



Department of
Education
and Training

Reasonable adjustment

**A practical guide to reasonable adjustment in assessment
of candidates with disability in VET**

2008

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Purpose

Reasonable adjustment: A practical guide to reasonable adjustment in assessment of candidates with disability in VET has been produced to ensure candidates with disability have the best opportunity to have their competencies accurately and fairly recognised.

This document has been designed to accompany other Department publications on assessment.

Other products in this series include:

- *A guide to continuous improvement of assessment in VET (2008)*
- *Troubleshooting guide: Assessment in VET (2008)*
- *Guidelines for assessing competence in VET (2008)*
- *Designing assessment tools for quality outcomes in VET (2008)*
- *Recognition of Prior Learning: An assessment resource for VET practitioners (2008).*

All publications listed above are available in hard copy and can be downloaded from vet.infonet@det.wa.edu.au.

The information in this publication has not been referenced to specific AQTF 2007 standards, however it is based on current standards and reflects good practice.

While the AQTF 2007 does not specify any particular documentation for consultation and assessment, the documents suggested in this guide reflect good practice that an RTO can consider and adopt as required.

This information applies to Training Package qualifications and accredited courses with a vocational outcome.

Acknowledgements

This Guide is the product of a project funded and managed by VET Access, VET Teaching and Learning Directorate, Department of Education and Training. It builds on a previous version of the Guide published in 1992, which in turn was based on a resource developed by Merrindi Derrick and Nancy Rodgers of Griffith University.

Thanks are extended to all those who contributed their time and expertise and gave advice in the development of this Guide.

Finally, the Guide draws substantially on wide ranging literature and other resources. The Guide is a faithful reflection of current strategies and options but it can be improved by continuing input from its users. To this end a feedback questionnaire is included so that future editions of the Guide can continue to benefit from the collected experience of candidates and assessors.

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Introduction

Consider the following case study.

Students seeking to enrol in a course were asked to complete a 10 minute short answer test to assess their readiness to undertake the training. While the other students complete the task with time to spare, Peter, who has cerebral palsy, found it impossible to write all his answers within the time period allowed. Peter was not permitted to continue with his enrolment.

Reading this an RTO should ask:

- Was Peter treated fairly?
- Was it legitimate to exclude Peter from the training on the basis of this test?
- What could be done to assist Peter with the assessment so that he could demonstrate his readiness to undertake the training?
- Do the policies or procedures in this RTO *create* disadvantage for a person with disability like Peter?

It is the objective of this Guide to help answer questions like these. The Guide clarifies the concept of 'reasonable adjustment' and will assist assessors to design assessments that are both reliable and valid and respond creatively to the challenge of assessing a candidate who has some limitations arising from a recognised disability.

The Guide is focused on people with disability as defined under the Disability Discrimination Act 1992 (DDA). The DDA requires Registered Training Organisations (RTOs) to customise their services—including making reasonable adjustment to the provision of assessment services—to facilitate the successful participation of people with disability in education, training and employment. Throughout the guide the case study of Peter will be used to illustrate the concepts being discussed and challenge the reader to reflect on the practice of RTOs.

Legislative requirements (Commonwealth and State)

A legislative and regulatory framework underpins and supports the delivery of education, training and employment services. Providers in the VET sector are also required to comply with anti-discrimination legislation. This section lists the relevant Acts of Parliament and other regulatory frameworks and summarises their implications for service providers in the VET sector. For comprehensive details the reader is directed to the websites providing the full text of relevant legislation, regulations and standards.

The Commonwealth Disability Discrimination Act (1992)

The Commonwealth Disability Discrimination Act (DDA) seeks to eliminate, as far as possible, discrimination against people with disability. Under section 22 of the Act, it is unlawful for an education authority or provider to discriminate against a person or an associate of that person on the ground of the person's disability. The Act provides for the formulation of the *Disability Standards for Education (2005)* which elaborate legal obligations in relation to education and training. It is unlawful to contravene a disability standard, and complaints of alleged contravention can be made to the Australian Human Rights Commission (AHRC).

