

# Standard 1 – Clause 1.7

## DISABILITY POLICY

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### Overview

1. The College supports involvement of people with disabilities in vocational education both as students and employees

### Definitions

2. Disability, in relation to a person, means:
  - 2.1. total or partial loss of the person's bodily or mental functions; or
  - 2.2. total or partial loss of a part of the body; or
  - 2.3. the presence in the body of organisms causing disease or illness; or
  - 2.4. the presence in the body of organisms capable of causing disease or illness; or
  - 2.5. the malfunction, malformation or disfigurement of a part of the person's body; or
  - 2.6. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
  - 2.7. a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; and
  - 2.8. includes a disability that:
    - a) presently exists; or
    - b) previously existed but no longer exists; or
    - c) may exist in the future; or
    - d) is imputed to a person.
3. In the context of this policy, 'a student with a disability' means a student with a temporary or permanent disability that:
  - 3.1. is attributable to a medical condition (e.g. epilepsy, diabetes), a psychiatric condition, sensory, physical, cognitive or learning impairment (e.g. dyslexia, brain injury) or a combination of such impairments (as defined in the Disability Discrimination Act 1992);
  - 3.2. results in a reduction of the person's capacity for communication, social interaction, learning or mobility (as defined in the Disability Discrimination Act 1992) and,
  - 3.3. results in the person requiring support to access VET courses provided by the College.

### Equal Employment Opportunity

4. To provide equal employment opportunity for people with disabilities, the College undertakes to:
  - 4.1. foster positive and informed attitudes and behaviour towards people with disabilities;
  - 4.2. eliminate harassment and unjust discrimination on the grounds of disability;
  - 4.3. ensure the recognition of merit in recruitment, selection, reclassification and promotion;
  - 4.4. take advantage of financial and support service incentives that enhance employment opportunities for people with disabilities;
  - 4.5. examine the physical and organisational barriers which may prevent the employment, limit the performance or impede the professional development of people with disabilities under the general principles of reasonable accommodation/adjustment;
  - 4.6. make reasonable accommodation and/or adjustment for people with disabilities;

- 4.7. provide equitable professional development activities for people with disabilities.
  - 4.8. take account of the Commonwealth Disability Discrimination Act 1992 definition of disability for the purposes of elimination of discrimination and harassment.
5. Implementation of equal employment opportunity for people with disabilities is the responsibility of all the College's staff. Coordination and implementation of Inclusive Practices for People with Disabilities is the responsibility of the CEO. Accountability for ensuring equal employment opportunity for people with disabilities is implemented at element level, and rests with senior managers.

### **Anti Discrimination**

6. The Disability Discrimination Act 1992 makes it unlawful for an education service provider to discriminate against someone because the person has a disability. This means that if a person with a disability meets the necessary entry requirements of a registered training organisation, he or she should have as much right to study as anyone else.
7. The College has a responsibility to implement strategies that meet the needs of people with a disability.
8. The College not only accepts responsibility under this strategy but further recognises that persons with disabilities are significantly under-represented in vocational education and training. The College has developed practices that enable people with disabilities to achieve equitable outcomes in terms of access and participation to courses provided at the college.
9. The College recognises that constant monitoring and improvement is necessary to overcome personal and systemic barriers to access and participation in vocational training and assessments.
10. As a consequence, the College is continuing to develop its capacity to deliver quality services to people with disabilities, ultimately resulting in the achievement of vocational qualifications and further opportunities to participate meaningfully in society.
11. This Policy is a demonstration of the College's commitment to upholding the rights, dignity and opportunities of persons with disabilities.

### **Support Services for Students**

12. The College aims to provide future and current students with disabilities the opportunity to access, participate and achieve success in the courses offered within the Institute, free from direct or indirect discrimination. To achieve this, the College shall provide identified support services to students' that deliver a range of physical and human resources appropriate to the students needs.
13. The support services shall place a high value on the full client cycle from initial contact through to completing qualifications and onto employment. Detailed consultation with the student shall be the primary strategy in determining the type/s of support provided. The outcome should be one that ensures a dignified and positive experience.

### **Disclosure**

14. Although there is no legal requirement for disclosure of a disability by a prospective or current student, the College encourages all students with disabilities to declare issues relating to their disability during the enrolment process to relevant officers including Disability Officers and/or training and client services staff. Information about disability support services is provided in orientation information and by enrolment staff to students upon disclosure or recognition of additional needs.
15. Disclosure requests are not designed to preclude a student from admission – rather they are designed to assist College staff provide the best support services to students with disabilities.
16. The College recognises that disclosure is privileged information as defined in the Commonwealth Privacy Act (1988) and is not to be disclosed to others without the student's or applicant's express permission. The sole purpose for disclosure is to:
  - 16.1. prepare for and/or facilitate the progress of a student through a course;
  - 16.2. provide access to facilities;
  - 16.3. assist with statistical information relating to the provision of services and participation rates.
17. Disclosure can also be important when providing advice about course choice and vocational direction. Non-disclosure of disability or the likely impact of a disability may limit the scope of adjustments that could be arranged. the College does not accept responsibility for reasonable adjustments if staff do not know, or reasonably ought to know, that an adjustment is required.

