract

Natasha Abrahart was a second-year physics undergraduate at the University of Bristol when she died by suicide in April 2018, on the morning of an oral assessment she had asked, repeatedly, not to have to sit. In May 2022 the County Court found the university liable under the Equality Act 2010. In June 2024 the Court of Appeal upheld that finding. Six years on from her death, UK universities still lack a coherent compliance framework that translates what the judgment requires into the practical operating decisions departments take every term. This paper proposes one. The Abrahart Framework rests on six pillars: anticipatory design, the competence standards test, the constructive knowledge protocol, the assessment methods audit, governance and responsibility, and complaints and escalation. Each pillar is grounded in the specific reasoning of the Court of Appeal in *University of Bristol v Abrahart* [2024] EWCA Civ 250, and each is operationalised through evidence requirements that can be embedded in existing university governance cycles. The framework is presented not as a model policy to be adopted wholesale but as a structured way of asking, of any decision a university makes, whether it survives an *Abrahart* analysis. The paper closes with sector-specific guidance for high-risk assessment formats and with a discussion of what the framework does not, on its own, accomplish.

Keywords: Equality Act 2010; reasonable adjustments; anticipatory duty; *Abrahart*; UK higher education; mental health; disabled students; compliance.

ARTICLE INFO: *Received: 01.10.2024 Accepted: 25.11.2024 Published: 30.11.2024*

1. Introduction

It has taken six years for UK higher education to absorb what happened to Natasha Abrahart. The case has been described, in the academic literature and in the press, as a turning point for the duty universities owe to disabled students (Burin and Atrey, 2024). What it has not yet produced is a worked-through compliance framework that translates the judgment into the practical decisions departments take every term: who approves an alternative assessment, on what evidence, by when, against which standards, and with what audit trail. Without such a framework, universities are left with one of two responses. They can repeat the policy commitments they already had, which is what most have done. Or they can react case by case, on the disclosure of an individual student, which is the model the Court of Appeal has now told them is insufficient.

This paper sets out a third option. The Abrahart Framework is a six-pillar compliance model designed for adoption at UK universities, derived from the specific reasoning of the Court of Appeal in *University of Bristol v Abrahart* [2024] EWCA Civ 250 and grounded in the existing statutory architecture of the Equality Act 2010. It is not the only possible model. It is intended as a starting point, with the structure of the analysis exposed so that institutions can adapt it to their own provision.

The paper proceeds in three parts. Part one (sections 2 and 3) sets out the facts of the *Abrahart* case and the legal reasoning the Court of Appeal applied. Figure 1 summarises the framework's overall architecture. Part two (sections 4 to 9) develops the six pillars of the framework. Part three (sections 10 and 11) addresses implementation and what the framework cannot do. Throughout, the analysis focuses on operational decisions rather than aspirational principles. A university that adopts the framework should, at the end of an academic year, be able to produce evidence of what it did under each pillar and to defend those decisions against the standard the Court of Appeal has now established.

A note on the choice of frame. Natasha Abrahart's death and her father's nearly six years of legal action are at the centre of every line of what follows. The framework takes her name because the duty it operationalises was clarified in litigation her family pursued at substantial cost. The paper does not treat the case as an academic exercise. Where the analysis becomes technical, the underlying reason is that the technicalities are what universities now have to get right.

2. The Abrahart case

Natasha Abrahart was a second-year Master of Science student in physics at the University of Bristol. By the autumn term of 2017 her mental health was deteriorating. She had become unable to speak in conferences with her tutor, had withdrawn from group work, and by January 2018 had attempted to take her own life. She was diagnosed with social anxiety disorder in February 2018, two months before the oral assessment her physics course required of all second-year students, in which each student would deliver a fifteen-minute presentation to a panel and respond to questions.

The course included a continuous-assessment laboratory component, of which the oral assessment was a part. Natasha communicated her difficulty with the assessment to academic staff. She communicated, in writing and through her parents, that she could not speak to staff at all and that she was unable to attend the assessment. The university's procedures required her to apply formally for an alternative assessment through the Disability Services route. She did not complete that application. She continued to be expected to sit the assessment. On the morning of 30 April 2018, the day she was to give the presentation, she took her own life.

The civil claim was brought by her father, Robert Abrahart, as personal representative of her estate, in negligence and under the Equality Act 2010. The first-instance judgment ([2022] EWHC 1185 (QB)) found the university liable under sections 15 (discrimination arising from disability), 20–21 (duty to make reasonable adjustments), and 91 (provisions applying to further and higher education) of the Equality Act 2010. The university appealed only on the Equality Act findings. The Court of Appeal (Underhill LJ, Lewis LJ, Snowden LJ) dismissed the appeal in June 2024 ([2024] EWCA Civ 250). The legal reasoning of that judgment is what the framework now operationalises.

