

Disability Standards for Education Participants Manual

Disability Standards for Education

Essential Reading

The Disability Standards for Education 2005 were formulated under the Disability Discrimination Act 1992 (DDA) and came into effect in August 2005. The standards aim to clarify the obligations of education and training providers to ensure that students with a disability are able to access and participate in education without experiencing discrimination. Enforcement is achieved through the Human Rights and Equal Opportunities Commission (HREOC), the Federal Court or the Federal Magistrates Court. If a training provider acts in accordance with the standards then they will comply with the Disability Discrimination Act 1992. If the standards are not complied with, the provider may be acting unlawfully which could lead to a complaint.

The measures for compliance are examples of actions an education or training provider may take to ensure compliance with their legal obligations. Providers are not obliged to comply with the measures, but compliance with some or all may be relevant to a defence against a complaint.

What do the Standards do?

The Standards are intended to give students with disabilities the same rights as other students. They are based on the position that all students, including students with disabilities, should be treated with dignity and enjoy the benefits of education and training in an educationally supportive environment which values and encourages participation by all students, including students with disabilities. Importantly, the Standards aim to overcome discrimination based on stereotyped beliefs about the abilities and choices of students with disabilities.

To achieve this, the Standards give students and prospective students with disabilities the right to education and training opportunities on the same basis as students without disabilities. This includes the right to comparable access, services and facilities, and the right to participate in education and training unimpeded by discrimination. Such rights are not merely formal. Education providers are under a positive obligation to make changes to reasonably accommodate the needs of a student with a disability.

The Standards also address issues of harassment and victimization of a student with a disability. Education providers are obliged to put in place strategies and programs to prevent harassment and victimization of persons with a disability or their associate. The education provider must ensure that staff and students are aware of the obligation not to harass or victimise students with disabilities or students who have associates with disabilities. The Standards require the education provider to take reasonable steps to ensure that staff and students are aware of appropriate actions to be taken if harassment or victimisation occurs.

Relevant legislation

The Policy to Support Students with Disabilities reflects the following Commonwealth and state legislation and /or initiatives:

- Disability Discrimination Act 1992
- Human Rights and Equal Opportunity Commission Act 1986
- New South Wales, the Anti-Discrimination Act 1977
- Disability Standards for Education 2005

The Disability Discrimination Act 1992 (DDA) makes it unlawful for education providers to discriminate (in the provision of educational and employment opportunities, services and facilities) against people on the basis they have, or may have a disability.

The Disability Standards for Education 2005 (the Standards) are subject to the objects of the DDA. The Standards clarify and elaborate the legal obligations in relation to education.

Liability

Under Section 123 of the DDA, an education provider is liable for unlawful conduct by its employees or agents. This includes instances where employees or agents of a provider fail to comply with the Standards. In such cases, the education provider bears the onus of demonstrating that reasonable precautions had been taken and due diligence had been exercised.

Definitions

Adjustments

Adjustments are measures or actions taken in order to provide substantive equality for students with a disability. Adjustments include accommodation, aids, facilities, or services which a person without a disability does not require.

Discrimination

Discrimination can occur either directly or indirectly.

Direct discrimination: treating a person with a disability or an associate of a person with a disability less favourably than others because of their or their associates' disability. This means that the person with a disability does not have the same opportunity or choices as a person without a disability.

Indirect discrimination: is when a requirement or condition that applies to everyone has a less favourable impact on a person with a disability or an associate of a person with a disability. This includes things such as policies, practices, admission criteria and rules. The requirement or condition must be one that people without a disability can comply with but may not be able to be complied with by the person with that disability.

Substantive equality: Substantive equality means equality of opportunity for students with disabilities compared to students without disabilities. It is not possible to achieve substantive equality by treating all students in the same way; therefore equality is assessed by comparing the opportunities available to students with disabilities that is comparable to that available to students without disabilities. This comparison should be made after any adjustments and/or special measures have been identified and when they have been implemented.

Students: Includes prospective students as well as all people already enrolled in a programme or course provided by an education provider, unless specified otherwise.

Reasonableness: An action or adjustment is reasonable if it is based on considered judgement of what is appropriate in a given situation. A provider does not have to provide

adjustments if it would impose unjustifiable hardship. All relevant factors must be taken into account when determining if the adjustment is reasonable.

This should include:

What effect does the students' disability have on their education or training?
How will the actions or adjustments be effective in achieving substantive equality for students with disabilities?
How will the actions or adjustments impact on the other students and staff?

Harassment: includes actions taken because of, or in relation to, the person's disability, which humiliate, offend, intimidate or distress; or cause, or could reasonably be expected to cause, humiliation, offence, intimidation or distress. It is not necessary for conduct to be persistent or repeated for harassment to occur.

Victimisation: Victimisation under the DDA is subjecting or threatening to subject a person to any detriment on the ground that the person has exercised, or proposes to exercise, his or her rights or obligations, or the rights of any other person under the Act.

Who must comply with the Standards?

The Standards apply to all education providers delivering education and training through a range of modes including in-class tuition, distance education, flexible delivery, computer-assisted learning, on-line delivery, and part-time study for post-compulsory students and the various combinations of these modes, and on-the-job training

Ensuring compliance

Compliance with the Standards is the responsibility of the education provider. Non-compliance generates a right of complaint which will be dealt with in the first instance by HREOC, and if unresolved may be referred to the Federal Court or Federal Magistrates Court.

Complainants can seek an injunction in the Federal Court or Federal Magistrates Court to maintain the status quo or maintain the rights of an affected person while a complaint is being conciliated by HREOC.

Clarification of rights and obligations (Refer Document 1 page 20)

Rights of students with disabilities: All prospective students with disabilities have the same right to seek admission and enrol in an education or training institution, as prospective students without disabilities. Prospective students with disabilities have the right to adjustments which are necessary to ensure that they are able to be enrolled and complete enrolment processes without discrimination.

Obligations of education providers: All education providers are obliged to ensure all prospective students with disabilities are not discriminated against in seeking admission and enrolment. This includes making reasonable adjustments, where necessary, to ensure that prospective students with disabilities are able to be considered for enrolment and complete enrolment processes without discrimination. The provider is also obliged to

implement any adjustments subject to provision by the student, or his or her associate, of timely and relevant advice of the student's individual requirements.

