



Nepean Community College

Supporting Students With a Disability Policy and Procedure

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1. Purpose

This Policy sets out Nepean Community College (NCC) (RTO Code: 1223) commitment to provide an accessible and inclusive study environment to all students with a disability or special need, ensuring equal participation by all students. This is achieved through:

- the provision of a learning environment that supports and enhances experience for students with a disability or special needs,
- the provision of a learning environment free from harassment and discrimination,
- access for students with a disability or special need to appropriate support services; and
- promotion of and adherence to the principles of the Disability Discrimination Act, 1992 and any other relevant Commonwealth or State based legislature pertaining to disability.

NCC is committed to meeting their obligations under the *Standards for Registered Training Organisations (RTOs) 2015*, *The Disability Discrimination Act (DDA) 1992* and the *Disability Standards for Education 2005* and will endeavor to provide the following educational and support services to students who may have a disability, to assist them to meet course requirements. These include:

- Providing equipment, resources and/or programs to increase access for learners with disabilities and other learners in accordance with access and equity principles flexible scheduling and delivery of training and assessment, including additional tutorials and the provision of learning materials in alternative formats, including use of assistive technology; and
- Referral to external specialist organisations and/or agencies.

2. Definitions

Acts and Legislative instruments - Disability Discrimination Act 1992 and Disability Standards for Education 2005.

Disability - A “Disability” is defined by the Commonwealth Disability Discrimination Act 1992 as:

- total or partial loss of a person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the presence in the body of organisms capable of causing disease or illness; or
- the malfunction, malformation, or disfigurement of a part of a person's body; or
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement that results in disturbed behaviour.

The definition refers to a Disability that now exists, existed in the past, but no longer exists, or can be expected to exist in the future.

3. Policy

It is the policy of NCC to ensure all operations within the organisation comply with legislative, standards and regulatory requirements relating to a person with a disability or special needs. At NCC we offer people with disabilities the same educational opportunities as everyone else. A person with a disability or special need has the right to study at NCC in the same way as any other student.

NCC fosters a diverse, flexible and inclusive training environment. We encourage Indigenous Australians, people with disabilities, women and men along with culturally and age diverse applicants to apply.

To ensure students with a disability or special needs are supported throughout the organisation, the RTO:

- provide an experience that gives students with a disability or special need the opportunity to fulfil their academic and social potential,
- provide reasonable adjustment when it is appropriate to do so and does not jeopardize the outcomes of the assessment,
- provide a supportive educational environment and an appropriate level of resources that will enable all students to achieve the outcomes for their program of study,
- continuous improvement that will increase accessibility for people with special needs,
- provide an environment free from harassment and discrimination and takes all allegations and concerns very seriously,
- recognise the importance of providing appropriate physical access to buildings and other facilities. And where physical access cannot be guaranteed, alternative arrangements for services will be provided where possible.

Information in relation to a student's disability, medical condition or special need that is provided by a student or an associate shall remain confidential and shall be restricted to those with a legitimate need to know in accordance with the Privacy Policy, and other relevant privacy legislation.

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4. Reasonable Adjustment

As defined through the *Disability Discrimination Act 1992*, relates to a measure or action taken by an education provider to assist a learner with a disability (*Disability Standards for Education, 2005*). An adjustment is not mandatory if it would cause 'unjustifiable hardship' to the provider.

Unjustifiable Hardship – this is defined under the *Disability Discrimination Act 1992*, Section 11 as follows: '11. For the purposes of this Act, in determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including:

- the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and
- the effect of the disability of a person concerned; and

- the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and
- in the case of the provision of services, or the making available of facilities - an action plan given to the Commission under section 64'1.

Disadvantage may arise due to:

- Difference in language or literacy abilities
- Cultural differences
- Disability
- Negative past learning experiences
- Other factors that create disadvantage for a particular task

Reasonable adjustment will not compromise the integrity of the assessment and cannot change the competency being assessed (e.g. literacy difficulties cannot be adjusted if the task specifically assesses literacy, e.g. in the CGEA programs).