3. The legal reasoning the Court of Appeal applied

Three strands of reasoning from the Court of Appeal matter for the framework. They are not new propositions of law. They are clarifications that close routes by which universities had, in practice, avoided the substantive demands of the Equality Act 2010.

The first concerns the anticipatory nature of the section 20–21 duty. The Court reaffirmed that the duty to make reasonable adjustments is anticipatory: a service provider must anticipate the requirements of disabled persons in general, not wait for any individual to identify a need (paragraph 92 of the judgment). The point is older than *Abrahart*; what *Abrahart* added was the rejection of an institutional argument that internal procedures function as a constructive substitute for that anticipation. Bristol argued, in effect, that having a Disability Services route through which a student could apply for adjustments was a sufficient anticipatory response. The Court disagreed. The existence of an internal procedure does not discharge the duty where the procedure itself produces the substantial disadvantage. Burin and Atrey (2024) describe this as a tightening of the duty by closing what had become a common defence; the framing is correct.

The second concerns the distinction between competence standards and the methods of assessment used to assess them. Schedule 13, paragraph 4 of the Equality Act 2010 exempts competence standards from the duty to make reasonable adjustments. The Court held that the exemption applies only where the assessment method is "inextricably linked" to what is being tested. Where the method is one of several possible ways to assess the same underlying competence, the method is subject to the duty. Applied to the *Abrahart* facts, the requirement was to demonstrate scientific knowledge and the ability to communicate it. The oral presentation was one method of doing so. A written presentation or a presentation made through pre-recorded video was another. The Court held that the competence standard exemption did not apply. The implication is general: most assessment in UK higher education uses a method that is not inextricably linked to the underlying competence. Most assessment is therefore subject to the duty.

The third concerns knowledge. The Court reaffirmed that the duty is engaged on actual or constructive knowledge that a disabled person is likely to be at substantial disadvantage. Constructive knowledge means knowledge the institution could reasonably be expected to have, not knowledge it actually held. The Court explicitly rejected the position that the duty depends on completion of internal disclosure procedures. Where staff in a department have repeated communications from a student that demonstrate distress affecting their ability to engage with assessment, the institution has constructive knowledge whether or not the Disability Services file has been opened.

These three strands are the legal core of the framework that follows. Each pillar in sections 4 to 9 operationalises one or more of them.

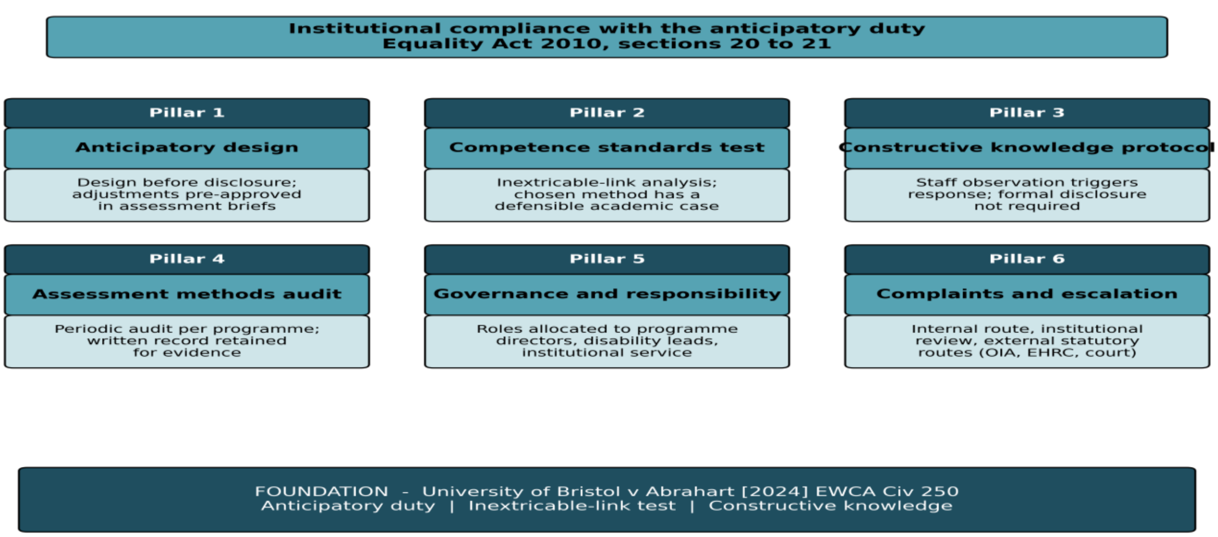

Figure 1. *The six pillars of the Abrahart Framework. The pillars together operationalise the institutional response to the anticipatory duty under sections 20 to 21 of the Equality Act 2010, with the Abrahart judgment as the doctrinal foundation.*

4. Pillar one: Anticipatory design

The first and most consequential pillar is the anticipatory design of assessment. The framework treats assessment design as a regulatory artefact, not solely as an academic one. An assessment whose design imposes substantial disadvantage on a class of disabled students engages the duty before any individual student has disclosed. The university's response cannot, on the Court of Appeal's reasoning, be to wait until a student applies.