Terms To Become Familiar With

Disability: 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; and includes a disability that presently exists or previously existed but no longer exists, may exist in the future or is imputed to a person.

Education providers

For these Standards, an education provider is:

- a. An educational authority; or
- b. An educational institution; or
- c. An organisation whose purpose is to develop or accredit curricula or training courses used by other education providers.

Responsibilities of Education providers

How do education providers comply with their responsibilities?

Consult with the student regarding their relevant circumstances, and study goals, including gathering information about the student's disability and how it affects their participation in education and training.

Consider whether an adjustment is necessary ask, "Would an adjustment be reasonable in all the circumstances?" and "To what extent would it achieve the goal of providing the student with the opportunity to participate on the same basis as students without disabilities?"

Identify a reasonable adjustment if it is necessary explore the adjustments which are available and workable. Consider what the student would prefer, as well as any other reasonable adjustment that may be less disruptive and intrusive yet no less beneficial for the student. Reasonable adjustments must be made within a reasonable time following consultation with the student and according information provided. This process must be repeated when necessary by the provider to allow for changing needs over time.

The Disability Standards for Education 2005 guidance notes state that if the provider complies with this process, then they have complied with the standards and they cannot be said to have discriminated.

All learners and potential learners need information that:

- Is accurate and comprehensive
- Is accessible
- Is non-discriminatory
- Outlines entry requirements in terms of qualifications or competencies
- Shows the range of pathways to the qualification
- Covers fees, charges, refunds and exemptions
- Indicates available support services
- Outlines learning options and flexible learning and assessment arrangements
- Outlines the training including content and vocational outcomes from successful completion of nationally recognised training
- Outlines the possible vocational demands of current workplaces
- Covers information on the rights of learners and the responsibilities of the ACE COLLEGE towards their learners.

Consultation with People with a Disability

Many potential clients prefer to find out about a learning opportunity by discussing options and talking it through with someone at the ACE COLLEGE. If they have any concerns about being able to complete the training, they can raise and discuss these at that time.

In the process of enrolling students who have a disability, providers should:

Modify, where necessary, the enrolment form and the process of its completion
Clearly indicate the reasons for collecting information about disability
Store data identifying disability in a confidential manner
Ensure data on disability do not appear on academic records and graduation documentation
Ensure that information regarding the availability of appropriate services is available.

Step One: Determine what is required:

Communicate with the student. It is important not to discriminate against potential learners. For example, a statement such as 'people with speech impairment should not attempt this course' is discriminatory and in breach of anti-discrimination legislation. A more appropriate and accurate statement might be 'The vocational competencies in this course and most employment situations in retail require learners to be effective communicators'. Note that this example says 'most' employment situations not all; you cannot know all the potential employment options a learner may take up after training.

Prior to the commencement of the course:

- Provide details of the course curriculum, delivery and assessment to enable the student to become fully aware of the requirements of the course
- Listen to their needs
- In partnership with the student, determine specific strategies to address their information access needs.

Step Two: Determine appropriate strategies

Identify strategies required; Strategies will be dependent on individual requirements but may include:

- Providing information in alternative formats, for example:
 - On computer disk
 - On the Internet
 - Audio tape
 - Large print
 - In Braille
 - Video captioning
 - Tactual and bold print graphics
 - Plain English versions

Try to gain a general awareness of available assistive technologies available, for example, that it is now possible to have a computer read to you information from a screen. Therefore, for a student who has a visual impairment, supplying written information to them on computer disk may enable them to access the material which would not have been possible if you had given it to them as a printed handout.

Utilising the services of support personnel, for example:

- Interpreters
- Readers
- Note takers
- Scribes
- Personal assistants

Arranging for physical access to information, some examples of which may include:

- Library assistance to enable the student to physically access books, catalogues, computers and photocopiers
- Access to technologically based information sources (eg. CD ROMs, Internet);
- Access to extended library loans where necessary;
- Providing early access to course materials for the student ie. Class notes, reading lists, assignments, handouts etc.
- Access to appropriate assistive technology and services, for example, a student who has a visual impairment may require access to a Closed Circuit Television to use in class
- Suitable seating arrangements in learning environments to enable students to maximise their ability to see or hear information being presented
- Keep auditory and visual classroom distractions to a minimum (shut doors or windows where appropriate, attend to flickering fluorescent lights).

Step 3: Implementation of strategies

How do I organise this?

It is important to remember that many of these strategies will be quick and easy to arrange and will require no specialist assistance. For example, many teachers have notes and handouts already prepared on computer files. For a student requiring materials in computer disk format it then becomes a simple process of copying the materials onto a disk. Other services, for example, library assistance, may already be in place at your institution/organisation.

Arranging a course text to be audiotape for a student who is blind may require the utilisation of specialist services. This means that information will be require well in advance ensuring timely access for the student.

How can I assist in this process?

Use the Checklist to help you become aware of the level of accessibility of your venue/facility and program. (You will find this checklist on Page 33)

Consult the student as early as possible to determine their individual needs. Whilst some of the access problems which arise may not be easily solved, steps can be taken to find solutions together. In many cases the student would have developed extensive expertise in determining solutions to access problems. (Refer to the Disability Support Package documents Page 20)

Be flexible to the needs of your student(s). If a student is unable to physically access the instructional setting then a change of venue may be required.

Become active in the process of advocating for the removal of large access barriers and be proactive in addressing the factors you can immediately change in your own environment, some of which may include:

- Seating arrangement
- Be aware of any OHS issues such as cords across floor
- Ensure anyone with a hearing loss is seated in a position that is going to best meet their needs
- Location of visual aids such as Video/OH
- Font size on OH transparencies

The Process includes:

- Consultation with the student
- Consideration of whether an adjustment is necessary
- If an adjustment is necessary, identifying what would be a reasonable adjustment
- Making the reasonable adjustment
- In some circumstances seeking professional expertise

Making reasonable adjustments

Reasonable adjustment: education providers are required to provide reasonable adjustments. An adjustment is a measure or action taken to assist a student with a disability to participate in education and training on the same basis as other students. In making a reasonable adjustment the provider should ensure the integrity of the course, or program and assessment requirements and processes are maintained.

