

Reasonable Adjustments Policy

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Ratified By:	David Hampton
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1. Introduction to the Policy

1.1 This policy provides guidance to staff and contracted consultants in determining and agreeing reasonable adjustments for disabled students and staff. It is intended as a practical tool to identify the range of issues disabled people face and the kind of support that can be offered.

1.2. The policy is designed to protect apprentices who are registered with us, minimise the effect of an adverse effect, ensure that we comply with all relevant legislation, guidance and standards.

2. The Legal Perspective

2.1 The Equality Act 2010 requires EPAO's to make reasonable adjustments to ensure an apprentice who is disabled as defined in the Act is not placed as a substantial disadvantage in comparison to apprentices who are not disabled.

2.2 As a minimum we will comply with the requirements of the Act, wherever possible we will go further to ensure equal access to fair learning and assessment

3. Definition of Disability and Duties

3.1 A person has a disability 'if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'

3.2 'Substantial' is defined by the Act as 'more than minor or trivial'. An impairment is considered to have a long-term effect if:

- it has lasted for at least 12 months
- it is likely to last for at least 12 months, or
- it is likely to last for the rest of the life of the person

3.3 Normal day-to-day activities are not defined in the Act, but examples could include eating, washing, walking or commuting, reading, writing or participating in a conversation.

3.4 The Equality Act 2010 continues the existing duty upon education institutions to make reasonable adjustments for staff, students and service users in relation to:

- provisions, criteria or practices

- physical features
- auxiliary aids.

These adjustments apply where a disabled person is placed at a substantial disadvantage in comparison to non-disabled people. It is important to note that with regard to direct discrimination, an institution can treat a disabled person favourably compared to a non-disabled person, and this would not amount to unlawful discrimination against a non-disabled person.

4. Policy

- 4.1 We will not treat a disabled person less favourably than a non-disabled person for reasons related to their disability.
- 4.2 We will make reasonable adjustments to ensure that a disabled student is not placed at a substantial disadvantage when compared with their peers.

5. Reasonable Adjustments

- 5.1 A reasonable adjustment is any action which is taken arising out of the legal obligation to overcome disadvantage experienced by a person as a result of having a disability. Disadvantages may be caused by 'physical features' or by 'arrangements' and we will take such steps, as it is reasonable to take in all the circumstances in order to remove that disadvantage.
- 5.2 In relation to End Point Assessment candidates, a reasonable adjustment may be defined as an accommodation or alteration to existing examination or interview arrangements and rules relating to qualifications where these contain inherent barriers for students with disabilities. The implementation of a reasonable adjustment aims to allow learners to avoid any disadvantage in their End Point Assessment. There is however no duty to adjust a 'competence standard' to make allowance for a disability.
- 5.3 Examples of reasonable adjustments might include changes to elements such as:
 - the location and timing of the assessment
 - the format, wording or type of assessment activity
 - the availability of support personnel for additional needs
 - the availability of adaptive software or hardware, or specialist equipment

These adjustments should mirror the types of reasonable adjustments and additional support that the apprentice has received from their employer and/or training provider during their apprenticeship programme. They should provide apprentices with the opportunity to demonstrate attainment against occupational competence.

We will ensure that facilities and time allow apprentices to use any commercially available mechanical, electronic or other aids in order to demonstrate achievement so long as they reflect the apprentice's normal ways of working and do not give the apprentice an unfair advantage.

6. Determining Reasonable Adjustments

- 6.1 There are a number of steps which need to be considered when determining an adjustment. These include:
- is it known, or could it reasonably be expected to be known, that the individual has or might have a disability?
 - what reasonable adjustments, if any, does the individual say they require?
 - could a referral to Occupational Health, Enabling Services or Dyslexia Services provide additional information or advice?
 - is additional advice required from any other specialist department, such as IT or outside agency?
 - is the cost of the reasonable adjustment known, thought reasonable and is there outside funding available?
 - what other adjustments might be possible or necessary which do not cost money?
 - based on all of the information, is the adjustment considered to be reasonable?
 - if the adjustments are considered reasonable, what steps need to be taken to put them into place and who needs to be involved? If they are not considered reasonable, what steps might be taken instead?
 - what monitoring mechanisms need to be put into place to ensure the reasonable adjustments are working effectively and who might need to be involved in assessing the effectiveness?

7. Assessing Reasonable Adjustments

- 7.1 There is no checklist against which judgments can be made to determine what is reasonable. Every application will be reviewed by one of the Partners on its own merits. The consideration of whether an adjustment is 'reasonable' is judged against:

- The effectiveness of the adjustment in preventing the disadvantage
- The extent to which it is practicable to make the adjustment
- The cost and availability of resources including external assistance and finance
- The extent to which making the adjustment would disrupt delivery of assessment for other candidates

- 7.2 Medical evidence from the learner's GP, physiotherapist, counsellor or consultant is required for identifying or confirming the adverse effect or substantial disadvantage which needs addressing.

We will also consider medical evidence to confirming that particular adjustments would be effective in reducing or removing the disadvantage. A medical expert is not always the best person to give this kind of evidence however - it depends on the type of adjustment proposed. Often a technical expert or specialist organisation has more knowledge about suitable equipment.

- 7.3 Consultation between the responsible person and the individual at all stages is vital for a successful outcome. Records should be kept of all such discussions as it may also help avoid any claim of discrimination if reasonable adjustments cannot be made.
- 7.4 Training Providers or Employers should request adjustments in advance of any assessment to enable assessment and adjustment to be put in place, this must be done in writing. Typically this should be done at the Gateway but the guiding principle is that sufficient

notice is provided for the Reasonable Adjustment to be organised in time for the End Point Assessment.

- 7.5 The responsible person will evaluate the evidence presented and make a final decision on what adjustments should be made, this will usually be based on presentation of evidence from a reputable source that will normally state what adjustments should be made.
- 7.6 We refer to the Reasonable Adjustment Matrix as provided by the Institute for Apprenticeships & Technical Education to confirm the type of adjustment that is appropriate for the disability in question. This is published here: <https://www.instituteforapprenticeships.org/media/3403/reasonable-adjustment-matrix.pdf> and it is based on the Higher Education Statistical Authority's (HESA) disability grouping framework.

8. Accepting or Rejecting Requests

- 8.1 Confirmation that a reasonable adjustment request has been approved will be communicated in writing to the Training Provider or Employer (whichever made the request) within 2 working days.
- 8.2 Where a reasonable adjustment request has been declined, this will be communicated to the Training Provider or Employer (whichever made the request) together with the reason for rejection within 2 working days. Wherever possible/relevant we will propose alternative arrangements that we believe would meet the learner's needs.

9. Appeals and Complaints

- 9.1 If the apprentice or Training Provider does not agree with our decision, they may appeal. Appeals and complaints will be processed using the existing appeals and complaints processes.

10. General

- 10.1 All apprentices regardless of reasonable adjustments must still meet our minimum requirement to achieve their apprenticeship.
- 10.2 We do not use Centres for End Point Assessments and they are therefore outside the scope of this policy
- 10.3 We keep a record of Reasonable Adjustments requested and our decisions on these – see Policy 31 addendum - Reasonable Adjustments Log AAS v2 June 2021. We review this log annually at the start of each year to check that our responses are consistent and no undesirable patterns are emerging. We do not currently analyse the data on reasonable adjustments, as the volumes are very small and we are not using Centres. Data analysis will be set up if we reach a point where we are receiving more than 10 requests for reasonable adjustments for assessments each year.

11. Review

Reviewing the policy-

We will review the policy annually, as a minimum and if necessary may revise it, in a response to a review.