The operational implication is that assessment design should be reviewed against an anticipated population of disabled students rather than against the cohort that happens to disclose. Most UK universities know, through annual disability disclosure figures and through national HESA returns, the approximate prevalence of specific learning difficulties, mental health conditions, autism, ADHD, sensory impairments, and physical disabilities among their student body. The framework treats those figures as the planning population. An assessment method is anticipatorily compliant where it can deliver fair assessment to that planning population without an individual application.

Three operational moves follow. First, assessment briefs should specify the competence being tested and the methods through which it can be evidenced. Where a single method is required, the brief should record the institution's analysis of why no other method can evidence the competence. This is an *Abrahart* defence: the institution can show, on demand, that it carried out the inextricable-link analysis and reached a defensible answer. Second, assessment briefs should specify the adjustments that are pre-approved for the brief. Time extensions, separate rooms, alternative formats, and rest breaks should be set out as default options that any disabled student can take without making a separate application. The pre-approval list is the anticipatory provision. Third, assessment briefs should specify how a student can request an alternative method, what the institution will consider, and within what timescale. The route exists for the small remainder of cases that the pre-approval list does not cover.

This pillar is the most demanding to implement because it requires academic and administrative cooperation at the level of the individual assessment. It is also the pillar with the most direct relationship to the Court of Appeal's reasoning. An institution that has gone through this design process for each assessment brief in a programme can demonstrate, on demand, that it has anticipated. An institution that has not, cannot.

5. Pillar two: The competence standards test

The second pillar provides a structured way to apply the inextricable-link test the Court of Appeal endorsed. The test asks, of any assessment method: is the method itself part of what is being tested, or is the method a means of evidencing something else that is being tested? The framework operationalises the test in four questions, set out in Figure 2.

First, what is the underlying competence the assessment is intended to evidence? The answer should be stated in subject-specific terms: command of a body of conceptual material; ability to design an experiment and interpret its results; capacity to construct an argument supported by evidence. The answer should not include the assessment method itself.

Second, in what other ways could the same competence be evidenced? The answer should be drawn from the academic literature on assessment design for the subject and from the institution's own practice across programmes. If a written essay can evidence the competence, a viva and a presentation are methods rather than competence standards. If a viva is required because the assessment is of a regulated professional competence in oral patient communication, the method is part of the competence.

Third, what is the substantive justification for choosing the chosen method? The answer should not be tradition. It should not be administrative convenience. It should be the academic case for why this method does the assessment work better than the alternatives. The case may be strong (a viva in a clinical degree where the competence under assessment is in-the-moment clinical reasoning) or weak (a presentation in a humanities degree where the competence under assessment is the construction of a written argument).

Fourth, where the substantive case for the method is strong but the method imposes substantial disadvantage on a disabled student, what reasonable adjustments to the method are available? The answer might include pre-recording, written submission of slides, separate-room delivery, additional preparation time, and so on. The pillar

requires that this analysis be conducted in advance of the assessment, not in response to a disclosure.
The pillar's contribution is to make the analysis visible. Where universities have been criticised for treating "competence standard" as a label they can attach to any assessment they wish to defend, the framework treats it as the conclusion of a defensible reasoning chain that the institution can produce on demand.

