



Isle of Wight
Education Federation

The Governing Board for the
Isle of Wight Education Federation

Reasonable Adjustment Policy

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Contents

1. The Duty not to Discriminate
2. The Reasonable Adjustments Duty
3. Definition of a Disability
4. Confidentiality and Data Protection
5. When it is reasonable to make an adjustment
6. Factors that the college must take into account
7. Provision of auxiliary aids and services
8. Exam Provision
9. Responsibilities
10. Training
11. Equal Opportunities
12. Monitoring and Review
13. Date of next review

Appendix 1

Examples of simple and effective 'reasonable adjustments'.

1. The Duty not to Discriminate

Disabled pupils have a right not to be discriminated against at the Colleges.

This covers everything that the college provides for pupils, beyond just the formal education available. It includes access to all college activities such as extra-curricular and leisure activities, after-college and homework clubs, sports activities and educational visits, as well as access to college facilities such as libraries, laboratories and workshops.

The college must not discriminate against, or victimise, a pupil:

in the way the college provides education for the pupil, and in the way the college affords the pupil access to a benefit, facility or service;
by not providing education for the pupil;
by not affording the pupil access to a benefit, facility or service;
by subjecting the pupil to any other detriment.

These obligations, however, do not apply to anything done in connection with the content of the curriculum. The college is not restricted in the range of issues, ideas and materials used in the college syllabus. The college can expose pupils to thoughts and ideas of all kinds, however controversial. Even if the content of the curriculum causes offence to pupils with certain protected characteristics, this will not make it unlawful unless it is delivered in a way which results in harassment or subjects pupils to discrimination or other detriment.

2. The 'reasonable adjustments' Duty

The Colleges are expected to make 'reasonable adjustments' to enable disabled pupils as far as is reasonably practicable to overcome any disadvantage felt by a disabled pupil.

The 'reasonable adjustments' duty was first introduced under the Disability Discrimination Act 1995. The 'reasonable adjustments' duty under the Equality Act 2010 operates slightly differently and has been extended to cover the provision by a college of auxiliary aids and services. The object of the duty is the same - to avoid as far as possible by reasonable means, the disadvantage which a disabled person experiences because of his/her disability.

This duty towards pupils sits alongside the college's duties towards special educational needs and those of local authorities under Part 4 of the Education Act 1996. In some cases the support a disabled pupil may receive under the special educational needs framework may mean that they do not suffer a substantial disadvantage, and so there is no need for additional reasonable adjustments to be made for them. In other cases disabled pupils may require reasonable adjustments in addition to the special educational provision they are receiving.

There are also disabled pupils who do not have special educational needs but still require reasonable adjustments to be made for them. The level of support a pupil is receiving under Part 4 of the Education Act 1996 is one of the factors to be taken into account when a college considers what it would be reasonable for the college to have to do.

3. Definition of Disability

The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

- 'Normal day-to-day' means things that people do on a regular or daily basis, such as reading, writing, using the telephone, having a conversation and travelling by public transport .
- 'Long-term' usually means the impairment should have lasted or be expected to last at least a year.
- 'Substantial' means not minor or trivial.

The key issue is not the impairment but its effect. Impairments such as migraines, dyslexia, asthma and back pain can count as a disability if the adverse effect on the individual is substantial and long-term. Some conditions automatically count as disabilities for the purposes of The Equality Act 2010, from the point of first diagnosis - these are cancer, HIV and multiple sclerosis (MS).

"Where -

- (a) a provision, criterion or practice applied by or on behalf of an employer, or
- (b) any physical feature of premises occupied by the employer,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the employer to take such steps as it is reasonable, in all the circumstances of the case, for him/her to have to take in order to prevent the provision, criterion or practice, or feature, having that effect."

4. Confidentiality and Data Protection

Data Protection

The Data Protection Act 1998 places duties on the college to ensure confidential and appropriate handling of 'sensitive personal data', which includes data about a person's health.

The Data Protection Act also gives individuals the right to see personal data and information held or processed about them, provided they request it in writing. This provision is important in accessing personal information relating to a risk assessment and any other information about the disabled pupil..

Revealing a disability

In order to enable the college to make reasonable adjustments a disabled pupil (or their advisers) must provide the college with sufficient information for the college to carry out that adjustment.

The college must, however, recognise the disabled person's right to confidentiality and the college must not disclose confidential details about them without their explicit consent.

5. When it is reasonable to make an adjustment

Where disabled pupils are placed at a substantial disadvantage by a provision, criterion or practice or the absence of an auxiliary aid, the college will consider as soon as reasonably practicable whether any reasonable adjustment can be made to overcome that disadvantage.