The Disability Discrimination Act uses the principle of reasonable adjustment (sometimes called reasonable accommodation) to ensure equity of treatment for people with disabilities.

This means that, wherever possible, 'reasonable' adjustments are made to meet the individual needs of a person with a disability and should be determined in consultation with the student or their associate.

Reasonable adjustments could include providing:

- Interpreters, readers or scribes;
- Ramps for wheelchair access;
- Adjustable or modified seating and desks;
- Personal assistants;
- Additional tutorial assistance;
- Additional time for assessments;
- Technology such as speech synthesisers, TTY phones or computer aids and software;
- Large print or audio resources; and/ or
- Assistance with managing stress and anxiety.

Clause 3.4.2 of the Standards makes it clear that the interests of the student are a very significant consideration in identifying an appropriate and reasonable adjustment. This is made explicit by the requirement to have regard to the student's disability and the effect of the adjustment on the student, and the costs and benefits including those accruing to the student. If in a particular situation the college could show that a student would be better off in another available college which had the adjustments required by the student, then this would clearly be a factor in determining whether any significant adjustment at the college would be reasonable.

In meeting its obligations to provide reasonable adjustments, an education provider may provide an alternative adjustment to the student's preferred form of adjustment, if the alternative is effective in achieving the desired purpose.

Unjustifiable hardship: it is not unlawful for an education provider to fail to comply with a requirement of the Standards if, and to the extent that, compliance would impose unjustifiable hardship to the provider.

When considering whether unjustifiable hardship applies within the meaning of the DDA the provider needs to take into account:

- The nature of the student's disability;
- Information provided by, or on behalf of, the student about how the disability affects the student's ability to participate;
- Views of the student, or an associate of the student, about whether a proposed adjustment is reasonable and will enable the student with a disability to access and participate in education and training opportunities on the same basis as students without disabilities;
- Information provided by, or on behalf of, the student about his or her preferred adjustments;
- The effect of the proposed adjustment on the student, including the student's ability to participate in courses or programmes and achieve learning outcomes;
- The effect of the proposed adjustment on anyone else affected, including the education provider, staff and other students; and
- The costs and benefits of making the adjustment.

If the provider decides to rely on unjustifiable hardship, it is good practice for the provider to ensure that a notice stating the decision and the reasons for the decision is given to the student, or an associate of the student, as soon as practicable after the decision is made. Expectations on small Registered Training Organisations (ACE Colleges) for reasonable adjustment for learners with a disability may be different to those for larger ACE Colleges, depending on the disability involved, the adjustments required and the above factors. Further Advice about Reasonable Adjustment can be obtained from the Human Rights and Equal Opportunity Commission website at www.hreoc.gov.au.

Enrolment Procedure

(Use disability support documents to assist with compliance – refer Handouts Session 2 Page 20)

Enrolment standards

This standard refers to the right of a student with a disability to seek admission to, or apply for enrolment in, the institution on the same basis as a prospective student without a disability, and without experiencing discrimination. In making the decision whether or not to offer the prospective student a place, the provider must treat them on the same basis as a prospective student without a disability, and without discrimination.

The training provider must:

- Consult with the prospective student (or their associate)
- Decide whether an adjustment is necessary so that the student can seek admission, apply for a place, or enrol in the program on the same basis as other students
- Identify what that adjustment might be
- Make the adjustment to allow the application or enrolment to proceed.

Measures for compliance with standards

All Education providers must ensure information about the program:

- Is accessible to the student with a disability (or their associate)
- Includes entry requirements, choice of programs, pathways and educational settings
- Is comprehensive to enable the student to make an informed choice.
- Ensure information about the enrolment process:
- Addresses the needs of students with a disability
- Is accessible to the student and his or her associates
- Is available in a range of formats depending on the resources and purposes of the provider within a reasonable time frame.
- Ensure enrolment procedures are designed so that the student with a disability or their associate can complete them without undue difficulty.

Participation - Participation standards

The Standards require all education providers to ensure that students with disabilities are provided with opportunities to participate in courses and programs, and to use services and facilities, on the same basis as students without disabilities. All students should be treated with dignity and enjoy the benefits of education and training in an educationally supportive environment that values and encourages participation by all students, including students with disabilities. This includes the right to reasonable adjustments, where necessary, to ensure all students are able to realise their individual potential, and that they are not subject to discrimination.

Measures ACE Colleges can put in place to ensure compliance:

- Ensure all staff are aware of the need to avoid discrimination.
- Issue a formal policy statement on compliance with the DDA and the Standards, and more direct advice to staff.
- Ensure staff have sufficient information and expertise with non-discriminatory methods of service delivery.
- Promote existing complaint procedures.
- Ensure complaints are dealt with properly.
- Implement other reasonable monitoring strategies through supervisory and management responsibilities and external monitoring through customer reference groups
- Course activities are sufficiently flexible for students with disabilities to be able to participate
- Course requirements are reviewed to include activities in which a student with a disability can participate
- Appropriate programs necessary to enable participation are implemented
- Additional support is provided where necessary
- Students are offered reasonable substitute activities where necessary
- All activities are designed to include students with disabilities
- Standards for curriculum development, accreditation and delivery
- Students with disabilities have the right to participate in courses and programs that are designed to develop their skills, knowledge and understanding, including relevant supplementary programs, on the same basis as students without disabilities

Standards for curriculum development

- Take reasonable steps to ensure that courses are designed so that any student with a disability is able to participate in the learning experiences on the same basis as students without disabilities, and without experiencing discrimination
- Consult with students with disabilities about, and where necessary make, reasonable adjustments to facilitate participation in learning experiences on the same basis as other students
- Must allow for the changing needs of students with disabilities over time

Measures for compliance with standards

Curriculum, teaching materials, and assessment and certification requirements for courses are appropriate for and accessible to the student with a disability

Delivery modes and learning activities reflect intended educational outcomes and the learning capacities and needs of the student with a disability

Study materials are available in a format appropriate for the student with a disability

Teaching and delivery strategies reflect the learning needs of the student with a disability

Non-classroom activities are designed to include the student with a disability

Diligence and Reasonable Precautions

Liability for acts by employees or agents

Under Section 123 of the DDA, an education provider is liable for unlawful conduct by the provider's employees or agents unless the provider can establish that it took reasonable precautions and exercised due diligence to avoid the unlawful conduct. This includes instances where employees or agents of a provider fail to comply with the standards. In such cases, the education provider bears the onus of demonstrating that reasonable precautions had been taken and due diligence has been exercised.