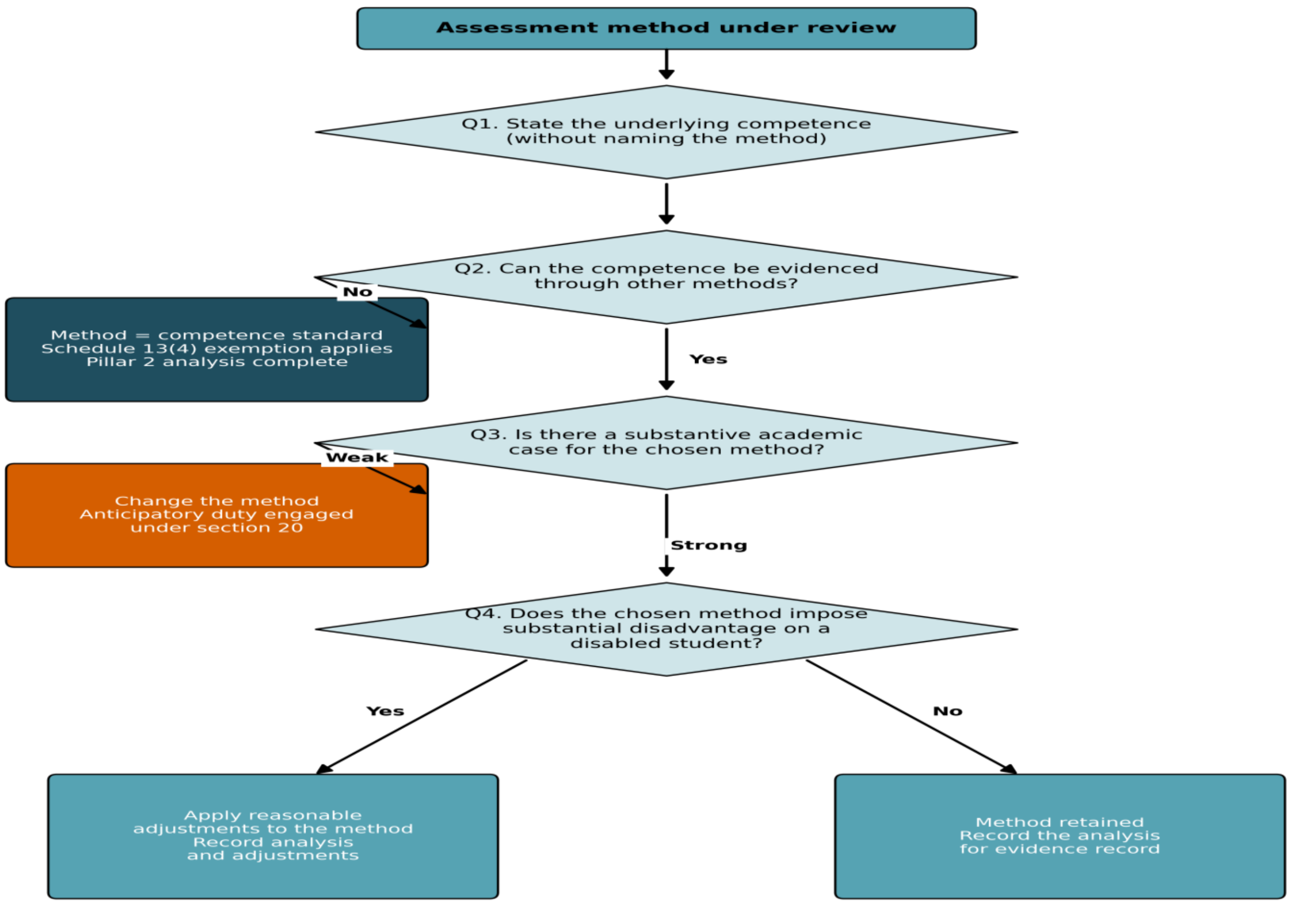

Figure 2. *The competence standards test operationalised as a four-question decision tree. The test addresses the Schedule 13(4) exemption from the duty to make reasonable adjustments and applies the 'inextricable link' analysis the Court of Appeal endorsed.*

6. Pillar three: The constructive knowledge protocol

The third pillar addresses the question that the Court of Appeal placed at the heart of its judgment. When does an institution have knowledge that a student is at substantial disadvantage, in a way that engages the duty? The framework's answer is that knowledge is constructive at the point at which a member of staff, in the ordinary course of teaching or pastoral interaction, becomes aware that a student is at substantial disadvantage. The institution is then on notice. Whether or not the student has filed a formal disclosure with Disability Services is not the controlling fact.

Three operational consequences follow (Figure 3). First, the institution needs a route by which staff can record a flag that does not depend on the student initiating a formal disclosure. The recording should be visible to the disability service and to the relevant programme team. The framework deliberately resists the language of confidentiality protocols that would force the institution to behave as though it did not know. Section 20 does not require a formal disclosure as a precondition. The framework's recording route is consistent with that.
Second, the recording route needs a response protocol that does not depend on the student completing a formal Disability Services application. The protocol can include outreach to the student through the route the student has

used, but it should not require the student to initiate further processes as a condition of receiving an adjustment. Where the institution has constructive knowledge of substantial disadvantage and a forthcoming assessment risks producing it, the institution should take anticipatory action before the assessment.

Third, the protocol needs an evidence record. The institution should be able to produce, on demand, a record showing that staff flagged a concern, that the relevant body responded within a defined timescale, and that an adjustment was made or, where no adjustment was made, the reason. The record protects the institution against precisely the *Abrahart* line of argument: that internal procedures were in place but produced no anticipatory response.

The pillar is the pillar that most often meets staff resistance, because it shifts responsibility from the student to the institution. The case for the shift is the case the Court of Appeal accepted. The shift is what the duty requires.