### **Reasonable Adjustment**

18. The Disability Discrimination Act 1992 requires institutions to make changes or reasonable adjustments, if a person with a disability needs them to perform essential course-work. This means that when a person with a disability meets the essential entry requirements for admission, the College shall make changes or "reasonable adjustments" so the student can compete on equal terms to achieve the qualifications sought.
19. The College shall endeavour to provide adjustments that lessen the impact that a disability has on a student while they are studying and are the least disruptive and intrusive for the student. The overriding principle in achieving this is consultation with the student and specialist disability staff. As a further measure, the College shall undertake to provide information about support services to prospective students with disabilities through liaison with secondary schools and community agencies. The College also undertakes to provide information during the enrolment and orientation process.

20. Types of reasonable adjustments could include – and have previously included:
  - 20.1. Modification of educational premises. For example, ensuring that classrooms are accessible to the person with a disability.
  - 20.2. Modification of equipment. For example, lowering lab benches, enlarging computer screens, providing specific computer software such as print enlargement.
  - 20.3. Changing assessment procedures. For example, allowing for alternative examination methods such as oral exams, or allowing additional time for someone else to act as a scribe in an exam.
  - 20.4. Changing course delivery. For example, providing study notes or research materials in different formats or providing a sign language interpreter for a deaf person.
21. Decisions about the type of adjustment/s undertaken are made on the basis of substantive equality.
22. This means that students with disabilities are entitled to receive education and training which includes opportunities and challenges comparable with those offered to all students. Substantive equality incorporates the principle of fairness. Changes that involve lowering academic standards or modifying competencies are not considered reasonable adjustment.
23. Students are encouraged to meet reasonable requests for information and evidence about the nature or existence of a disability and in some circumstances may need to take the initiative in providing information and evidence. The College does not accept responsibility for making adjustments where the College is uninformed of the need for adjustment or should not reasonably have ascertained this need, within sufficient time for the adjustment to be made.
24. Where adjustments are deemed to be outside the scope of reasonable adjustment or cause undue hardship, the College shall undertake to thoroughly consider how adjustments might be made, including consultation with relevant sources of advice and to discuss this with the student.

### **Responsibilities of Staff**

25. The College recognises that all staff share responsibility to ensure the rights of students with disabilities are upheld and disability discrimination in whatever form is addressed.
26. The College has designated Disability Officers who are experienced in making decisions about the provision of physical supports and human resources to students. Disability Officers work collaboratively across all campuses with students, teaching teams, administration staff and management.
27. As a commitment to continuous improvement, the College maintains a register of students with special needs and allowances made for those students in an endeavour to identify further improvements possible in the training and/or assessment environment.

### **Admission Guidelines**

28. The Disability Discrimination Act 1992 makes it unlawful for an educational authority to discriminate against students on the grounds they have a disability. Therefore, an application to enrol cannot be refused and the terms and conditions of making the application cannot contain any reference to issues relating to disability.
29. However, irrespective of these rights, the decision to enrol a student must be based on the prospective student's ability to meet the essential entry requirements of the course, not on assumptions about what that person may or may not be able to do.
30. Admission may be unsuccessful where a student does not satisfy the eligibility criteria (e.g. related to pre-requisites) as specified in the National Training Package. However at no time will the issue of reasonable adjustment be used to exclude a student from submitting an application.

### **Access Guidelines**

31. It is unlawful for the College to discriminate against a student on the grounds of the student's disability by denying the student access – or by limiting the student's access - to any benefit provided by the College or by expelling the student or by subjecting the student to any other detriment. This covers situations like delivering classes in an inaccessible format or location or expelling a student because of their disability.
32. Therefore, to ensure ongoing access to courses and facilities at the College for students with disabilities, the primary determination shall be the level of academic progress as required in the NTP guidelines. Where a student has not made reasonable progress, the College undertakes to complete a thorough review of the reasons for a 'not-yet-competent result' to determine whether other reasonable adjustments could secure competency.

### **Related Policies**

- Improper Conduct Policy
- Student Support Policy
- Intervention Strategy Policy
- Compassionate and Compelling Circumstances Policy
- Critical Incident Policy and Procedure

**Related Standards**

- National Code Standard 6
- National Code Standard 10

**Related Legislation**

- Anti-Discrimination Act 1977 No 48
- Disability Discrimination Act 1992
- Fair Work Act 2009
- Australian Human Rights Commission Act 1986
- Disability Standards for Education 2005
- Privacy Act 1988