

# Training Accreditation Council FACT SHEET

## Reasonable Adjustment and Inclusive Practice

People with disability or ongoing ill health (including mental health issues) can experience significant disadvantage and disruption to their educational attainment and employment prospects, potentially creating lifelong social and economic disadvantage.

As part of the RTO's compliance obligations with Clause 8.5 of the *Standards for Registered Training Organisations (RTOs) 2015*, RTOs must meet the requirements of the Commonwealth Government's *Disability Discrimination Act 1992* and the *Disability Standards for Education 2005* (DSE) which require education providers to ensure learners with disability or ongoing ill health are able to access and participate in education and training. Section 4(1) of the *Disability Discrimination Act 1992* defines reasonable adjustment as '*an adjustment to be made by a person is a reasonable adjustment unless making the adjustment would impose an unjustifiable hardship on the person*'.

This Fact Sheet aims to assist RTO trainers, assessors and managers to understand and manage **reasonable adjustment** in teaching, learning and assessment.

### Reasonable adjustment

Reasonable adjustment is a term used in the education, employment and VET sectors to refer to any modification made to the learning environment, training delivery or assessment method to help learners with disability or ongoing ill health to access and participate in education and training on the same basis as those without disability or ongoing ill health.

This includes:

- ensuring that course activities are sufficiently flexible;
- providing additional support where necessary; and
- offering a reasonable substitute within the context of the course where a learner cannot participate.

Reasonable adjustment is not designed to give a learner with disability or ongoing ill health an advantage over other learners, to change course standards or outcome, or to guarantee success.

In assessing whether a particular adjustment for a learner is reasonable, relevant circumstances and interests need to be considered including the:

- a) learner's disability or ongoing ill health;

- b) views of the learner or the learner's associate<sup>1</sup>;
- c) effect of the adjustment on the learner, including the effect on the learner's:
  - i. ability to achieve learning outcomes;
  - ii. ability to participate in courses or programs; and
  - iii. independence.
- d) effect the proposed adjustment on anyone else affected, including the education provider, staff and other learners; and
- e) costs and benefits of making the adjustments.

### Access and equity and meeting learner needs

The *Standards for Registered Training Organisations (RTOs) 2015* (Standards) require all RTOs identify and respond to learners needs, typically through the provision of educational and support services. These needs may arise from a person's:

- age / Gender
- remote location
- cultural or ethnic background
- disability
- sexuality or
- language skills, or literacy and numeracy level.

### Standards for RTOs – Clause 1.3(b)

*The RTO has, for all of its scope of registration, and consistent with its training and assessment strategies, sufficient:*

*(b) educational and support services **to meet the needs of the learner cohort/s** undertaking training and assessment; ...*

In responding to a learners needs, an RTO must not only take into consideration the impact on the RTO and other learners but also the extent to which adjustments can be made without damaging the integrity of the industry standard and the certification that follows. This means that the adjustments that are made must be applicable in the workplace.

A critical consideration for RTOs when considering how to meet the needs of an individual learner is the requirements of Clauses 1.8 and 3.1 of the Standards.

### Standards for RTOs – Clause 1.8

*The RTO implements an assessment system that ensures that assessment (including recognition of prior learning):*

- a) *complies with the assessment requirements of the relevant training package or VET accredited course; and*

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<sup>1</sup> Associate, in relation to a person, as defined by the Acts Interpretation Act 1901 includes:

- (a) A spouse of the person; and
- (b) Another person who is living with the person on a genuine domestic basis; and
- (c) A relative of the person; and
- (d) A carer of the person; and
- (e) Another person who is in a business, sporting or recreational relationship with the person.

- b) *is conducted in accordance with the Principles of Assessment contained in Table 1.8-1 and the Rules of Evidence contained in Table 1.8-2.*

Fairness as a Principle of Assessment requires that where appropriate, **reasonable adjustments** are applied by an RTO to take into account the individual learner's need.

