

Reasonable Adjustment Policy and Procedure

1.0 Policy

1.1 Since September 2002 it became unlawful for educational establishments to discriminate against disabled learners or prospective learners by treating them less favourably than other learners for a reason related to their disability. In addition, colleges are required to provide certain types of reasonable adjustment to provision where disabled learners or other disabled people might otherwise be substantially disadvantaged.

2.0 Legislative framework

2.1 The Disability Discrimination Act 2005 (DDA2005) builds on and extends earlier disability discrimination legislation, principally the Disability Discrimination Act 1995.

2.2 The DDA 2005 introduces a duty on all public bodies to promote equality of opportunity for disabled people. This means that they must take account of the needs of disabled people as an integral part of their policies, practice and procedures and not as an after thought.

2.3 They have to have due regards of the needs to:

- eliminate unlawful discrimination and disability-related harassment
- promote equality of opportunity and positive attitudes to disabled people
- encourage disabled people to participate in public life

3.0 Scope

3.1 It is College policy to ensure that all prospective learners with disabilities are given every opportunity to study at the College and that where possible, reasonable adjustments are made when necessary.

3.2 Determining whether an adjustment is “reasonable“ is not an exact science and every case must be determined on individual circumstances. In some instances adjustments may not be appropriate or feasible and another course of action might need to be taken.

4.0 Details of policy

4.1 Treating a disabled person less favourably than others because of his / her disability on grounds which cannot be justified can be construed as discrimination against a disabled person.

- 4.2 Where differential treatment has occurred, the college must be able to show that the treatment is justified.
- 4.3 Justification for not accepting students on a specific course can only be justified if:
- The ability of the disabled student to benefit from the provision is in question;
 - There would be an adverse effect on the provision to other students
 - The disabled students would be unable to meet the medical or other requirements of a profession to which the course leads
 - There are adverse Health and Safety considerations
- 4.4 If the student does not have the necessary skills and abilities for the specific course, it is important that the student has access to informed guidance and support in order that they can make a more realistic and appropriate choice.
- 4.5 It is the right of every learner who is not offered a place at the College to have the right of appeal against that decision.

5.0 Procedure

- 5.1 Where all reasonable adjustments have been considered but in the view of the Learning Support Manager and the School Leader, a place cannot be offered for one of the reasons listed below, the learner has the right to appeal to the Reasonable Adjustment Panel.
- ❖ Health and Safety considerations
 - ❖ Potential risk to other learners where, despite the best endeavours of the college the risk cannot be managed safely.
 - ❖ The reasonable adjustment(s) that would need to be made cannot be supported on cost grounds.
 - ❖ In the view of the Curriculum Manager and Learning Support Manager the course would not offer an appropriate learning environment for the learning needs of the prospective learner.

6.0 Purpose of the panel

The purpose of the panel is to consider the needs of individual learners / potential learners and the College community. The panel will meet in relation to the learner / potential learner joining or continuing on a College programme within the most appropriate learning environment and / or with the most appropriate support which is available, seeking to find the best possible solution for the learner.

7.0 Panel composition

7.1 The Reasonable Adjustment Panel will comprise of:

- ❖ Vice Principal – Quality & Standards
- ❖ Student Support Manager
- ❖ Health and Safety Manager

8.0 Process

8.1 The panel will consider written and / or verbal submission from the learner and his / her advocate:

- ❖ Written and / or verbal submissions from the Learning Support Manager and Faculty Director.
- ❖ Written and / or verbal submissions from other college managers as may be necessary
- ❖ Written and / or verbal submissions from experts where advice is required about the particular needs of the learner with the disability

9.0 Reasonable Adjustment Panel Assessment

9.1 The panel will endeavour to make decisions based on the following factors:

- ❖ The need to maintain academic and other prescribed standards
- ❖ The financial resources available to the college
- ❖ The cost of taking a particular step
- ❖ The extent to which it is practical to take a particular step
- ❖ Health and Safety requirements
- ❖ The relevant interests of other people including other learners.

9.2 The Reasonable Adjustment Panel chair will communicate the decision to the appellant in writing within five working days unless an alternative timescale has been previously agreed with the appellant.

10.0 Appeal against the panel decision

10.1 Appeals must be made in writing within ten working days of the date of the letter communicating the decision of the Reasonable Adjustment Panel.

10.2 Appeals will be heard by the Principal. The Vice Principal – Curriculum will provide the case history. The Principal will endeavour to make decisions based on the following factors;

- ❖ Any additional information not provided at the first meeting

- ❖ Any change of circumstances related to the learner / potential learner that may have a bearing on the original decision made
- ❖ Where new evidence is identified by the applicant, they may have the opportunity to present this in person.

11.0 Data Protection / Confidentiality

- 11.1 The service recognises the importance of confidentiality and the requirements of the Data Protection Act 1998.
- 11.2 The College undertakes to maintain learner data in secure conditions and to process and disclose data only within the terms of the Data Protection Act.
- 11.3 Confidentiality is maintained with regard to the Children's Act 1989 and the health and safety of the individual and college community.
- 11.4 To ensure that fair decisions are made by the panel, Learners / potential learners are encouraged to give permission for information to be shared with key professionals who are working on their behalf, both internally and externally,
- 11.5 Where learners / potential learners expressly choose not to allow information to be shared, their request will be respected. However, they will be informed that this may have an impact on the final decisions made by the panel.

12.0 Related Policies and Procedures

This policy operates together with:

- ❖ Data Protection
- ❖ Confidentiality
- ❖ Equal Opportunities
- ❖ Disability
- ❖ Admissions
- ❖ Every Learner Matters