The DDA does not define due diligence or reasonable precautions. The meaning of these terms will be determined by the courts in relation to individual complaints. In one case involving a similar defence under the Sex Discrimination Act 1984, the Federal Court implied that it would be necessary for an employer to show that effective policies with respect to non-discrimination against people with disabilities are in place and that the employer was active in trying to avoid discriminatory behaviour.

What is discrimination?

Discrimination occurs when you treat a person with a disability less favourably in the same or similar circumstance than you would treat a person without that disability.

Discrimination can be direct or indirect.

Some examples of direct discrimination might include when a person with a disability is:

- Denied entry to training despite meeting all the selection requirements

- Asked questions about their disability and that information is used to deny them access to services, for example access to excursions, a student common room or computer terminal
- Required to pay higher fees than other learners
- Unable to access a training venue because of a mobility disability and no alternative arrangement is made.

Indirect discrimination is where a condition or requirement is imposed which may appear the same for everyone but which unfairly excludes or disadvantages someone with a disability, and is unreasonable in the circumstances.

Some examples of indirect discrimination might include when a college:

- Imposes a time limit on assessment, where the disability imposes a slower working rate and the performance criteria do not include time limitations
- Requires all learners to undertake a written assessment when writing is not a requirement of the unit of competency, thus disadvantaging those people who cannot write because of their disability.

Discrimination by agents

Where contract staff are employed, the education provider may be liable under Section 123 of the DDA for discrimination in the course of service provision by the agent unless reasonable precautions have been taken and due diligence exercised by the education provider. Prompt action and effective action must be taken by the education provider in response to any indications that the service provider is not complying with the DDA or the Standards.

Where reasonably available, auditing or reporting mechanisms and the establishment or promotion of consumer grievance procedures may also be required and should be considered to ensure that the Standards and the DDA are being complied with.

Discrimination by staff

A single model of reasonable precautions and due diligence to prevent discrimination by employees or agents cannot be prescribed for all education providers. However, the following elements of an effective strategy should be considered by providers:

- Make all relevant staff aware of the need to avoid discrimination. This might include issuing a formal policy statement on compliance with the DDA and the Standards and more direct advice to staff;
- Taking reasonable measures to ensure that staff have sufficient information and expertise concerning non-discriminatory methods of service delivery.

This may include

- The provision of formal training;
- Establishing or using and promoting existing complaint procedures in relation to discrimination;

- Ensuring that complaints are properly and effectively dealt with; and
- Implementing other reasonably available monitoring strategies, additional to complaint mechanisms, including internal monitoring through supervisory and management responsibilities and external monitoring through customer reference groups.

Harassment and victimisation

The Standards require education providers to have strategies and programs to prevent harassment and victimisation of persons with a disability (section 8.3).

What is harassment?

Harassment means an action taken in relation to a person's disability that is reasonably likely to humiliate, offend, intimidate or distress the person (section 8.1). The strategies and program must extend to students with an associate who has a disability (such as a relative or carer).

Measures ACE Colleges can put in place to ensure compliance:

An education provider is required to ensure that staff and students are aware of the obligation not to harass or victimise students with disabilities or students who have associates with disabilities. The Standards require the education provider to take reasonable steps to ensure that staff and students are aware of appropriate actions to be taken if harassment or victimisation occurs.

An education provider that has no strategy or program to prevent or remove harassment and victimisation, simply because it was not aware that these were occurring, is not likely to be able to establish a defence under the Standards or the DDA. Similarly, the exception of unjustifiable hardship is not available as a defence where a provider fails to comply with the Standards for Harassment and Victimisation.

Review of the Standards

Part 11 of the Standards provides for a review of the Standards every five years to determine whether the Standards continue to be effective and remain the most efficient mechanism for achieving the objects of the DDA.

The review will determine:

- Whether discrimination has been removed, as far as possible, according to the requirements for compliance with the DDA
- Whether the Standards continue to be compatible with contemporary practices in education and training; and
- If any amendments are required to ensure the effectiveness of the Standards including those to ensure the Standards are compatible with contemporary practices in education and training

Disability Support Package

The following documents are recommended to use so that evidence is available showing how the facility has consulted with students to identify any specific requirements and strategies implemented to meet needs identified.

Disability Support Package Document 1

Rights and responsibilities

Staff

All staff must take responsibility to ensure all students are treated equally and carry out their roles and responsibilities in a non-discriminatory manner.

Staff rights

Staff have a right to expect that students seeking reasonable adjustments to the learning program will be willing to discuss their specific requirements (with assistance if required) and share responsibility in negotiating solutions.

Staff responsibilities

Staff are encouraged to undertake development activities which ensure they become familiar with the general requirements of students who have a disability.

Staff are supportive and value students and create a climate that encourages students to approach them to discuss issues impacting upon their studies that arise from their disabilities.

While many students with disabilities may work through the manager of the college, others may approach teaching staff directly. All staff can demonstrate their willingness to make adjustments for students by inviting them to discuss their particular requirements in private at a subsequent time.

ACE (college) requires that any arrangements made for reasonable adjustments are formally notified to the (manager of the college)

Teaching staff and trainers need to respond to the particular requirements of students who have a disability by making reasonable adjustments within a flexible curriculum.

Staff need to understand and constructively manage behaviour arising from disability which impacts upon others in the class.

Students

Students with disabilities have the right to:

- Access courses, programs, services, activities and facilities at the College on the same basis as all other students
- Reasonable and appropriate accommodations, academic adjustments, and/or additional support services
- Confidentiality of information pertaining to their disability
- Information to be made reasonably available in accessible formats

- Be treated with dignity and respect.
- The institution will establish an inclusive educational environment
- They can undertake their studies free from discrimination and harassment
- Staff will anticipate their need for reasonable adjustment, invite them to discuss their requirements, and treat the request promptly and seriously
- Their views will be sought in the development and review of institutional policies, procedures and practices affecting their lives at the tertiary institution
- Where required, they may be assisted by independent advocates
- Staff will be given appropriate training to become familiar with good practices for meeting the requirements of the students
- They will be given the opportunity to develop skills which will enable them to obtain maximum benefit from available services.