### **Standards for RTOs – Clause 3.1**

*The RTO issues AQF certification documentation only to a learner whom it has assessed as meeting the requirements of the training product as specified in the relevant training package or VET accredited course.*

### **Disability and reasonable adjustment**

Disability also requires particular attention as education and training providers are **obliged by law** to consider whether they can make a reasonable adjustment to help learners with disability access and participate in education and training.

The guiding principle underlying the concept of reasonable adjustment is **inclusive practice** and includes the following:

- recognising differences among learners;
- catering for differences in individual interests, experiences, learning styles and preferences;
- developing learners' ability to take control of their own learning;
- using authentic tasks that require thoughts and allow time for exploration;
- emphasising the development of meaning and understanding, rather than simply the completion of tasks;
- involving cooperation, communication and negotiation; and
- ensuring that no learner is excluded.

Reasonable adjustment does not mean that all learner requests are granted. It is about consultation and negotiation to determine what can reasonably be provided. Any adjustment is only reasonable in relation to a learner with a disability or ongoing ill health if it balances the interests of all parties affected, this includes the RTO's interests. These are expressed in the following instruments:

### **Disability Standards for Education 2005 - Clause 3.4(3)**

*... the provider may continue to ensure the integrity of its courses or program and assessment requirements and processes, so that those on whom it confers an award can present themselves as having appropriate knowledge, experience and expertise implicit in the holding of that particular award.*

### **Equal Opportunity Act 1984 (WA) – Section 66I(4)**

Section 66I(4) states a provider in accepting an application for admission will not have imposed upon it or experience an *unjustifiable hardship* in providing to the learner any additional services and facilities.

### **What reasonable adjustments are possible?**

Reasonable adjustment as it applies to participation in learning and assessment activities may include:

- customising resources or activities within a training package or accredited course;
- modifying a presentation medium;
- providing additional support;
- providing assistive or adaptive technologies;
- making additional information accessible both before enrolment and during the course; and
- monitoring these adjustments to ensure that the learner's needs continue to be met.

### **Preparing to make reasonable adjustments**

Making reasonable adjustment does not need to be expensive or complex, but you do need to allow sufficient time for planning and preparation. This includes sharing information, making decisions collaboratively and following relevant frameworks and guidelines. Practices that facilitate making reasonable adjustments include:

- encouraging early learner disclosure of disability or ongoing ill health;
- gathering relevant supporting information (including evidence of need);
- considering each learner individually; and
- consulting with the learner and others.

It is crucial that learners are provided with all relevant information before they enrol so they can select the right course and prepare their home or work environment to enable them to best meet course demands. Providing information in a range of formats – print and electronically – allows for flexibility and optimum accessibility to learners. Relevant information includes:

- course structure, core requirements, literacy and numeracy levels required, delivery methods, assessment methods, any relevant industry or professional association requirements, relevant legislation and OH&S requirements for the industry;
- reasonable adjustment options for learners with disability or ongoing ill health, including learner's responsibilities and how to access services; and
- how the learner can disclose information about their disability or ongoing ill health.

### **Disclosure of disability or ongoing ill health**

Disclosure of disability or ongoing ill health is the learner's choice and is not a requirement for participation in a VET course or program. However, encouraging learners to share information about the impact of their disability or ongoing ill health on their learning early in their engagement with the RTO helps the RTO make timely reasonable adjustments.

An RTO cannot force any learner to engage in reasonable adjustments, but the RTO can reduce the discomfort of disclosure by providing clear information about:

- the opportunity for all learners to have the assessment process tailored to meet their needs; and
- the processes involved in working with each learner to develop a suitable assessment strategy.

The RTO must obtain the learner's written/signed consent before sharing any of their disclosed information.

### **Making decisions about reasonable adjustment**

The DSE requires RTOs to consult with the learner or their associate about:

- the nature of the disability or ongoing ill health and its effects, if any, on the learner's ability to participate in the course or program,
- any reasonable adjustment that may be made to facilitate participation and achievement.

The key word is **consultation** - the learner may already have a clear idea of what they need and this process depends on the learner providing timely information about the effects of their disability or ongoing ill health.