Definitions under the DDA

Disability refers to:

- (a) total or partial loss of a 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 judgement or that result in disturbed behaviour.

And includes a disability that:

- (h) presently exists, or
- (i) previously existed but no longer exists, or
- (j) may exist in the future, or
- (k) is imputed to a person.

The Disability Standards for Education

The Act and its associated *Disability Standards for Education (2005)* relate to all aspects of a candidate's engagement with a training organisation, including enrolment, participation, candidate support services and curriculum development, accreditation and delivery as well as the elimination of harassment and victimisation. A comprehensive and very readable set of *Guidance Notes* support the *Standards*. This Guide further elaborates the advice in the *Guidance Notes* relating it specifically to the development and delivery of assessment services (including Recognition of Prior Learning (RPL)) in the VET sector.

The *Disability Standards for Education* (2005, pp 24 – 25) state:

"Measures that the education provider may implement to enable the student to participate in the learning experiences (including the assessment and certification requirements) of the course or program, and any relevant supplementary course or program, on the same basis as a student without a disability, include measures ensuring that:

- (a) the curriculum, teaching materials, and the assessment and certification requirements for the course or program are appropriate to the needs of the student and accessible to him or her...
- (f) the assessment procedures and methodologies for the course or program are adapted to enable the student to demonstrate the knowledge, skills or competencies being assessed."

Providers of training and assessment services in the VET sector are obligated to "...make reasonable adjustments where necessary to ensure that students with disability are able to participate in education and training on the same basis as students without disabilities" (*Disability Standards for Education 2005 plus Guidance Notes*, p.43).

Peter's cerebral palsy is a defined disability so his training provider is required, under the DDA, to ensure that the curriculum, teaching materials, and the assessment and certification requirements for the course are appropriate to his needs and are as accessible to him as any other candidate. The RTO should consider what adjustments could be made to the short answer test given to Peter to allow him to demonstrate that he had the skills to undertake the course.

Are there limits to how far the training and assessment can be adjusted? The *Disability Standards for Education (2005)* indicate that:

"... the provider is entitled to maintain the academic requirements of the course or program, and other requirements or components that are inherent in or essential to its nature." (Section 3.4 (3), p.15).

It also notes that:

"... a provider may continue to ensure the integrity of its courses or program and assessment requirements and processes, so that those on whom it confers an award can present themselves as having the appropriate knowledge, experience and expertise implicit in the holding of that particular award." (Note to 3.4 (3), p. 15).

The Western Australian Equal Opportunity Act (1984)

The Western Australian Equal Opportunity Act (EOA) prohibits discrimination on the ground of impairment in the area of education (Section 66A) and provides specific direction relating to:

- qualifying bodies (Section 66G) including the conferring of a qualification
- education (Section 66I), relating to access to training services
- measures intended to achieve equality (Section 66R)
- exceptions to certain work related provisions (Section 66Q).

Under this Act, VET providers are required to provide services that facilitate reasonable adjustment, except where this would cause the provider unjustifiable hardship.

RTOs are required to make a judgement about what is reasonable adjustment and what is not. The definition of 'reasonableness' of any adjustment relates both to:

- the impact on the training organisation and other candidates
- the extent to which adjustments can be made without damaging the integrity of the industry standard and the certification that follows.

To apply the concept of reasonableness assessors need to understand the assessment requirements required of RTOs by the Australian Quality Training Framework Essential Standards for Registration (AQTF, 2007). The next section of this guide examines assessment requirements more closely.

Adjustments made to the curriculum and assessments for Peter are limited to those that do not cause the provider unjustifiable hardship, that do not harm other candidates, and do not invalidate the standards. Consider the RTO's current assessment tools. What adjustments could be made for Peter that do *not* compromise the required standards?