The Colleges' starting point in determining what a reasonable adjustment might be is to consider how to ensure that disabled pupils can be involved in every aspect of college life, and to introduce and maintain 'adjustments' that the college considers are effective.

Each College will take into account the Equal Opportunities and Human Rights Commission (EOHRC) advice that often effective and practical adjustments involve little or no cost or disruption.

The Colleges considers that it is good practice to work with disabled pupils and their parents in determining what reasonable adjustments can be made.

Although the Colleges will not expect disabled pupils to suggest adjustments, the college will encourage them to make suggestions and will have regard to any suggestions made that might help to overcome the disadvantage. The college will determine whether the suggestions are reasonable for the college to implement in all the circumstances.

6. Factors that the college must take into account

The Colleges are required to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled pupils at a substantial disadvantage.

This duty is owed to:

existing pupils, applicants for places, and, in limited circumstances, to disabled former pupils in relation to the following areas:

deciding who is offered admission to the college as a pupil, the provision of education, and access to any benefit, service or facility.

The factors to take into account when making an adjustment are:

how effective the adjustment would be in overcoming the disadvantage
how practicable it is to make the adjustment
the financial and other costs incurred and the extent of any disruption to activities
the extent of the employer's financial and other resources
the availability of financial and/or other assistance in making the adjustment
restrictions on adjustments due to listed building status/planning

The duty does not require the Colleges to make reasonable adjustments to avoid the disadvantage caused by physical features as this is covered by the planning duties.

The Colleges cannot justify a failure to make a reasonable adjustment. Where the duty

arises the issue will be whether or not to make the adjustment is 'reasonable' and this is an objective question for a tribunal to determine ultimately.

The duty is an anticipatory and continuing one that the college owes to disabled pupils generally, regardless of whether staff at the college know that a particular pupil is disabled or whether the college currently has any disabled pupils on roll.

The Colleges understands that it is not expected to anticipate the needs of every prospective pupil but acknowledges that it is required to think about, and take reasonable and proportionate steps to overcome, barriers that may impede pupils with different kinds of disabilities.

The college will not wait until an individual disabled pupil approaches the college authorities before considering how to meet the duty. The Colleges will plan ahead for the reasonable adjustments that may need to be made, regardless of whether the College currently has any disabled pupils on roll. By anticipating the need for an adjustment the College sets out to be well placed to help disabled pupils who come to the College.

7. Provision of auxiliary aids and services

The Colleges have a duty to provide reasonable auxiliary aids and services which are required in order to overcome a disabled pupil's disadvantage. These auxiliary aids and services can take many forms, from the provision of wheelchairs to persons engaged to sit with the pupil while the pupil is learning.

The Colleges cannot charge for auxiliary aids and services which are adjudged to be reasonable.

Charging

Maintained Colleges and Academies

Charging for College services will follow the college's 'Charging and Remissions' policy. The College may not charge unless there is a local authority or governing body policy in place.

A maintained college or academy cannot charge pupils for the following

- An admission application;
- Education provided during college hours (including the supply of any materials, books, instruments or other equipment);
- education provided outside college hours if it is part of the National Curriculum, or part of a syllabus for a prescribed public examination that the pupil is being prepared for at the college, or part of religious education;
- tuition for pupils learning to play musical instruments if the tuition is required as part of the National Curriculum, or part of a syllabus for a prescribed public examination that the pupil is being prepared for at the college, or part of religious education;
- Entry for a prescribed public examination, if the pupil has been prepared for

it at the college; and

- Examination re-sit(s) if the pupil is being prepared for the re-sit(s) at the college.

Reasonableness in the provision of auxiliary aids and services

What is 'reasonable' will depend on many factors - including the nature of the aid or service, the size of the college, the funds available, the effects on other pupils, and staff expertise.

In determining the reasonableness of the provision of an auxiliary aid or service the college will take account of:

the nature of the disability;
the age, ability and aptitude of the pupil;
the range of possible adjustments which would substantially improve the disabled pupil's ability to participate in the life and activities of the college;
the nature and range of the auxiliary aids and services which might be required to make substantial improvements for the pupil;
the availability of persons with relevant expertise;
the likely effect on other pupils and on staff of the provision of possible auxiliary aids and services;
the resources available; and
the finance available.

Decisions about the reasonableness of the provision of aids and services will be made by the Head or the Head's representative following consultations with the pupil and/or his/her parents.