Once a learner has shared relevant information, any decisions about reasonable adjustments should be made collaboratively with the learner, their trainers/assessors, appropriate support people, disability practitioners and external experts as required. Planning and preparation by an RTO are integral to making good decisions on reasonable adjustment and the RTOs processes must allocate sufficient time to investigate possibilities for an individual, ensuring where possible a reasonable adjustment can be implemented.

The workplace focus of competency assessment means the RTO must be aware of what adjustments or modifications might be reasonable to expect within a workplace, and what adjustment developed for assessment might reasonably be transferred to the workplace. These considerations mean that the RTO needs to establish and maintain a close working relationship with industry in developing assessment strategies.

A feature of a sound RTO process on whether opportunity exists for reasonable adjustment, both favourable and unfavourable, includes the documenting of actions taken to determine and collation of supporting evidence to support decision.

### **Consultation**

If the learner seeks support, the following steps may be considered in consultation with the learner:

- identify the challenges, needs and barriers involved;
- suggest adjustments that could be made to meet the learner's needs;
- discuss whether these adjustments are reasonable; and
- provide written confirmation to the learner of all discussions and decisions and specify a date for final confirmation of course enrolment by the learner.

RTOs are encouraged to work with employers and learners to determine if there are possibilities for resource sharing that may enable a learner to participate and achieve in the VET sector. In larger organisations there may be a disability specialist or support team that can provide assistance through the consultation process.

### **Implementing reasonable adjustment**

The implementation of appropriate adjustments need not be difficult. Assessing competence involves two distinct phases:

- gathering sufficient evidence; and
- making an assessment judgement.

The process of assessment must be a reflection of the mandatory requirements of the unit of competency and assessment requirements to meet the workplace standards. All learners must be judged against the same standard, this does not mean that all learners must be assessed in the same way. It is in gathering evidence that an assessor can safely make reasonable adjustments, while retaining the rigour and consistency of their judgement of competence.

### **Assessing knowledge and skills**

Competence includes two components:

- Knowledge ('know-how'); and
- Skills ('can-do').

These components will be assessed differently, so different kinds of adjustments will be required for each.

Knowledge is usually assessed through written or oral, short-answer tests where assessors determine the extent of the learner's knowledge. You may consider the following for a learner with disability:

- ask questions orally instead of in a written format;
- employ the services of a reader, interpreter or scribe;
- provide equipment such as text enlargers, image enhancers, voice synthesisers, voice recorders, specialised software or special furniture;
- give the learner more time to complete the assessment;
- allocate a different time for completion of the assessment; and/or
- offer a separate, quiet room.

These adjustments make the process of understanding the question and responding appropriately less threatening for the learner, but they do not alter the thought processes the learner has to go through to demonstrate their knowledge.

Skills are important in VET and assessment must reflect the application of each skill in a real or simulated workplace. Skills are usually work-related, hands-on activities, where how much time is taken can also be a work-relevant requirement. When making reasonable adjustment with respect to the assessment of skills, you should consider workplace modifications that might reasonably be expected in industry and whether the learner can perform the required skill in workplace-like conditions.

To identify reasonable modifications to a workplace, consultation with industry to identify the modifications needed to provide access to assessment for learners with disability will need to be conducted. Consultation has a second benefit in that it informs and encourages



industry to recognise the potential of learners with disability as prospective employees. In some cases, there may be no reasonable workplace modification that will preserve the integrity of the competency.

Learners who face this situation need to be counselled about this, so that if they decide to go ahead with the training, they fully understand their prospects for successful assessment and certification.

### **CASE STUDY 1 - TIMBER TRADES<sup>2</sup>**

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A learner with paraplegia who uses a wheelchair wanted to undertake a qualification in the timber trades area. It was immediately evident that there were some parts of the training that would present barriers due to issues of physical mobility, predominantly in the workshop environment.

