

Providing quality training and assessment services to students with disabilities

Introduction

Nearly one in five Australians has a disability. The definition of disability under legislation is quite broad. It includes physical and learning disabilities, chronic medical condition or mental illness. People with disabilities have a right to access and participate in education and training.

Registered training organisations are required to comply with the *Standards for Registered Training Organisations (RTOs) 2015*, the *Disability Discrimination Act 1992 (DDA)*, and the *Disability Standards for Education 2005* when providing services for students who may have a disability.

This fact sheet aims to help RTOs understand their obligations under the Standards and other relevant legislation.

Provider obligations under the Standards

The *Standards for RTOs 2015* outline the responsibility of providers to adhere to the principles of access and equity:

'Access and equity means policies and approaches aimed at ensuring that VET is responsive to the individual needs of clients whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location may present a barrier to access, participation and the achievement of suitable outcomes' (Glossary, *Standards for RTOs 2015*)

Standards that are relevant to providing services to students with a disability include:

- **Standard 1**—the RTO's training and assessment strategies and practices are responsive to industry and learner needs and meet the requirements of training packages and VET accredited courses.
- **Standard 4**—accurate and accessible information about an RTO, its services and performance is available to inform prospective and current learners and clients.
- **Standard 5**—each learner is properly informed and protected.
- **Standard 8**—the RTO cooperates with the VET Regulator and is legally compliant at all times.

Under the *Standards for RTOs 2015*, your RTO needs to determine the support needs of students and provide access to educational and support services as necessary, so that students can meet the requirements of the course they are enrolled in. Examples of educational and support services that can assist students with a disability meet course requirements include:

- study support and study skills programs
- language, literacy and numeracy (LLN) programs or referrals to these programs
- providing equipment, resources and/or programs to increase access for learners with disabilities and other learners in accordance with access and equity principles
- use of trained support staff including specialist teachers, note-takers and interpreters
- flexible scheduling and delivery of training and assessment, and
- the provision of learning materials in alternative formats.

Your RTO also needs to provide advice and information to students on:

- the suitability of the course
- any special physical or cultural requirements for the course
- reasonable adjustments that can be made
- support that is available

An RTO must also comply with the requirements of the *Disability Discrimination Act 1992* and the *Disability Standards for Education 2005*.

Introduction to the Disability Discrimination Act

The Disability Discrimination Act (DDA) makes it unlawful to discriminate against a person on the grounds of disability. Section 22 of the DDA contains specific requirements for educational authorities and providers. Discrimination in this sense refers to people with disability being treated less fairly than people without. The Act also covers people who may be treated less fairly because they are relatives, friends, carers, co-workers or associates of a person with a disability. All education providers, including RTOs, have responsibilities under the DDA.

- [Access the full Act](#)
- Read the useful [Australian Human Rights Commission Guide to disability discrimination](#)

The definition of disability under the Act is intentionally broad. It includes:

- physical disabilities,
- intellectual disabilities,
- psychiatric disabilities,
- sensory disabilities,
- neurological disabilities,
- learning disabilities

- physical disfigurement, and
- the presence in the body of disease-causing organisms.

Within each disability type there is significant variation. For example, many disabilities have a number of sub-types; there can be a wide range in the level of severity; some people will have been born with their disability and others will acquire it later in life. The DDA is designed to protect every person with disability. The DDA also covers disabilities that people had in the past, may have in the future, or are believed to have. The DDA also extends protection to people who have a personal connection with a person with disability, such as relatives, friends, carers or co-workers.

Responsibilities under the Disability Standards for Education 2005

The Disability Standards for Education (Education Standards) are a legislative instrument made under section 31 of the DDA. These standards outline the legal obligations of education providers and articulate how responsibilities under the DDA should be implemented within education settings.

- [Access the Education Standards](#)

RTOs have obligations under the Education Standards at all stages of the education process. This includes obligations in relation to enrolment, participation, curriculum development, accreditation and delivery, as well as student support services.

Examples of how providers can meet these obligations include:

- If you're **planning** a new course or developing teaching materials, you must consider the potential needs of students with disability and ways you may be able to incorporate adjustments or alternative learning and assessment strategies.
- When a person is **enrolling**, or trying to enrol in a VET course, you must ensure the person can enrol on the same basis as other students. For example, they may need to access course information in alternative formats in order to make an informed decision about their studies.
- When a student is **studying** a course, they should have the same opportunities as other students to participate in the course and to use all relevant services and facilities, on the same basis as everyone else. This may mean making reasonable adjustments.
- Students with disability may not be **expelled** from a course because of their disability. If a student believes that the reason for expulsion is directly related to their disability they may have grounds for a complaint.
- The Education Standards also apply at **course completion** in that all students with disability who have met the course requirements must receive the same recognition as students without disability.

