



Reasonable Adjustments Procedure



1. Purpose

This procedure ensures that the needs of students with disability are met in all aspect of their engagement with MCI, including enrolment, participation, student support services and curriculum development, accreditation and delivery, as well as the elimination of harassment and victimisation. MCI will make reasonable adjustments where necessary to ensure that students with disability are able to participate in education and training on the same basis as students without disability.

2. Definitions

Disability, in relation to a person, means:

- a. total or partial loss of the person's bodily or mental functions; or
- b. total or partial loss of a part of the body; or
- c. the presence in the body of organisms causing disease or illness; or
- d. the presence in the body of organisms capable of causing disease or illness; or
- e. the malfunction, malformation or disfigurement of a part of the person's body; or
- f. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- g. a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;
- h. and includes a disability that:
 - i. presently exists; or
 - j. previously existed but no longer exists; or
 - k. may exist in the future (including because of a genetic predisposition to that disability); or
- l. is imputed to a person.

Harassment, in relation to a person with a disability, includes an action taken in relation to the person's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person.

Reasonable adjustment – an adjustment to be made by a person is a reasonable adjustment unless making the adjustment would impose an unjustifiable hardship on the person. An adjustment is reasonable to a student with a disability if it balances the interest of all parties affected.

Unjustifiable hardship – for the purposes of the Disability Discrimination Act (the Act), in determining whether a hardship that would be imposed on a person (the first person) would be an unjustifiable hardship, all relevant circumstances of the particular case must be taken into account, including the following:

- a. the nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned;
- b. the effect of the disability of any person concerned;
- c. the financial circumstances, and the estimated amount of expenditure required to be made, by the first person;
- d. the availability of financial and other assistance to the first person;
- e. any relevant action plans given to the Commission under section 64 of the Act.

The burden of proving that something would impose unjustifiable hardship lies on the person claiming unjustifiable hardship

3. Scope

This procedure applies to all MCI students and prospective students with disabilities and relevant MCI staff, trainers and assessors.

4. References

- Standards for Registered Training Organisations 2015, Standard 1, Clauses 1.3 and 1.7, Standards 4, 5, 8
- Providing quality training and assessment services to students with disabilities, ASQA Fact sheet
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005
- Privacy Act 1988 (Cth)

5. Responsibilities

The responsibility for implementing the requirements of this procedure rests with the Academic Director

6. Procedure

6.1 Principles of reasonable adjustment

- a. Reasonable adjustment aims to make it possible for students with disability to participate fully in education and training and demonstrate their competencies;
- b. Reasonable adjustment cannot give a student with disability an unfair advantage over other students, or change course standards or outcomes, or guarantee success;
- c. Adjustment made to an assessment tool or an assessment process must meet requirements of validity, fairness and the integrity of assessment which requires that a student performs the task by themselves (the use of surrogates is prohibited) and is observed applying knowledge and skills in a context indistinguishable from a real workplace;
- d. Disclosure of disability is the student's choice; it is not a requirement for participation in a course;
- e. Decisions about making reasonable adjustment should focus on the needs of the individual student and be made collaboratively with the student.

6.2 Declaring disability

- a. Student can declare a disability on the enrolment form (Special Needs section);
- b. Student may also declare a disability and the need for adjustment during the course;
- c. If a student has declared a disability, the student should be approached in a sensitive and confidential manner and asked whether they may require any adjustment to training and/or assessment being delivered;
- d. If the adjustment is required, student or an associate of the student should complete Part A of the Reasonable Adjustment form and attach any supporting documents, e.g. medical certificate.

6.3 Consulting the student

Before MCI makes an adjustment for the student, the Student Well-Being Officer or a person delegated by them will consult the student or an associate of the student about:

- a. The challenges, needs and barriers involved;
- b. Adjustments that could be made to meet the student's needs;
- c. Whether the adjustment is reasonable;
- d. The extent to which the adjustment would achieve the following aims (as applicable):
 - The student will be able to participate in the courses or programs provided by MCI, and use the facilities and services provided by MCI, on the same basis as a student without a disability;
 - The student will be able to participate in the learning experience of the course or program on the same basis as a student without a disability;
 - The student will be able to access support services used by the students of MCI on the same basis as a student without a disability;
 - The student will be able to participate in the activities in which he or she is enrolled;
- e. Whether there is any other reasonable adjustment that would be less disruptive or intrusive and no less beneficial to the student (if applicable).