Students, and where applicable, prospective students with disabilities, have a responsibility to provide information which assists the college in the timely planning and implementation of appropriate services by:

- Identify themselves in a timely manner as an individual with a disability when seeking an adjustment or service on the basis of their disability
- Provide documentation from an acceptable professional source that verifies the nature of the disability and impact on access to the learning environment and/or experiences
- Follow the procedures for obtaining reasonable services as outlined in student handbook
- Treat staff of the college with dignity and respect.
- making early contact with the college
- Notifying and verifying their requirements to the extent necessary to ensure an appropriate college response
- Being proactive in advising the college of the difficulties they encounter in accessing aspects of the life of the college and how to overcome those difficulties.
- Ensuring that specialised services provided are utilised in a fair and effective manner
- Respect the efforts of others, observing conditions placed on adjustments made
- Advising absences to obviate unnecessary attendance of service personnel such as interpreters.

ACE has the responsibility to:

- Ensure that the college's courses, facilities and activities are designed to be accessible to students with disabilities
- Provide to students with disabilities information regarding policies, procedures and services and ensure their availability in alternative formats where required
- Assess students on their abilities, not their disabilities
- Provide reasonable and appropriate accommodations and services for students with disabilities
- Offer a range of services in keeping with the provisions and responsibilities outlined in the Disability Discrimination Act(1993) and relevant college policies and procedures
- Assist students to inform staff within the college regarding the impact of the student's disability at college and arrange appropriate services and accommodation
- Maintain appropriate confidentiality of personal, health and disability information provided to the service by students
- Inform students of college policies and procedures relating to students with disabilities where required
- Seek feedback from students regarding the services being provided, work toward continuous improvement of services and respond appropriately to difficulties where they arise
- Provide students with disabilities information about complaints processes where required

Disability Support Package Document 2

TITLE: Disclosure of Information by Students with a Disability or Illness

DOC ID:

Prepared By:

Approved for use:

PURPOSE

To set out the principles, processes and procedures for disclosure to the College of the effects of disabilities, and to clarify rights and responsibilities associated with the disclosure of information regarding a person's disability

RELEVANT TO

All Staff & Students

RESPONSIBLE OFFICER

(Insert)

RELATED POLICIES

- Equal Opportunity
- Discrimination and Harassment Grievance
- Discrimination and Harassment Prevention
- Disability Action Plan

KEY WORDS

Disability, Disclosure, Privacy, Confidentiality, Student, Illness

RELEVANT LEGISLATION (IF ANY)

- Disability Discrimination Act (1992)
- Privacy Act 1988
- Human Rights and Equal Opportunity Commission Act 1986
- New South Wales, the Anti-Discrimination Act 1977
- Disability Standards for Education 2005

PRINCIPLES

1. The Adult Community College strongly supports the right of people with disabilities to be involved in education provided by the college
2. The College will foster and encourage among its staff and student's positive, informed and unprejudiced attitudes towards people with disabilities and shall make provision, insofar as resources may reasonably permit, for any service needed by or for people with impairments.
3. The College will take positive steps to encourage people to seek admission to the College regardless of impairment or disability and shall apply the principle of reasonable adjustment in providing access to any benefit provided by the College equivalent to its staff and students who do not have a disability.
4. The College recognises the right of students with disabilities to have reasonable adjustments made to academic policies, procedures and practices to address the effects of their disabilities.
5. The College acknowledges that information related to a person's disability provided to the College is personal and private, and will respect the confidentiality of all such information.

PROCEDURES

Disclosure and Assessment

1. Students who have an illness or disability and who require the College to adjust a process, policy or procedure or wish the College to provide equipment or other physical aids must disclose the nature and extent of the illness or disability ("the disability") to the College.
2. The College will assess the nature and extent of the disability. To enable a full and proper assessment the College may require the student to provide opinions from medical experts that describe the nature of the disability and address the extent to which that disability may impair the student's ability to undertake their studies at the College. The College may seek its own medical advice if the medical information provided by the student is not satisfactory.
3. The College has established the (Disability Services Unit or Nominated Representative) to provide support to students with disabilities and its staff are experienced in assessing the impact of disabilities on tertiary studies. In the first instance, apart from minor or temporary ailments (see section below) a student should approach the Manager/Coordinator and disclose the relevant details of their disability to the Manager/Coordinator
4. The Manager/Coordinator will discuss what the student any special requirements based on their disability to determine adjustments that may be reasonably required to enable that student to access all aspects of the course and facilities available at the college.

Confidentiality

5. The College understands the private nature of the information that may be disclosed by a student about their disability and will respect the privacy of that information. The College will not disclose that information to any person outside of the College without the specific written consent of the student, unless the College considers that disclosure of the information is required to prevent or lessen a serious and imminent threat to the life or health of the student concerned or of another person.

6. The Manager/Coordinator will, where necessary, advise other members of College staff of the existence and nature of a student's disability. This will only occur to enable those College staff to assist in implementing any adjustments required to accommodate the student's disability.

Inherent Requirements of Course

7. Where the effects of a student's disability may restrict their capacity to meet the inherent requirements of a course, for example, compulsory external clinical placements or particular health and safety requirements, the student should disclose their disability in accordance with this policy, preferably prior to enrolment or at the first opportunity if the disability occurs after enrolment.

The College will assess whether the student will be able to meet the inherent requirements of the proposed course. Students may be refused admission to a course, or their enrolment discontinued, if, even with adjustments, it is not possible to meet the inherent requirements of a course.

Where requested by the student, the Manager/Coordinator will assist the student to liaise with the course convenor and, where admission to the course is not possible, assist the student to obtain counselling on alternative courses or options that may be available to them.

Minor or Temporary Ailments

8. For a short term illness or temporary disability, College staff to whom the disability has been disclosed need to determine whether they have the authority and expertise to assist the student, and if not, should refer the student to the Manager/Coordinator.

9. For short term or minor adjustments (for example an extension to an assignment due to illness) the tutor may establish procedures within their Faculty for the handling of this type of adjustment. Advice can be sought from the Manager/Coordinator on these issues should staff or students feel it appropriate to do so.