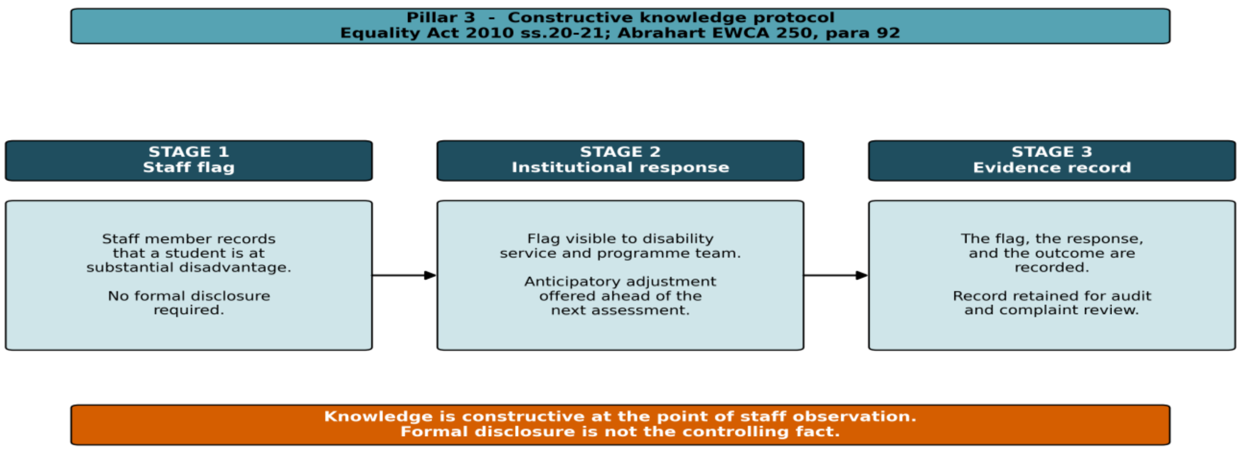

Figure 3. *Pillar 3 operationalised as a three-stage protocol. The protocol moves from staff observation through institutional response to a retained evidence record without requiring the student to initiate a formal disclosure as a precondition.*

7. Pillar four: The assessment methods audit

The fourth pillar is structural. The framework requires that every programme conduct a periodic audit of its assessment methods, with a written outcome that can be produced for institutional and external review. The audit asks, of each summative assessment in the programme: what is the competence being assessed, what is the method, has the inextricable-link analysis been conducted, what adjustments are pre-approved, what alternative methods are available, and who has approved this analysis on behalf of the programme.

A periodic audit produces three things. The first is an artefact. The institution has a record of having conducted the analysis. The record protects the institution and demonstrates institutional response to the duty. The second is a learning opportunity. Programmes that audit their assessment methods find, repeatedly, that some methods cannot be defended once the analysis is conducted. The audit becomes a route to assessment reform. The third is a triage. Programmes can identify the small subset of assessments that genuinely meet the inextricable-link test and direct attention there, rather than treating every assessment as if the test were satisfied.

The audit cycle is best aligned with existing programme review cycles. Most UK universities have annual or triennial cycles for programme-level review at which assessment is already considered. The framework adds a specific *Abrahart* item to those cycles. The cost is modest in routine years and higher in years of substantial programme revision. The cost is comparable to other forms of compliance review the sector already conducts.

The pillar's outcome is the document a quality regulator, an Equality and Human Rights Commission inquiry, or a court would ask to see. An institution that has the document is in a substantially stronger position than one that does not, irrespective of any particular case.

8. Pillar five: Governance and responsibility

The fifth pillar identifies who is responsible for what. Without explicit allocation, the framework's pillars become collective responsibilities that no individual carries. The literature on institutional compliance is uniform on the point: explicit allocation is the difference between a framework that operates and a framework that exists on paper (Hutter, 2011).

The framework recommends three allocations. First, programme directors are responsible for the assessment methods audit in their programme and for the supporting analysis under pillar two. The responsibility includes the maintenance of the record. It is reasonable to allocate this responsibility because the programme director is the person closest to the academic content and best placed to apply the inextricable-link test.

Second, faculty or school disability leads, where they exist, are responsible for the constructive knowledge protocol under pillar three. Where such leads do not exist, the responsibility falls to the head of school or department. The disability lead is the link between the academic side and the central disability service. The role is well-established at some institutions and absent at others. The framework recommends that institutions create the role where it does not exist.

Third, the institutional disability service, working with academic registrars or equivalents, is responsible for the anticipatory design support under pillar one and for the institution-level evidence record under pillar four. The institution-level role is the consolidation point at which the framework's outputs are assembled into a defensible whole. The role can be allocated to an existing committee structure (typically an Equality and Diversity Committee or an Academic Standards Committee) and need not require new committees.

Allocation has a second implication. Each allocated role carries a training requirement. Programme directors carrying out the inextricable-link analysis need to know how to do it. Faculty disability leads operating the constructive knowledge protocol need to understand the legal threshold. Institutional service leads coordinating the framework's outputs need to understand the compliance architecture as a whole. The training requirement is modest in scope but consistent.