8. Responsibilities

The 'responsible body' of a college is responsible for ensuring there is no discrimination in relation to education or access to any benefit, facility or service.

The Governing Board is the 'responsible body for these Colleges.

The 'responsible body' has determined this policy and delegated the implementation to the Head.

The Head, or a person with delegated duties, will make decisions about the reasonableness of the provision of auxiliary aids and resources.

All staff must co-operate with the college as far as is compatible with their contractual duties in discharging the college's responsibility

9. Exams

Students with disabilities and learning difficulties are likely to have a number of the needs and may require a range of access arrangements.

The college adheres to the JCQ Access Arrangements and Reasonable Adjustments regulations (2016/17)

Students may receive some of the following arrangements adjustments. The college has a duty to ensure that students have an equal chance to access public exams but that no-one is given an unfair advantage.

To this end, all school staff have a responsibility to refer students they feel need access arrangements, through the Single Point Referral form, explaining how the adjustment suggested is the student's normal way of working in the classroom. Through establishing a clear history of both need and provision, it is the SENCO's responsibility to ensure testing, where necessary, and Applications for Access Arrangements are applied for. Where specific testing is required, from September, 2017, this can only be carried out by a member of staff with a specific level 7 qualification.

Examples of disability/special need and possible Access Arrangements include:

Cognition and Learning Needs

E.g. General and/or Specific Learning Difficulties

Candidates with learning difficulties may require for example:

- supervised rest breaks
- extra time
- a computer reader or a reader
- read aloud or an examination reading pen
- a word processor
- a scribe
- a prompter
- a practical assistant
- coloured overlays
- coloured/enlarged papers
- modified language papers.

Communication and Interaction Needs

E.g. Autistic Spectrum Disorder (ASD), Speech, Language and Communication Needs (SLCN)

Candidates with communication and interaction difficulties may require for example:

- supervised rest breaks
- extra time
- a computer reader or a reader
- read aloud or an examination reading pen
- modified language papers
- a word processor
- a scribe.

The candidate must have an impairment in their first language which has a substantial and long term adverse effect. A candidate does not have a learning difficulty simply because their first language is not English, Irish or Welsh.

Sensory and Physical Needs

E.g. Hearing Impairment (HI), Multi-Sensory Impairment (MSI), Physical Disability (PD),
Vision Impairment (VI)

Candidates with sensory and physical needs may require for example:

- supervised rest breaks
- extra time
- a computer reader or a reader
- read aloud or an examination reading pen
- a word processor
- a scribe
- a live speaker
- a Sign Language Interpreter
- a practical assistant
- Braille papers, modified enlarged and/or modified language papers.

Social, Mental and Emotional Needs†

E.g. Attention Deficit Disorder (ADD), Attention Deficit Hyperactivity Disorder (ADHD), Mental Health Conditions

Candidates with social, mental and emotional needs may require for example:

- supervised rest breaks
- a prompter
- separate invigilation within the centre
- alternative site arrangement
- extra time
- a word processor
- a computer reader or a reader
- read aloud or an examination reading pen
- a scribe.

10. Training

The College will ensure that staff receive appropriate training, and will keep a log of the training, which will be regularly reviewed.

In particular all staff will be made aware of the requirements of the Act and the implications for the education provision and delivery.

11. Equal Opportunities

In implementing the policy the college will ensure that the requirements of other equal opportunities legislation, regulation and guidance are taken into account.

12. Monitoring and Review

The college will make regular reviews of its practices, policies and procedures to ensure that appropriate reasonable adjustments are made to alleviate the effects of a pupil's disabilities.

The Head will report on the working of the policy to the governing body at least annually.

The policy will be reviewed every year, in conjunction with the annual update of the JCQ Access Arrangements document.

13. Date of next review:

Signed:

Date:

Appendix 1

Examples of simple and effective 'reasonable adjustments'

A teacher always addresses the class facing forward to ensure that a pupil with hearing difficulties is able to lip-read.

A secondary college runs a buddy system for new pupils, allowing disabled pupils to adapt more easily to a new environment.

A college provides appropriate training for the disabled pupil and his/her colleagues.

The college provides suitable equipment, or adapts equipment for the disabled pupil. e.g. chairs, desks, computers

The college ensures that teachers are trained to modify instructions or procedures e.g. by providing larger print, or material in Braille, or hearing loops.

The college might improve communications for disabled pupils e.g. by providing a reader, or visual as well as audible alarms.

Teachers could be trained to provide suitable alternative work for disabled pupils.