It was decided that a meeting, centred on determining the learner's abilities and individual requirements in relation to the training, and involving a number of relevant key stakeholders, would be held in the workshop of the timber trades area. The workshop was the perfect place to hold the meeting in order that the learner could physically demonstrate what they<sup>3</sup> were and were not able to undertake in the environment in which they would undertake their training, if enrolled. The key stakeholders attending the meeting included: the learner, RTO trainer/assessor, specialist disability support agency staff including an employment and training coordinator, an occupational therapist, occupational health and safety expert and a disability consultant. While this may seem like a very large group, each person had a role to play, in terms of support for the learner as well as ensuring the practical aspects of the adjustments.

The learner was given the opportunity to have a 'test run' using the various types of equipment that they would be required to use if undertaking the training. They did this in the presence of those best qualified to determine if they were able to do so in such a way that they did not present a risk to themselves or other learners participating in the training environment. Some of the equipment was not a problem to use. Other equipment presented workplace health and safety (WHS) risks that could be overcome with modifications and some equipment was just not an option due to the WHS risks.

The stakeholders continued to work together to establish what types of modifications could be achieved that would enable the learner to enrol in as many of the units in the qualification as possible. During this process it was discovered that particular modifications that may have allowed the learner to participate in a number of the units, would in fact have introduced a range of duty of care WHS issues for the other learners in the class. It was decided that the duty of care to other learners in the training environment outweighed the proposed modifications, therefore making the proposed modifications an unreasonable adjustment.

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<sup>2</sup> Sourced from *Reasonable adjustment : a practical guide to reasonable adjustment in assessment of candidate with disability in VET*, DTWD, 2008

<sup>3</sup> They/them/their pronouns used throughout the case study rather than he/she or him/her

After some collaboration and with input from the learner and relevant stakeholders, it was decided the learner would enrol in the units in which they could safely participate. Modifications would be made (that did not entail a duty of care issue for other learners), e.g. a bench lowered so that the learner could safely use hand tools at the bench.

It was then decided that, because the learner was unable to undertake some of the units associated with the qualification, the course would be modified for this learner to include several specialised units which the learner was able to safely undertake, in place of those in which the learner could not safely participate. For instance, units associated with developing specialised hand tool skills were introduced. These enabled the learner to undertake assessable tasks such as detailed carving that would in turn, if they were judged competent, allow them to apply for specific types of employment. Thus, the course was modified for this learner to include a unique set of units that would reflect on the Statement of Attainment, a skills set that would deem the learner employable within a specific sub set of a trade such as cabinet making.

The process was complex and involved many stakeholders but this was necessary to ensure that the learner had the best possible opportunity to undertake the training for which they had a passion, without imposing risk to themselves or others in the training environment. The learner, on completing the program, will not achieve a 'full' qualification in the traditional sense, but due to the way in which Statements of Attainment are presented it will be reflected that the learner has achieved a wide range of competencies, including some which are specialised, in a trade area of their choice. This will contribute to the learner becoming highly employable to a suitable employer.

## **CASE STUDY 2**

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A learner has enrolled in the Certificate II in Plumbing pre-vocational course which runs Monday to Wednesday 8.00am to 3.45pm with Thursday and Friday dedicated to mandatory work placement. The learner has a hearing impairment that they've had since birth. They wear hearing aids in both ears but struggles with a large amount of verbal information and instructions given at one time. They can lip read very well, but the hearing impairment has affected their confidence and interpersonal skills.

### **Impact on the learner**

- social withdrawal and isolation;
- difficulties interacting with others; and
- lack of concentration.

### **Implications for learning for the learner**

- fear of interacting with others;
- avoidance of group tasks;
- exclusion by other learners because of 'different behaviour';
- learner may appear withdrawn and disinterested;
- learner may appear unconnected to practical and group activities;
- difficulty concentrating in a noisy environment;



- struggles to understand verbal instructions if teacher's face not visible; and
- struggles to interpret teacher's instructions in a workshop environment.

The disability support team have created an Individual Support Plan to accommodate the learner's hearing and support social interactions, including:

- provision of an Auslan interpreter, initially 3 days per week and to be reviewed as the learner progresses through the course;
- notes for the Auslan interpreter to familiarise them with industry terminology;
- extra time with lecturers to clarify concepts;
- scripts from videos;
- handouts containing visual information and written instructions;
- workshop tasks that include small group work and group discussion;
- careful selection of the employer for work placement; and
- support provided to the employer for the first 3 weeks of work placements.