9. Pillar six: Complaints and escalation

The sixth pillar concerns what happens when the framework's other pillars produce a disagreement. A student who has applied for an alternative assessment may be refused. A staff member who has flagged constructive knowledge may receive no response. A programme that has conducted the inextricable-link analysis may be challenged on its conclusion. The pillar provides the route through which such disagreements are resolved.

The pillar has three elements. First, an internal-route complaint should be possible without the complainant needing to file a discrimination complaint at the outset. Many students who would not file a discrimination claim will use a programme-level complaint process. The internal route should accept complaints under the framework's pillars (anticipatory design, inextricable-link analysis, constructive knowledge response) and should produce a written response within a defined timescale.

Second, an institutional review route should exist for cases where the internal route does not produce a satisfactory response. The institutional route should sit independently of the programme and should have authority to require change. The route can be allocated to an Equality and Diversity Committee or a dedicated complaints office. The route's existence is the institution's response to the structural risk that a programme will defend a position the institution itself would not.

Third, the external regulatory and statutory routes should be visible to students. The Office for the Independent Adjudicator handles complaints against higher education providers in England and Wales. The Equality and Human Rights Commission has investigation and enforcement powers. The county court has jurisdiction under section 114 of the Equality Act 2010. The institution's complaints information should identify these routes and make them findable.

The pillar's contribution is to make the framework defensible from below. Where the institution's response to a student is contested, the contest must run through a route the student can use. The pillar's function is to make sure such a route exists.

10. Implementation: milestones and the first eighteen months

Implementing the framework requires institutional decisions that cannot be delegated to a single committee. The framework offers an eighteen-month implementation cycle organised around three milestones (Figure 4).

Milestone one (months one to six): institutional commitment and framework adoption. The institution commits to the framework through a vice-chancellor or pro-vice-chancellor statement, an Equality and Diversity Committee resolution, or an academic standards committee resolution. The commitment includes an allocation of responsibilities consistent with pillar five and an initial assessment of which programmes will pilot the framework. Pilot programmes should be chosen for diversity of assessment types and for representation of high-risk assessment categories (vivas, presentations, group work, timed examinations).

Milestone two (months seven to twelve): pilot completion and framework refinement. The pilot programmes conduct the assessment methods audit (pillar four), produce the supporting inextricable-link analyses (pillar two), and revise their assessment briefs to reflect the anticipatory design requirements (pillar one). The constructive knowledge protocol (pillar three) is established at the institutional level. The complaints route (pillar six) is integrated with existing complaints procedures. At the end of milestone two, the institution has a working framework in the pilot programmes and a clear sense of what general rollout will require.

Milestone three (months thirteen to eighteen): general rollout. The framework is extended to the rest of the institution. The training requirement under pillar five is delivered. The institution begins maintaining the institution-level evidence record at the cycle described in pillar four. By the end of the eighteen-month cycle, the framework should be operational across the institution, the first annual evidence record should be available, and a review of the framework's operation should be on the agenda of the relevant committee.

Three risks to implementation are worth naming. Cost is the first. The framework requires staff time, particularly from programme directors and disability leads. The time is not new in kind but it is new in scale. Estimating the cost in advance is difficult. Institutions that have piloted analogous compliance frameworks (in research integrity, in safeguarding) report substantial first-year costs and lower steady-state costs. The second risk is academic resistance to the inextricable-link analysis. Some academics have, in the literature and in practice, regarded the analysis as an interference with academic judgement. The framework's response is that the Court of Appeal has now required the analysis. Resistance is a position the institution can hold, but it is a position the institution should hold knowing the legal consequence. The third risk is overload of disability services. Where the constructive knowledge protocol increases the volume of cases the disability service handles, the service requires additional resource. The framework's response is that the resource is necessary; the duty is statutory and the resource is the cost of compliance. Where institutions resource the disability service appropriately, the framework operates. Where they do not, the framework collapses into a documentation exercise.