The AQTF and reasonable adjustment

The *Australian Quality Training Framework (AQTF)* (2007) is one of a number of frameworks and policies in the VET sector. The others are:

- Training Packages (and Accredited Courses) which precisely define competency outcomes and specify requirements for assessment
- assessor competency standards (TAA04)
- Australian Quality Training Framework Essential Standards for Registration (2007)
- Australian Qualifications Framework (2007)
- a system of registration of training organisations (RTOs) requiring initial and on-going auditing to ensure continuing compliance with the above quality requirements.

A fundamental tenet of the nationally recognised training is the consistent quality of training delivery and assessment process. The aim of these frameworks and policies is to provide consistent and continuously improving training and assessment and client services. There are aspects of these frameworks, particularly the AQTF 2007 that reflect the requirements for reasonable adjustment, despite this not being explicitly stated in the *AQTF Essential Standards for Registration*.

The first of the three AQTF Essential Standards requires the RTO to provide quality training and assessment services across all of its operations. This requirement includes compliance with Training Package or Accredited Course requirements in planning, resourcing, delivery and assessment services. The standard also requires that assessment meets the principles of assessment and the rules of evidence and any workplace or regulatory requirements. When meeting these requirements how should reasonable adjustment be considered?

The principles of assessment

The principles of assessment are validity, reliability, flexibility and fairness (see pages 10 and 11 of *Guidelines for assessing competence in VET* for an explanation of the principles of assessment). When making reasonable adjustments to assessments and assessment processes, assessors need to focus particularly upon validity and fairness.

First amongst the rules of evidence and the principles of assessment is the requirement of **validity**. The definition of validity (*AQTF Users Guide* p.51) requires that:

- assessment against the units of competency must cover the broad range of skills and knowledge that are essential to competent performance
- assessment of knowledge and skills must be integrated with their practical application
- judgement of competence must be based on sufficient evidence (that is, evidence gathered on a number of occasions and in a range of contexts using different assessment methods).

Validity is compromised if the adjustment made to the assessment tools or assessment processes requires the candidate to demonstrate skills that are not required by the competency standard, or if the skills demonstrated during assessment are not transferable to the workplace. This could also involve assessments being conducted at an incorrect AQF level, being either too high or too low. Consider the following two examples.

A young woman with down syndrome was undertaking a Certificate I in Hospitality (Kitchen Operations). She had prepared an excellent plate of chilli mussels, but was upbraided by her assessor for not exhibiting more flair and creativity in its presentation. The criticism was unfair and invalid (and discouraging) because at Certificate I level there can be no expectation of such sophisticated performance.

A group of students with a range of intellectual disability, including down syndrome, undertaking a Certificate I in General Construction, was being instructed through extensive written resources and assessed through written tests. In this case the medium of delivery and assessment was well above the level of literacy required in the workplace, and so the students were in double jeopardy, subjected to inappropriate learning and assessment resources and condemned to fail where they may well have succeeded and gone further.

Both these examples illustrate the need not only to understand the candidates, but also to understand the AQF, the Training Package and industry's expectations.

Fairness is another principle of assessment, explained as requiring a 'consideration of the individual candidate's needs and characteristics and any reasonable adjustments that need to be applied to take account of them.' (*AQTF Users Guide* p.47).

Within the VET sector all assessments relating to Training Packages are assessments of competency. Competence is defined in terms of 'the ability to perform particular tasks and duties to the standard of performance expected in the workplace. Competency requires the application of specified skills and knowledge relevant to effective participation in an industry, industry sector or enterprise.' (*AQTF Users Guide* p.45). This requirement, together with the need for validity and for the preservation of the integrity of assessment prohibits the use of surrogates—the candidate must perform tasks him or herself before they can be judged competent. An assessor must observe the performance of the application of skills and knowledge in a context that is indistinguishable from a real workplace, reflecting the dimensions of competence including the task skills, task management skills, contingency management skills and job/role environment skills.