### **Costs associated with reasonable adjustments**

JobAccess can provide employers with funding for workplace modifications through the Employment Assistance fund and Workplace Modifications Scheme; however, it is not available to trainees or training providers. The conditions for funding can be found at [www.jobaccess.gov.au](http://www.jobaccess.gov.au). The costs associated with modifications will also determine whether an adjustment is reasonable or not and whether compliance would impose an unjustifiable hardship on the provider.

In the unlikely event that a learner does not accept the RTO's judgement that an adjustment is unreasonable, the [Equal Opportunity Commission](#) or the [Australian Human Rights Commission](#) can be contacted for advice.

### **Record keeping requirements**

All RTOs have obligations to keep records for a variety of purposes. Where personal information is collected from a learner, RTOs must make learners aware of the purposes for which their information may be collected, used or disclosed. Records for learners with disability or ongoing ill health should include:

- the grounds for eligibility for reasonable adjustment decision;
- evidence used to determine eligibility and reasonable adjustments that are to be implemented;
- consultation undertaken with the learner or an associate of the learner or any other relevant stakeholder;
- the reasonable adjustment(s) available to the learner;
- the subjects and assessment task(s) for which adjustments are provided;
- the grounds for the denial of reasonable adjustment; and
- any advice provided to the learner through the decision making process.

Additionally, it is recommended that the RTO keep samples of assessment tasks that have been adjusted to include in the validation and review processes within the RTO

## Useful resources to support reasonable adjustment and inclusive practice

**Department of Training and Workforce Development** - [\*Reasonable Adjustment: A guide to Working with students with disability\*](#). (2<sup>nd</sup> edition, 2013).

**Department of Employment, Small Business and Training (Qld) (DESBT)** - [\*Reasonable adjustment in teaching, learning and assessment for learners with disability: A guide for VET practitioners\*](#). (July 2018)

**Australian Disability Clearinghouse on Education and Training (ADCET)** - provides information and practical guidelines to support disability practitioners, teachers and students.

**Disability Awareness** – A website that provides free training for VET staff supporting learners with disability, developed as part of a Commonwealth Government initiative.

**JOBACCESS** – A website for Commonwealth Government Disability advice.

**National Centre for Vocational Education Research (NCVER)** [\*Supporting tertiary students with a disability or mental illness: good practice guide\*](#) (November 2015)

# FACT SHEET

## Reasonable Adjustment Checklist for RTOS

The following checklist is a useful guide and contains the relevant steps for RTOs in considering and making decisions on reasonable adjustment.

Question	Yes/ No	Comments
Have I prepared a list of the mandatory requirements for the unit of competency that I am assessing?		
Have I considered the workplace implications of the unit's mandatory requirements?		
Have I informed my candidates/learners of the unit's assessment and workplace requirements?		
Have I informed all candidates of their right to tailored assessment to accommodate their personal needs		
Have any of my candidates/learners advised me that they have a disability that might require an adjustment to the evidence gathering process		
Do I understand the nature of the candidate's disability and the implications for assessment for this unit?		
Have I consulted with industry and researched the web to identify the potential adjustments that would enable this candidate/ learner to undertake the knowledge part of the assessment and the skills part of the assessment?		
Have I consulted with other assessors, staff and work-placement employers to identify which of these adjustments will not invalidate the assessment, will not cause unjustifiable hardship to the RTO or to other candidates/ learners, and will be accessible to the candidate/learner?		
Have I consulted with the candidate to identify their preferred adjustment options?		
Have I counselled the candidate/learner on alternative pathways if there are no acceptable adjustment options available?		
Have I documented the reasons why no adjustment is possible?		
Have I secured the long-term commitment of RTO and workplace staff to provide this candidate/learner with access to the adjusted assessment process?		
Have I prepared a workplace modifications statement for potential employers that can be carried by the graduate when seeking future employment?		