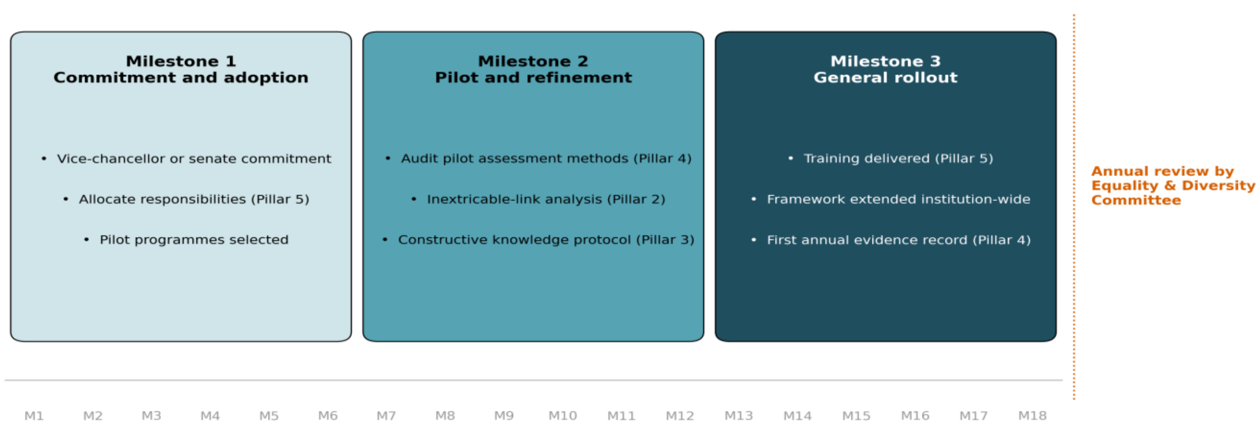

Figure 4. *The eighteen-month implementation cycle. Milestone 1 secures institutional commitment and allocates responsibility; Milestone 2 pilots the framework in a small set of programmes; Milestone 3 extends the framework institution-wide and produces the first annual evidence record.*

11. Sector-specific applications: high-risk assessment formats

The framework is designed to operate across the disciplinary spread of UK higher education. Some assessment formats raise specific issues that warrant attention. Figure 5 summarises five common formats and the framework's analysis of each.

Oral presentations and vivas are the format closest to the *Abrahart* facts. In most subjects the underlying competence (command of material, ability to construct an argument) is not inextricably linked to oral delivery. The framework applies most directly to such assessments. Alternative formats (pre-recorded delivery, written submission, viva in writing) should be pre-approved in assessment briefs.

Group work is a recurring source of difficulty for autistic students and for students with social-communication conditions. The framework requires that the underlying competence be specified. Where the competence is collaborative problem-solving, group work is part of the assessment. Where the competence is the production of a piece of work that happens to have been produced collaboratively, the assessment can be designed to allow non-group production.

Practical and laboratory work in STEM, where the underlying competence often includes the procedural performance itself, requires more careful analysis. The framework does not assume that adaptation is always possible. It requires that the inextricable-link analysis be conducted. Where the analysis concludes that no adaptation is possible, the institution can defend the decision. The framework's contribution is to require the conclusion be defensible.

Clinical and professional skills assessments in medicine, dentistry, nursing, and allied health professions are governed by external regulators with their own competence standards. The framework's analysis applies to the way the regulator's competence standards are tested by the institution, not to the standards themselves. Where the General Medical Council requires demonstration of in-the-moment clinical reasoning, that requirement is binding on the institution. Where the way the institution tests for in-the-moment clinical reasoning imposes substantial disadvantage on a disabled student, the institution may need to adjust the test, even though the underlying competence remains.

Timed written examinations remain widely used and are easily adapted through time extensions, separate rooms, and rest breaks. The framework requires that these adaptations be in pre-approval lists in the assessment brief rather than negotiated on a case-by-case basis.

Assessment format	Abrahart risk	Competence-standard analysis	Recommended pre-approved adjustments
Oral presentations and vivas	HIGH	Method, not competence (in most subjects)	Pre-recorded delivery, written submission, separate-room viva
Group work	HIGH	Method unless competence is collaborative problem-solving	Non-group production, structured contribution roles
Practical and laboratory work	MEDIUM	Sometimes competence standard (procedural performance)	Adapted equipment, paired working, alternatives where competence allows
Clinical and professional skills	MED-HIGH	External regulator's standards binding; methods adjustable	Adjust the test method, not the competence standard
Timed written examinations	LOW	Method only; rarely competence standard	Time extension, separate room, rest breaks pre-approved in brief

Figure 5. *Sector-specific application of the framework to five common assessment formats. Risk grading is the typical Abrahart risk profile for each format; the competence standard analysis and recommended pre-approved adjustments operationalise pillars 1 and 2.*

12. What the framework does not accomplish

The framework is a compliance model. It is not a substitute for cultural change in UK higher education on the treatment of disabled students. The literature on the lived experience of disabled students in HE documents barriers that no compliance framework can address on its own: staff attitudes, peer attitudes, the cumulative experience of having to self-advocate, the asymmetry of effort that disabled students put into university life relative to non-disabled peers (Cage and Howes, 2020; Goddard and Cook, 2022; Mortimore and Crozier, 2006). The framework operationalises the duty the Court of Appeal has identified. It does not transform institutional culture, and it does not in itself reduce the gap between what universities aspire to and what they deliver. Institutions that adopt the framework should not regard it as the conclusion of their response to *Abrahart*. The framework is a substantial part of a response. The remainder is harder, slower, and less amenable to compliance documentation.