RTOs are not required to make adjustments that fall short of these requirements. Such adjustments would be 'unreasonable' because, not only do they unfairly advantage the candidate with disability, but also disadvantage all candidates by invalidating the award being conferred. This could therefore contravene the *Disability Standards for Education 2005*.

Adjustments in the workplace

The workplace focus of competency assessment means that an assessor must be aware of what adjustments or modifications might be reasonable to expect within a workplace, and what adjustments developed for assessment might be reasonably transferred to the workplace. These considerations mean that the assessor needs to establish and maintain a close working relationship with industry and work with industry in developing assessment strategies.

The requirements for Peter's RTO are now clear. They must consider the application of the competency in the workplace and ascertain whether Peter's cerebral palsy can be accommodated in the workplace where Peter would expect to be able to utilise the competency he has acquired.

Peter's trainer/assessor needs to engage with Peter's potential employers to find out what workplace modifications could be made to accommodate Peter's needs. These workplace modifications would be mirrored in Peter's assessment, and could be noted in a reference to enable a future employer to make the same provisions. Adjustments might include changes to equipment, access, work plans and modes of communication.

The RTO will then consider the design of their current assessment tools and techniques and make a judgement about whether these might reasonably be redesigned to accommodate Peter's limitations without compromising the industry standards.

Before any further discussion of reasonable adjustment, it is important to reflect on the fact that the above relates to all forms of competency assessment simulation, workplace assessment, or RPL. In some accredited courses that are not vocational or workplace-based, the provision of reasonable adjustment does not require reflection of workplace requirements. There is a wide range of resources reflecting on reasonable adjustment for these academic or non-workplace assessments that can be accessed on the internet.

If Peter was seeking to enrol in a knowledge-based course, reasonable adjustments might include:

- extended time for the test
- oral questioning and response
- a scribe to record Peter's answers.

The second of the three AQTF Essential Standards requires RTOs to adhere to principles of access and equity and maximise outcomes for clients. Within that standard is the requirement that learners receive training, assessment and support services that meet their individual needs. The *AQTF Users' Guide to the Essential Standards for Registration* encourages RTOs to ask learners to identify at interview, or on their enrolment form, anything that might prevent them from progressing through the training and assessment program, including disability.

The *AQTF Users' Guide to the Essential Standards for Registration* also indicates that 'access and equity' does 'not mean that an RTO has to accept anyone as a client' (p.44) but that the RTO 'needs to ensure that its practices are as inclusive as possible and do not unreasonably prevent any clients from accessing its services.' (p.5)

The time factor is the element of the test that made it an inappropriate instrument for assessing Peter's existing knowledge. If ticking boxes in a short period of time is a skill essential to demonstrating an industry competence, then Peter is not competent, and possibly cannot become competent. If the time factor and the nature of this specific task (a tick box test) are irrelevant to the performance of a competence in the work place, then these are factors that should not be critical components of the assessment design. Peter's exclusion from the training course by the 10 minute test could well be contrary to the DDA and the AQTF.

Reasonable adjustment in assessment

In the previous sections it has been established that candidates for assessment may be disadvantaged by an RTO's choice of assessment methodology or process. Further, RTOs are required to make 'reasonable adjustments' to those methodologies and processes to accommodate candidates' needs and enable them to demonstrate their competencies. It has also been established that the extent to which an RTO can make adjustments is limited by the workplace context of VET competence, the principles of assessment, the rules of evidence and by the assessment requirements of Training Packages and workplace oriented accredited courses. In this section the concept of reasonable adjustment in assessment is further explored to maximise RTO's responsiveness and optimise the opportunity for candidates with disability.

Competency assessment

At this point it is useful to remember that competency assessment involves two distinct phases:

- gathering evidence, and when the assessor has sufficient valid evidence
- making the assessment judgement.