Disability Support Disability Support Package Document 3

Special Needs Identification Form

This form may be completed by the prospective student or the clerical assistant/front office staff of the College at the time of enrolment to ensure appropriate support, teaching and assessment strategies are implemented so each student/trainee has the opportunity to reach a positive outcome from the training

Name of student: Student No.

Address:

..... Post code:

Phone: (H) (W)

Mobile;

Email:

Course/program enrolled in: Course No.

Tutors name for the above course:

Scheduled commencement date:

Are you of Australian Aboriginal or Torres Strait Islander origin?

[] Yes [] No

Were you born in Australia?

[] Yes [] No

Do you speak a language other than English at home?

[] Yes [] No

If "Yes" which language?

Are you interested in accessing support to improve your English if help is available?

[] Yes [] No

Do you have a disability?

Yes No

What type of disability do you have?

Vision Intellectual Physical

Hearing Chronic Illness

Learning Difficulties Other

Do you need special assistance to complete the training?

Yes No

What type of support do you think would be beneficial?

Referred to to arrange necessary support or discuss options available with the student.

Signed.....

Date

This section to be completed by Manager/ Disability Support Officer

Date follow-up interview:

Support agreed to

Date support will commence/be available:

Referral to other Services and/or Education Providers

.....

Name/s of attendees at consultation:

.....
.....

.....
.....
Review:

Review Timeframe:

A copy of the following documents have been received by the student

Rights and Responsibilities

Disclosure of Information

Confidentiality Agreement

Student Signature.....

Manager Signature.....

This section to be completed by the Course/Equity/College Manager

Has specific needs for support been identified for this student?

Yes No

Would reasonable adjustment by the trainer cater for the needs of this student?

Yes No

Detail Adjustments
.....
.....

Recommendations for Adjustment to Examination/Assessment Process

Assessment Details

Assessment Date Time

Room/venue

Assessors Name/s

Package Document 4 Confidentiality Agreement

Personal information provided to ACE Services Coordinator is strictly confidential and is not disclosed without your written consent.

The aim of this agreement is to clarify for both parties what information is acceptable to you for disclosure and the people this can be disclosed to.

Written Confidential information supplied by you is stored in a locked filing cabinet in the staff offices and is only accessible to relevant ACE staff. The only exception to this agreement is when there are legal responsibilities to report issues regarding your safety or the safety of others.

Disclosure of Confidential Information Agreement

I understand that from time to time ACE staff will need to communicate with other relevant ACE staff about my need for services so that I can more effectively access course and assessment requirements.

I also understand that from time to time ACE staff may need to seek information from relevant practitioners about my disability/ mental health issue and/or medical condition to enable them to make decisions about required academic adjustments and support services.

I have read the ACE Disclosure and Confidentiality Policy Statements and understand the purpose of this form.

Or

I had the information read and explained to me and understand the purpose of this form.

Yes

No

In accordance with the information provided above

I, _____ hereby give permission for the ACE staff of (Name of College) to communicate when necessary with relevant ACE staff or relevant practitioners to assist me access course and assessment requirements.

I give permission for the ACE to contact the following people:

Lecturing and tutoring staff in the subject/s I am undertaking	Yes	No
Staff arranging and providing tutorial/examination support	Yes	No
Your medical or other relevant professional	Yes	No

I request that the following issues ARE NOT discussed with the following ACE staff:

.....

Signature:.....Date:.....

Venue Checklist

The following checklist, whilst not conclusive, will help determine strategies which will assist in making the working environment more accessible to all students and staff, as well as other support that may be required. When determining appropriate wheelchair access, it is advisable to seek assistance of someone who has experience in this area to ensure access is suitable for all types of wheelchairs. An Occupational Therapist, someone with a disability or access officer from the local council may be people who could assist in doing a venue check with you. Remember this will generally be a “one off” for all venues being used.

College: _____ Venue: _____

Contact person: _____ Address _____

	Yes	No	Comment
Is there safe, accessible entry into, exit from and movement within the instructional setting?			
Is the classroom/lecture theatre/laboratory/workshop easy to access?			
Does the venue have wheelchair access?			
Once inside the venue, is it free of barriers, are corridors clear?			
Is there a need to modify any furniture or fittings?			
Do the desk, chair and bench height, length and width need adjustment?			
Are any specialised furniture and/or equipment required? Eg. Ergonomic furniture, Closed Circuit Television, hearing loop, assistive computer devices			
Is there sufficient suitable equipment available?			
Do seating arrangements allow for ease of access to information for students who have mobility or sensory disabilities?			
Do the seating arrangements allow sufficient space for students who use a wheelchair to unobtrusively sit alongside their peers?			
Do the seating arrangements allow for all students to see and hear the teacher and each other?			
Can all students physically find and use the equipment provided?			
Can switches and equipment be physically operated?			
Can all students reach photocopiers, equipment, and items on shelves?			
Are items of equipment, store rooms, chemicals etc. labelled in accessible formats?			

Sample

	Yes	No	Comment
Do any special provisions need to be made for any of the following: field trips work experience/work place training practicals workshops examinations and assessments?			
Consider issues such as ease of mobility, transport and access arrangements, availability of educational materials and equipment, and access to information.			
	Yes	No	Comment
Can students with speech and/or communication difficulties function successfully in the learning setting?			
Are there satisfactory alternative methods available to the students?			
Are all learning materials and equipment (eg books, tools etc.) accessible to people with mobility disabilities, especially those who have manual dexterity problems?			
Are there alternative procedures I can put in place?			

	Yes	No	Comment
<p>Do any of the following need to be provided to meet the special needs of student/s in this class/course:</p> <p>On computer disk</p> <p>On the Internet</p> <p>Audio tape</p> <p>Large print</p> <p>In Braille</p> <p>Video captioning</p> <p>Tactual and bold print graphics</p> <p>Plain English versions</p>			
<p>Are any of the following support personnel required to provide support for a student/students in this class/course:</p> <p>Interpreters</p> <p>Readers</p> <p>Note takers</p> <p>Scribes</p> <p>Personal assistants</p> <p>Other</p>			

Sample

ACE Best Practice Guidelines for Students with a Disability

August 2006

Australian education providers operate in a context which requires that institutions give explicit attention to the provision of educational opportunity to people with a disability.