A second limitation concerns mental health specifically. *Abrahart* was a mental health case. Mental health conditions are characterised by fluctuation, by under-disclosure, and by the cumulative effect of repeated minor stressors. A framework organised around assessment-by-assessment analysis may underspecify what the cumulative experience of university creates for students with mental health conditions. The pillars can be operated in a way that includes pastoral pathways and out-of-assessment support. Whether they are depends on institutional choice. The framework can be operated narrowly or broadly. It depends on what the institution wants to achieve.
A third limitation concerns the framework's relationship to the wider Equality Act architecture. The framework focuses on the section 20–21 duty in further and higher education contexts. It does not directly address the public sector equality duty under section 149, the direct and indirect discrimination provisions in sections 13 and 19, or the harassment and victimisation provisions in sections 26 and 27. These remain in force alongside the framework. The framework is consistent with them but does not replace them. Institutions operating the framework should continue to apply the wider Equality Act analysis in cases the framework does not cover.
A fourth limitation concerns enforcement. The framework's operation produces evidence. Whether that evidence is used to defend the institution against future *Abrahart*-line claims, or whether it is also used to drive institutional reform, depends on whether the framework's outputs feed into the institution's senior governance. Frameworks that produce evidence that sits in committee minutes without being acted on are themselves at risk of becoming the kind of procedural construction the Court of Appeal in *Abrahart* identified.

13. Conclusion

Natasha Abrahart was a physics student who could not, on the day, do what the university required of her. The Court of Appeal has now told UK universities that the duty to anticipate that possibility, and to act on what it implies for assessment design, sits with them and not with the student. The Abrahart Framework is one way of meeting that duty. It rests on six pillars: anticipatory design of assessment, a structured competence standards test, a constructive knowledge protocol that does not depend on formal disclosure, a periodic audit of assessment methods, explicit allocation of governance responsibility, and an accessible complaints route.

The framework's contribution is not to introduce new legal obligations. The obligations are already in place. The framework's contribution is to make those obligations operational, in a form an institution can adopt, that produces evidence on demand, and that survives the analysis the Court of Appeal applied. Universities that have adopted the framework can show, when asked, what they did. Universities that have not, cannot.
A final point on the case the framework is named after. The framework will not bring Natasha back. Robert Abrahart has said publicly that his hope, in the litigation that produced the judgment on which this framework rests, was that no other family should have to do what his family did. The framework's purpose is the same. The litigation produced clarity. What the sector now does with that clarity is its responsibility. The framework offers one route. There are others. The cost of not adopting any of them is paid by people whose names we will not yet know.

Acknowledgements

The author thanks colleagues at the University of Bolton for comments on earlier drafts.

AI use disclosure

Generative artificial intelligence (Anthropic Claude) was used to support drafting and revision of this manuscript. All AI-assisted content was reviewed and verified by the author, who retains responsibility for the content and conclusions.

CRediT statement

Nick Shepherd: Conceptualisation, Methodology, Investigation, Writing - Original Draft, Writing - Review and Editing.

Conflicts of interest

The author declares no conflicts of interest.

Funding

This research received no external funding.

References

Burin, A. K., and Atrey, S. (2024). Unleashing the anticipatory reasonable-adjustment duty: *University of Bristol v Abrahart*. *International Journal of Discrimination and the Law*, 24(1–2), 7–18. https://doi.org/10.1177/13582291241241505

Cage, E., and Howes, J. (2020). Dropping out and moving on: A qualitative study of autistic people's experiences of university. *Autism*, 24(7), 1664–1675. https://doi.org/10.1177/1362361320918750

Equality Act 2010, c. 15. https://www.legislation.gov.uk/ukpga/2010/15

Goddard, H., and Cook, A. (2022). "I spent most of freshers in my room": A qualitative study of the social experiences of university students on the autistic spectrum. *Journal of Autism and Developmental Disorders*, 52(6), 2701–2716. https://doi.org/10.1007/s10803-021-05125-2

Hutter, B. M. (2011). *Managing food safety and hygiene: Governance and regulation as risk management*. Edward Elgar.

Mortimore, T., and Crozier, W. R. (2006). Dyslexia and difficulties with study skills in higher education. *Studies in Higher Education*, 31(2), 235–251. https://doi.org/10.1080/03075070600572173

Office of the Independent Adjudicator for Higher Education. (2024). *The good practice framework: Handling student complaints*. OIA.

Office for Students. (2024). *Equality of opportunity risk register*. Office for Students.

University of Bristol v Dr Robert Abrahart (as representative of the estate of Natasha Abrahart) [2024] EWCA Civ 250.

Abrahart v University of Bristol [2022] EWHC 1185 (QB).