Students must also meet the entry requirements of the training package to enter the program and must meet the competency requirements to pass the assessment. Reasonable adjustment is not intended as a way to get an advantage, just to remove disadvantage.

4.1 Reasonable adjustment to teaching

Trainers are encouraged to adjust their teaching methods to meet the needs of all students. Program Supervisors and the Principal are responsible to support and advise trainers on appropriate adjustments to teaching methods, and to inform trainers of any needs that need to be met. Trainers are also responsible to seek advice from program staff in meeting student needs if required.

4.2 Reasonable adjustment to assessment

Trainers can make minor adjustments to assessments if the change doesn't mean changing the assessment task as written. For example:

- swapping the roles or size of groups in group assessments
- arranging group members according to preference
- arranging a different room for the assessment

Any change that would require a change to the assessment task as written needs to be approved by the CEO and a copy of the adjusted task printed and filed in the student file.

5. Enrolment and Pre-Training Review

NCC requires all students to complete a registration form and pre-training review prior to enrolment. NCC's registration form includes questions related to:

- the student's background,
- any linguistic issues,
- disability barriers, and
- whether they require adjustments to be made due to a special need.

This is only for NCC to determine whether support or arrangements are required to be made throughout the student's course of study

NCC encourages students with a disability or a medical condition to self-disclose the nature and extent of their disability on the enrolment form and engage with support staff as soon as practical. It is important to note that a student is under no obligation to inform NCC of their disability or medical condition unless it represents a health risk to other students or staff (e.g. highly contagious infectious disease). However, if a student chooses not to disclose their special needs, NCC may not be able to provide them with the adequate support to successfully complete their chosen course of study.

The level of support to be provided to individual students and/or any reasonable adjustment to be made to the learning environment or assessment will be documented in the student Training Plan; In particular circumstances, current, relevant and appropriate medical or specialised documentation may be requested to substantiate the reasonableness of the adjustment and provide the most appropriate adjustment.

Where necessary, a reasonable adjustment support plan based on the needs of the individual student will be drawn up in consultation with the student. This information is then passed on to the individual trainer & assessors to deliver the training and assessment services and other staff members involved in the administration of the student's training services.

A copy of the documented evidence is kept in the student file.

There will be situations however that a student's disability or special need may impact on the student's ability to enrol in a training course with NCC. A student with disability can only be refused entry when there are grounds for refusal and it can be justified under the *Disability Discrimination Act 1992* as an exception under the legislation.

6. Grounds for Refusal

The following are identified under the Commonwealth *Disability Discrimination Act 1992* as exceptions to the requirement for provision of all necessary measures and reasonable adjustments for students with a disability:

- Where provision of adjustments or measures would impose unjustifiable hardship on the RTO;
- Where, even with the provision of all appropriate adjustments, the student remains unable to fulfil the inherent requirements of a course of study; For Example: an applicant with severe vision impairment seeking to enrol in a beauty course;
- Where the provision of adjustments or measures would undermine the academic integrity of the course of study, assessment or accreditation process;
- Where a student with a Disability has an infectious disease or other condition that requires isolation in order to protect their health and welfare or the health and welfare of others, and where the RTO is unable to provide reasonable adjustments that will enable the student to receive relevant services and facilities so that they may continue with their studies; and
- Where even with the provision of all appropriate adjustments, it is not possible to meet occupational health and safety requirements.

In the case where the student's application is not accepted by NCC the student is advised in writing of the decision not to accept their application and the grounds upon which this decision has been made. The letter or email includes the fact that the student has the right to appeal and the process for appeal using the NCC's *Grievance Policy and Procedure*.

All personal information provided by the students will be handled by NCC confidentially and in accordance with the requirements of the *Privacy Act 1988* and the Australian Privacy Principles - Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

7. Staff Induction

NCC ensures all staff are inducted into NCC's Policies and Procedures which relate to staff relationships and interactions with clients (students) and colleagues, the behaviours that are expected of NCC employees and the considerations relating to the rights of individuals and their treatment in a non-discriminative way.

Staff induction involves the introduction of the new employee to the RTO Policies and Procedures and all legislation that affects their position in the organization and discussion between the employee and their immediate manager, of the employee's adherence to all legislative requirements and the RTO organisational policies and procedures including *The Disability Discrimination Act (DDA) 1992* and *the Disability Standards for Education 2005*.