6.4 Deciding on adjustment/s to be made

- a. Once the student submits the completed form, the Student Well-Being Officer will make decision about reasonable adjustments - with the support of a disability specialist if needed. The decision whether the adjustment is reasonable and can be implemented by MCI, is made by the Academic Director. The decision is recorded on the Reasonable Adjustment form – Part B and student or student's associate is informed about the decision accordingly.
- b. Reasonable adjustments may include:
 - Language, literacy and numeracy (LLN) programs or referrals to these programs Customising resources or activities within a training package or accredited course;
 - Modifying a presentation medium;
 - Providing additional study support and study skills programs;
 - Providing assistive or adaptive technologies;
 - Making additional information accessible both before enrolment and during the course; and
 - Monitoring these adjustments to ensure that the student's needs continue to be met.
- c. If MCI is unable to make reasonable adjustments, MCI should ensure that the student is made aware of the reasons, and is helped to find an alternative provider and/or course to meet their needs and capabilities.
- d. In the unlikely event that a student does not accept the MCI's judgment that an adjustment is unreasonable, MCI may contact the Anti-Discrimination Board of NSW or the Australian Human Rights Commission for advice.

A summary of assessment methods suitable for students with a particular disability is presented in the appendix 1. Further information can be access from the following sources:

- Reasonable adjustments: A guide to working with students with disability, Government of Western Australia, Department of Training and workforce Development, 2nd edition, 2013
Disability A-Z list – <https://www.jobaccess.gov.au/employers/peak-bodies-and-other-disability-associations>
- Workplace Adjustments - <https://www.jobaccess.gov.au/employers/being-flexible-and-making-adjustments>

6.5 Exceptions

- MCI may refuse adjustments:
 - if they would constitute unjustifiable hardship (e.g. financial, or nature of the benefit or detriment likely to accrue or be suffered by any person concerned)
 - to protect public health (e.g. if the disability is an infectious disease or isolation is necessary to protect the health and welfare of the student with a disability or the health and welfare of others)
 - if the adjustment will provide special measure for a student with disability (intended specifically for the benefit of students with disabilities)
- Exception evidence must be attached to the Reasonable Adjustment form.

6.6 Providing adjustment in reasonable time

Any adjustment should be made within a reasonable time. Whether the time is reasonable depends on whether and when the student or his or her associate has provided any relevant information or opinion in the Reasonable Adjustment form.

6.7 Dealing with harassment and victimisation

Any cases or complaints of harassment or victimisation of students with disability or staff on the basis of disability are handled according to the MCI's Complaints, Grievances and Appeals Procedure.

7. Records

The following records should be collected and retained securely in student files for at least 6 months from the course completion:

- Enrolment form
- Reasonable Adjustment form and supporting evidence regardless of the adjustment decision

8. Key links

The following form are applicable to this procedure:

- Reasonable Adjustment Forms Part A and Part B

Document revision history and version control

Version	Summary of changes	Author	Approved by	Effective date
1.0	N/A	Quality & Compliance Manager	Chief Operating Officer	21/05/2015

1.1	<ul style="list-style-type: none">• Updates to reflect changes to organisational chart• Updates to include recommendations from the <i>Providing quality training and assessment services to students with disabilities</i> ASQA Fact sheet	Quality & Compliance Manager	QMT	23/06/2016
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Appendix 1

Method of delivery or assessment	Disability									
	Dyspraxia	Dyscalculia	Dysgraphia	Attention deficit hyperactivity disorder (ADHD)	Depression	Autism/Asperger's syndrome	Schizophrenia	Deafness/hearing impairment	Tremors	Dyslexia
Knowledge-based test	Good	Good	Not very effective	Not very effective	Not very effective	Good	Moderately effective	Good	Moderately effective	Not very effective
Verbal delivery	Good	Moderately effective	Good	Moderately effective	Good	Not very effective	Moderately effective	Not very effective	Good	Good
Assignment	Not very effective	Moderately effective	Moderately effective	Moderately effective	Good	Moderately effective	Good	Good	Moderately effective	Moderately effective
Diary or journal	Not very effective	Moderately effective	Not very effective	Good	Good	Moderately effective	Moderately effective	Good	Moderately effective	Moderately effective
Case study	Moderately effective	Moderately effective	Moderately effective	Moderately effective	Good	Good	Good	Good	Moderately effective	Moderately effective
Observation	Good	Good	Good	Good	Good	Good	Good	Good	Good	Good
Recorded interview	Good	Good	Good	Moderately effective	Moderately effective	Moderately effective	Not very effective	Not very effective	Good	Good
Portfolio	Not very effective	Moderately effective	Good	Good	Good	Moderately effective	Moderately effective	Good	Good	Good
Workplace evidence	Good	Moderately effective	Moderately effective	Good	Good	Good	Good	Good	Good	Good
Third-party statements	Good	Moderately effective	Good	Good	Good	Good	Good	Good	Good	Good

Good methodology
 Moderately effective methodology
 Not very effective methodology – to be used with caution, taking the particular barrier/disability into consideration.

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