Education providers are subject to the provisions of State and Commonwealth Equal Opportunity and Anti-Discrimination legislation notably the Disability Discrimination Act (DDA) (1992). These legislative provisions make it unlawful for an education provider to discriminate against a person on the grounds of disability. This includes refusing to accept a person's application for admission as a student because of their disability, imposing terms and conditions upon the student that are not otherwise imposed on students without disability, denying the student access to benefits provided or available to other students, or excluding the student because of a disability.

The Disability Standards for Education, which clarified both the obligations on education providers to provide accessible educational services to all students and the rights and responsibilities of students, were introduced in 2005.

The Disability Standards for Education (2005) encompass all education sectors both compulsory and non-compulsory education environments. In terms of their implications for the higher education sector, the Standards affirm that education providers are entitled to maintain the academic requirements of their courses and programs, while clarifying both the obligations on education providers to provide accessible educational services to all students and the rights and responsibilities of students.

Underpinning the ACE Best Practice Guidelines for Students with a Disability are two key principles:

That education providers will uphold academic standards so that students graduate with the required skills and knowledge associated with the qualification conferred.

That education providers provide students with a disability with the opportunity to realise their academic and social potential and to participate fully in courses and programs, and to use services and facilities, on the same basis as students without disabilities.

In the following guidelines, it is assumed that approaches to the development, delivery and evaluation of teaching and services for students with a disability should be:

- **Inclusive** – Core activities of the Education provider are designed and implemented in order to accommodate the needs of all students including those with a disability.
- **Comprehensive** – Provision for students with a disability should cover all core education provider activities in recognition of the right to participate fully in the academic and social life of the Education provider.
- **Equitable** – Education provider responses to the needs of students with a disability should recognise the rights and responsibilities of all parties and ensure that solutions are equitable for all concerned.

- **Explicit** – Policies should clearly identify student and staff responsibilities in relation to provision of services and adjustments, the procedures whereby these will be implemented and the mechanisms for resolving disagreements.
- **Systemic** – Consideration of the needs of the diverse student population should be embedded within Education provider-wide planning, administrative support and quality assurance processes.
- **Respectful** – Education providers should ensure that all their interactions with students with a disability are characterised by respect for their rights to dignity, privacy, confidentiality and equity.
- **Consultative** – Students and staff should be engaged in planning and evaluation of teaching and support strategies.
- **Resourced** - Education providers should provide adequate resources to enable the provision of learning environments and services that address the needs of students with a disability.

The following guidelines are presented as advice on good practice, with the aim of assisting education providers to meet the needs of students with a disability through strategies and arrangements which are appropriate to their individual circumstances.

ACE Guidelines for Students with a Disability

- 1. Admission, selection and enrolment procedures should be non-discriminatory and orientation programs inclusive in design and application.**
 - The Education provider provides explicit information about opportunities for people with a disability, the support services available to them, any special entry procedures, course requirements and student rights and responsibilities.
 - Admission policies and practices are non-discriminatory.
 - Students are encouraged to identify any disability related requirements as early as possible, and to consult with staff regarding any additional services or adjustments that are required.
 - Student recruitment, orientation, preparation, enabling and bridging information and programs are inclusive in design and accessible to students with a disability.
- 2. Planning and Quality Assurance**
 - Education provider plans and policies address the needs of students with a disability with a view to them having the opportunity for full participation

- The Education provider actively seeks feedback from all stakeholders regarding the effectiveness of service provision for students with a disability and uses this information to inform planning.
- The Education provider has a Disability Action Plan which sets out strategies to enhance equal opportunity for students with a disability, identifies objectives and performance measures and monitors and reports progress towards achievement of these objectives.
- The impact of all organisational policies, procedures and practices on the participation and performance of students with a disability are monitored, evaluated and reported to senior management.

3. Information Management: All information published by the Education provider, whether in print or electronic format, should be fully accessible to people with a disability and their rights to privacy should be protected.

- The Education provider's web site and online student services (e.g. application forms) are fully accessible and comply with accessibility guidelines.
- All education provider publications, information and forms use inclusive language and are made accessible to students with a disability.
- Learning resources are made available in accessible formats in a timely manner, and the conversion process complies with copyright requirements.
- Staff responding to inquiries are aware of services for students with a disability, and the information they provide is consistent, accurate and useful.
- Whilst protecting the rights to privacy of students with a disability, education provider policies facilitate the confidential disclosure of disability related information to staff (as required to ensure the provision of services and accommodations).

4. Education provider Culture and Safety

- The Education provider should promote an inclusive culture that values diversity, does not tolerate harassment or discrimination and encourages a secure and safe environment for all students.
- The Education provider values diversity and responds to the needs of students with a disability from diverse backgrounds, including Indigenous and international students, in the context of their particular cultural requirements.
- Effective induction and professional development programs ensure that all staff are aware of their responsibilities (including vicarious liability) under education provider policies, state and federal legislation and have the knowledge and skills they need to work effectively with students with a disability.

- Policies and codes of conduct explicitly prohibit discrimination, harassment and victimisation of students with a disability and strategies are in place to prevent these behaviours.
- Grievance procedures deal fairly and in a timely manner with all grievances arising directly or indirectly from a student's disability.
- Occupational health and safety procedures are in place to ensure the personal security of people with a disability (e.g. security points and lighting) and their safety in the event of fire, evacuation or other critical incident.

5. Course Design and Review

Curricula should be inclusive and student centred, taking account of the diversity of student needs.

- Program design allows the flexibility to accommodate the needs of individual students with a disability without compromising academic standards.
- Essential course requirements, assessment criteria and learning outcomes are explicitly stated and explained.
- Course reviews and evaluations consider the need for equitable access and ensure that students are able to contribute to these processes.
- Timelines are mandated for the preparation of reading lists to ensure that course materials can be made available in accessible formats in time to allow equitable participation by students with a disability.

6. Course Delivery and Assessment

The delivery and assessment of courses should be inclusive and enable students with a disability to demonstrate equitably the achievement of learning outcomes.

- Learning programs utilise inclusive teaching and assessment strategies and are as flexible and accessible as is reasonably possible.
- Reasonable adjustments are made to delivery and assessment methods to accommodate the needs of individual students without compromising the standards or essential components of programs.
- Students with a disability are encouraged to discuss their learning and support needs directly with teaching staff who are resourced to respond appropriately to these requests.
- The information access and assistive technology needs of students with a disability are accommodated in learning and assessment tasks.
- Learning support services are accessible and address any particular needs of students with a disability.