On completion of the induction process, all staff will sign an Induction checklist to demonstrate their understanding of the requirements of their role and the provision of an inclusive and safe training environment at all campuses.

8. Support Services

NCC ensures that all applicants enrolling in a course are provided with information regarding NCC's Policies and Procedures as well as the support mechanisms that are available to them by the RTO.

Information is prominently available on the RTO's website and the Student Handbook, a copy of which is provided to all students prior to their enrolment in a course.

The policies provide necessary information to raise the students' awareness of the support services and mechanisms that are available to them internally and externally of the RTO, and to support and assist them in communicating to the RTO any concerns or complaints they have or if they feel unsafe within their training environment.

Students are encouraged to talk to NCC's trainer & assessor or support staff at any point in time if they feel NCC could support them better in any way throughout their studies.

Some examples of support that may be arranged include:

- Counselling
- Mentoring
- Tutoring

9. Provision of Reasonable Adjustment

Students with disability will be provided with reasonable adjustments wherever possible and where reasonable adjustments will not cause unjustifiable hardship to NCC.

An adjustment is reasonable if it meets the needs of the student with a disability or special circumstances without impacting on other students or staff at NCC to determine if an adjustment is reasonable, the following must be considered:

- the student's disability and any barriers or challenges that affect that student,
- the views of the student (or the student's advocate) about the potential adjustments required,
- whether the adjustment will impact on the academic standards or requirements of the training package,

- what advantages or disadvantages the adjustments may create for the people affected by it, and
- the costs and benefits of making the adjustment.

The CEO of NCC will make a decision whether the adjustment is reasonable under the law and may consult with external agencies or staff if required. The following standard arrangements may be recommended after considering the student's special needs:

- Extra time or Extensions of time for assessments
- Use of assistive technology
- A separate room
- Special lighting
- Use of reader, scribe or computer where necessary
- Use of ergonomic chair/ desk
- Course material in alternative formats, e.g. Larger font, electronic, braille
- Auslan interpreter
- Negotiation of an alternative assessment method.

9.1 Examples

Examples of disability and acceptable reasonable adjustment strategies to be implemented.

Acquired brain injury

- Reflective listening skills
- Stress minimisation
- Time and patience

Hearing impairment

- Audio loops for people using hearing aids
- Plain English documents
- Sign language interpreters
- Telephone typewriters and voice recognition

Intellectual disability

- Additional time
- Practical assessment which is appropriate for the skill, that is, avoiding written assessment for practical tasks
- Using practical tasks which demonstrate the application of knowledge
- Plain English documents and assessment instructions

Mobility impairment

- Access to aids such as for holding documents and operating computers
- Adjustable tables
- Lifting limit

- Note taking support
- Oral rather than written assessments
- Wheelchair access

Psychiatric disability

- Identification and avoidance of stress
- Ongoing rather than formal assessments
- Reflective listening skills
- “Time-out” breaks in assessment

Speech impairment

- Stress minimisation
- Time and patience
- Written, (not verbal participation) in learning activities and assessment

Vision impairment

- Additional writing time for assignments/projects/research
- Audio tapes
- Braille translations
- Enlarged computer screens
- Enlarged text and images
- Good lighting or reading lamps
- Allowance for entry of companion animals

All reasonable adjustments made to a particular student’s assessment will be documented in the Reasonable Adjustment Plan and evidence kept in the student file.

Before refusing a student's request for a reasonable adjustment, the CEO of NCC must be satisfied that the grounds for refusal can be justified under the Disability Discrimination Act 1992 as an exception under the legislation as described under 1.1 Grounds for refusal.

10. Persons affected by this policy

- Student Engagement Facilitator
- Student Support Staff
- Trainer/Assessors

11. Relevant documents and forms

- Reasonable Adjustment Plan
- Privacy Policy
- Grievance policy and procedure
- Registration Form
- Training Plan

- Student Handbook

Relevant standards

Standards for RTOs 2015 - Standards 1, 4, 5 & 8

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