

Reasonable Adjustments & Special Considerations Policy

ACCULEARN TRAINING Limited
T/A
Cranbrook College

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Reasonable Adjustments Policy

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The Duty Not to Discriminate

The Senior Leadership Team in all its policies has due regard to the need to eliminate discrimination and advance equality of opportunity at Oxford International College.

The Senior Leadership Team works to ensure that disabled learners have a right not to be discriminated against at Oxford International College and that this covers everything that the college provides for learners, beyond just the formal education available. It includes access to all college activities such as extracurricular and leisure activities, after college and homework support, sports activities and educational visits, as well as access to college facilities such as laboratories and toilets. It also includes the provision of support for learners with long term or chronic medical conditions.

These obligations, however, do not apply or relate 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 syllabus. The college can expose learners to thoughts and ideas of all kinds. Even if the content of the curriculum causes offence to learners with certain protected characteristics, this will not make it unlawful unless it is delivered in a way which results in harassment or subjects' learners to discrimination or other detriment.

The 'Reasonable Adjustments' Duty

The Senior Leadership Team expects the college to make 'reasonable adjustments' to enable disabled learners, as far as is reasonably practicable, to overcome any disadvantage felt. The object of the duty is to avoid, as far as possible by reasonable means, the disadvantage which a disabled person experiences because of his/her disability.

The college will endeavor to meet the 'reasonable adjustments' duty.

1. Changing the way things are done (by provision, criterion or practice), e.g. designated car

parking spaces are offered to older learners who drive;

2. Making changes to overcome barriers created by the physical features of the college or learning environment, for example clear glass doors at the end of a corridor could present a hazard for a visually impaired person. Adding signs or other indicators to the doors so that they become more visible is a reasonable adjustment; and
3. Providing extra equipment (which the *Equality Act 2010* calls an auxiliary aid) or getting someone to do something to assist (which the *Equality Act 2010* calls an auxiliary service).

Some auxiliary aids and services are funded through an individual learner's statement, of SEN or the new replacement EHC Plans, but some aids and services will be funded from delegated funds for SEN if parents show it is reasonable for the college to do this. The college will also provide reasonable adjustments for disabled learners who do not have SEN from the delegated budget.

This duty towards learners sits alongside the college's duties towards learners with special educational needs (SEN) and those of local authorities under Part 4 of the *Education Act 1996* and Part 3 of the *Children and Families Act 2014*.¹

In some cases, the support a disabled learner may receive under the SEN 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 learners may require reasonable adjustments in addition to the SEN provision they are receiving. The level of support a learner is receiving under Part 4 of the *Education Act 1996* or Part 3 of the *Children and Families Act 2014* is one of the factors the college will take into account when considering what it would be reasonable for the college to have to do.

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.

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 learner's health. Students and their parents have the right to see personal data and information held or processed about them, providing 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 learner.

Revealing a Disability

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

The college recognizes the disabled person's right to confidentiality and will not disclose confidential

details about them without their explicit consent.

When it is Reasonable to Make an Adjustment

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

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

The college will comply with the statutory guidance set out in *Supporting Learners in Colleges with Medical Conditions*; and take into account the Equalities and Human Rights Commission (EHRC) advice that often effective and practical adjustments involve little or no cost or disruption (see examples in Appendix 1).

The college considers that it is good practice to work with disabled learners and their parents in determining what reasonable adjustments can be made. Although the college will not expect disabled learners 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.

Factors that the College Must Take Into Account

The college is required to take reasonable steps to avoid disabled learners being at a substantial disadvantage. This duty is owed to:

- Existing learners.
- Applicants for places.

in relation to the following areas:

- Deciding who is offered admission to the college as a learner.
- The provision of education.
- 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 availability of financial and/or other assistance in making the adjustment.

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

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

Provision of Auxiliary Aids and Services

The college has a duty to provide reasonable auxiliary aids and services which are required in order to overcome a disabled learner's disadvantage.

Many disabled children will also have a special educational need and are provided with an auxiliary aid or service as part of their SEN provision, in some circumstances specified in a statement of SEN or EHC Plan. If these aids are provided in the college under the SEN route, there will be no need for the college to provide those aids as part of their reasonable adjustment duty.

The college will consider whether to provide auxiliary aids as a reasonable adjustment for disabled children. This will particularly be the case where a disabled child does not have either an SEN statement or EHC Plan or where the statement or EHC Plan does not provide the auxiliary aid or service.

The college does not expect to charge for auxiliary aids and services which are adjudged to be reasonable.

The college may charge for aids and services which are:

- Over and above those that are adjudged to be reasonable adjustments.
- Have been agreed by the learner and/or the learner's parents.

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 learners, 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 learner.
- The range of possible adjustments which would substantially improve the disabled learner'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 learner.
- The availability of persons with relevant expertise.
- The likely effect on other learners and on staff of the provision of possible auxiliary aids and services.
- The resources available.
- The finance available.

Decisions about the reasonableness of the provision of aids and services will be made by the Senior Leadership Team following consultations with the learner and/or his/her parents.

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.

Training

The college will ensure that staff and tutors 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.

Equal Opportunities

The Senior Leadership Team recognise the college's responsibility to uphold the equality duty laid on public bodies by s149 of the *Equality Act 2010*.

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 learner' disabilities.

The policy will be reviewed every year.