7. Specific Learning Environments

All learning environments should provide opportunities for equitable participation by all students.

- Field-work based and practical learning environments are made as accessible as possible and accommodate the specific needs of students with a disability without compromising academic standards.
- Practical and field-work policies and procedures minimise any disability related occupational health and safety risk to staff or students, where possible, without restricting the learning opportunities of students with a disability.
- Students with a disability are able to negotiate alternative methods of assessment if this is required.

8. Physical Access

The learning environment should be sufficiently accessible to enable all students to participate fully in the academic and social life of the Education provider.

- The Education provider's Disability Action Plan includes strategies to improve physical accessibility which are linked to resource allocation procedures and are reviewed following regular access.
- New building work, refurbishment of existing buildings, landscaping, car parking or transport arrangements pay explicit attention to legislative requirements for physical access and ensure students with a disability are advised of construction work that may affect access.
- Signage and information, such as large print and Braille notices, tactile maps and maps showing wheelchair-accessible routes, facilitate access by all students.
- Where physical access is impossible or unreasonably difficult, strategies for enabling alternative means of participation are developed.
- The needs of students with a disability are considered in developing the desktop computing environment, and information systems are accessible to all students with a disability.
- Learning management systems and online learning resources are fully accessible to students with a disability.
- Up-to-date assistive hardware and software is provided inclusively where practicable to facilitate equitable access to courseware and learning materials.
- Staff responsible for training and supporting students with a disability to develop their information and IT literacy have access to expertise in assistive technology.

9. Student Services and Support

Students with a disability should have access to the full range of education provider services and any additional support that they require to participate equitably.

- Wherever possible, the needs of students with a disability are met inclusively through mainstream services that enhance their independence as full members of the education provider community rather than through separate services.
- Specialist disability advice and support services are available to students with a disability and to education provider staff who work with them.

Responsibilities of Education Providers

Education providers are under a positive obligation to make changes to reasonably accommodate the needs of a student with disability and are also obliged to put in place strategies and programs to prevent harassment and victimisation of persons with disability.

The Disability Standards for Education require education providers to ensure that:

- Curriculum, teaching materials and assessment and certification requirements for the course or program are appropriate to the needs of the student and accessible to him or her;
- Course delivery modes and learning activities take account of the learning capacities and needs of the student and are sufficiently flexible for the student to be able to participate;
- Where a course includes an activity in which the student cannot participate, an alternative activity is offered that provides an equivalent experience within the context of the overall aims of the course;
- Study materials are available in an appropriate format for the student and the student is not disadvantaged by the time taken for any conversion that is required;
- Teaching strategies are adjusted to meet the learning needs of the student and address any disadvantage in the student's learning resulting from disability; and
- Assessment procedures are adapted to enable the student to demonstrate the knowledge, skills or competencies being assessed.

In assessing whether adjustments to the course are reasonable, an education provider is entitled to maintain the inherent academic requirements of the course.

Education providers are also required to take reasonable steps to ensure that a student with disability is able to participate and use facilities and services on the same basis as a student without a disability. Taking "reasonable steps" involves a process that includes:

- Consultation with the student;
- Consideration of whether an adjustment is necessary;
- If an adjustment is necessary, identification of a reasonable adjustment;

- Making a reasonable adjustment in a timely manner; and
- Where necessary, allowing for the changing needs of the student over time.

Specifically education providers must:

- Enable a prospective student to seek admission to and enrol in the education provider without undue difficulty;
- Ensure that, in making decisions whether or not to offer a place in a course, the prospective student is not discriminated against on the basis of their disability;
- Make information that addresses the needs of students with disabilities accessible to them in a range of formats, within a reasonable timeframe in a way that enables them to make informed choices about courses and progression;
- Consult with the student, review his/her course in the light of this information and implement any reasonable adjustments required (whilst maintaining the integrity of the course and assessment requirements);
- Provide additional support to the student and where necessary, to assist him or her to achieve intended learning outcomes;
- Inform staff and students about the obligation not to harass or victimise students with disability or their associates; take appropriate action if harassment or victimisation occurs; and provide complaint mechanisms for students;
- Provide specialised services for the student where necessary, including through collaborative arrangements with specialised service providers;
- Provide any necessary specialised equipment to support the student in participating in the course or program;
- Provide appropriately trained support staff, eg interpreters, note-takers and aides to ensure equitable access to education; and
- Ensure that staff are aware of the specialised services available and are able to assist the student to access these.

Useful links and resources

Below is a list of useful links and resources. It is recommended that you also develop a list of local support services for people with a disability so that you can liaise with your local services when considering appropriate needs and adjustments for students accessing courses at your college.

Resources

'Transition from VET to Employment for People with a Disability': Key Success factors.

www.equityresearch.org.au/pub.htm

Links

ACROD

<http://www.acrod.org.au/divisions/wa/default.htm>

Association for the Blind of WA

www.abwa.asn.au

Australian Disability Clearing House on Education and Training

www.adcet.edu.au

Better Hearing Australia (WA branch)

www.betterhearing.org.au

Career Tips

www.careertips.net.au

Disability Services Commission

www.dsc.wa.gov.au

Ethnic Disability Advocacy Centre

www.edac.org.au/index.html

Human Rights and Equal Opportunity Commission

http://www.hreoc.gov.au/disability_rights/

Independent Living Centre

www.ilc.com.au

Attention Deficit Disorder

http://healthinsite.gov.au/topics/Attention_Deficit_Disorder_ADD_or_ADHD

Blind Citizens Australia

<http://www.bca.org.au/>

Royal Blind Society

www.rbs.org.au

Brain Australia

http://www.brainaustralia.org.au/AZ_of_Brain_Disorders/acquired_brain_injury

The Deaf Society of NSW

<http://www.deafsocietynsw.org.au/>

Australian Learning Disability Association

<http://services.admin.utas.edu.au/alda/>

Mental Health Association NSW

<http://www.mentalhealth.asn.au/home.htm>

Interpreter Service

<http://www.crc.nsw.gov.au/interpreting/handbook/index.htm>