Meeting your responsibilities

There are many ways in which RTOs can meet their responsibilities to learners with disability.

These include:

1—Inviting disclosure

It is a great idea to ask universally (and also on an individual basis) whether a person requires adjustments to complete their course. For example, you might include a question on your enrolment form asking whether a person requires adjustments due to disability. Make it clear that all personal information will be handled confidentially and that this question is *only* asked for the purposes of being able to offer support and arrange reasonable adjustments. This is an invitation for disclosure, not a direction that a person *must* disclose if they have a disability. **Students with disability do not have to disclose their disability unless they want to arrange adjustments or their disability poses a risk to themselves or others.**

In addition to a standard question on enrolment forms, it is suggested that you personally ask students early in the process whether they believe they may require adjustments due to a disability or medical condition. If this is done in such a way as to make it clear that it is only for the purposes of providing adjustments, it can be a great opportunity for people to feel comfortable disclosing.

2—Making reasonable adjustments

If a person does choose to disclose to you, you then have a responsibility to **consult** with them and make **reasonable adjustments**** to your usual processes, environment and practices. Consider who will have the responsibility of negotiating these adjustments within your organisation. It is important that all staff are aware of their responsibilities and that appropriate professional development is provided to help staff feel comfortable in negotiating and implementing adjustments.

Reasonable adjustments should be negotiated effectively—they are very individual. Usually the person with disability will be the best person to explain the impact of their disability on their study and what adjustments may help them, or they have found useful in the past. You can also ask students to provide documentation from a medical or other health professional to help guide this process.

Reasonable adjustments

Examples of reasonable adjustments an RTO might make include providing:

- accessible class rooms
- note-taking support
- course material in alternate formats—electronic, large print, braille
- use of laptop for assessments
- extra time or extensions for assessments
- alternate assessment tasks
- ergonomic chair/desk
- use of assistive technology
- an Auslan interpreter, or
- other adjustments.

**** Reasonable adjustments** are those that **would not cause unjustifiable hardship on the RTO**. For example, if the costs of making adjustments to the premises are such that they would cause hardship to the RTO, it would not be expected that such adjustments are made. RTOs are encouraged to seek advice from the Australian Human Rights Commission on the individual circumstance

3—How reasonable is reasonable? (using the measure of inherent requirements)

Inherent requirements are the fundamental parts of a course that must be met by all students in order for them to be deemed competent. They are the abilities, skills and knowledge students need to complete the course — those components which, if removed, would compromise the learning outcomes.

Students with disability should be provided with reasonable adjustments to enable them to meet these inherent requirements, provided this would not cause unjustifiable hardship to the RTO. However, if a student cannot meet the inherent requirements, even with adjustments, then they cannot complete the course.

Do not exclude, discontinue or dismiss a student on the grounds of having a disability alone. However, it is allowable to exclude a student who cannot meet the inherent requirements of the course, even with adjustments.

Keep good records of all actions taken to provide all possible reasonable adjustments. If a student or potential student makes a complaint to the Australian Human Rights Commission about any aspect

of their involvement with your training organisation, the burden of proof lies with you as the RTO to prove you did not discriminate.

4—Prevent harassment or victimisation

Providers also have a responsibility to take active steps to prevent harassment or victimisation of all learners and staff, including those with a disability.

More information

- The Australian Council for Private Education and Training (ACPET) and the National Disability Coordination Officer (NDCO) Programme have developed a comprehensive resource for training providers: [Building Confidence in Enrolling Learners with Disability](#)
- The [Australian Disability Clearinghouse on Education and Training \(ADCET\)](#) provides information and resources to support the work of disability practitioners in the postsecondary education and training sector. It includes information about the role of disability practitioners, universal design, inclusive teaching practices, legislation and standards, and reasonable adjustments.
- The [Australian Human Rights Commission](#) provides information about disability rights, the DDA, developing disability action plans, accessible web development and more.
- More information about the Disability Standards for education is available from the [Australian Government Department of Education and Training](#).
- The NDCO Programme's [Your Right to an Education](#) booklet (PDF, audio and Auslan formats) provides a plain English guide for educators and people with disability about the Disability Standards for Education.

Acknowledgement

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- [Find your local NDCO here.](#)