The process of making the assessment judgement must be a faithful reflection of the mandatory requirements of the unit of competency and all candidates must be judged against the same standard.

The process of gathering evidence to be used in the judgement can be varied, ranging from evidence derived from workplaces or realistic simulations, observations made by supervisors, clients, or assessors, recorded unit by unit or in 'holistic' checklists. It is in gathering the evidence that 'reasonable adjustments' can be safely made.

Peter must demonstrate all the mandatory requirements of the unit of competency, precisely the same requirements as any other candidate. But, does Peter have to demonstrate the unit requirements in the same way? Can he provide different evidence for the same requirements?

The rigour of judgement and the flexibility of evidence gathering are great merits of competency-based assessment. Because the standards provide for consistency of judgement, assessors are able to use the flexibility of evidence gathering without risking validity or credibility. Indeed, it is expected that assessors will use this flexibility for all candidates, not only those with a defined disability.

The Australian Human Rights Commission (AHRC) emphasises that reasonable adjustment should not compromise the competency standard, as the following quotes from the Frequently Asked Questions page on its 2007 website explain:

'Changes which involve lowering academic standards or a change in what the assessment is designed to measure are not required.'

'The DDA does not require education providers to make changes to courses which would undermine the academic integrity of the course.'

'Some adjustments—such as the provision of course materials in alternative formats would not appear to raise issues of academic standards. Others, however—such as being excused from performing a practical task could well call into question whether the student has mastered and demonstrated the skills which the course is designed to teach and test, depending on the nature of the course.'

In summary, if there is a reasonable adjustment that does not compromise the competency standard it is a requirement of the DDA that this alternative assessment be made available to a candidate with disability. Conversely, if there is no reasonable adjustment that would not compromise the competency standard, it is not unlawful to deny the candidate an alternative assessment.

The *Guidance Notes in the Disability Standards for Education 2005* indicate that an adjustment that assists a candidate with a disability to participate in assessment on the same basis as other candidates 'is reasonable if it achieves this purpose while taking into account the student's learning needs and balancing the interests of all parties affected, including those of the student with the disability, the education provider, staff and other students.' (p. 44)

Assessing knowledge and skill

Assessors must make reasonable adjustments to their evidence-gathering processes, while retaining rigour and consistency in judging competence defined by a standard. There are two components of competence; the knowledge (know-how) and skills (can-do) components. These will be assessed differently and so assessors will need different kinds of adjustments for each.

The 'know-how' or knowledge component is most familiar, and is traditionally assessed by written or oral tests. Here the challenges are most likely related to reading and responding to the questions, and the adjustments are likely to be support for those processes such as readers, interpreters, personal assistants, and scribes, and equipment such as image enhancement, audio equipment, and computers. These challenges might also require additional time, or alternative times and venues. These adjustments mediate the processes of comprehending the question and expressing the response, but they do not alter the thought processes required to demonstrate the possession of knowledge.

The 'can do' or skills component is also a characteristic of VET assessment, and must reflect application of the skill in a real or simulated workplace. In considering reasonable adjustments in this component, assessors must consider workplace modifications that reflect what might reasonably be expected in industry. If a simulated workplace is being used, assessors must ensure that the requirements of the workplace are faithfully replicated in the simulation and, if required by the competency, that the dimensions of competency are demonstrated. The dimensions of competency are:

- *task skills*—the capacity to perform tasks to the required standard
- *task management skills*—to plan and integrate a number of different tasks and achieve a work outcome
- *contingency management skills*—the ability to respond to irregularities, breakdowns and other unanticipated occurrences
- *job/role environment skills*—to deal with the responsibilities and expectations of the work environment, including working with others.

The use of a real workplace and the demands of the dimensions of competency in a simulation, place great constraints on what adjustments are reasonable. Identification of workplace modifications will require significant consultation with industry. This will be of mutual benefit, as industry input may help formulate modifications that will provide access to assessment for candidates with disability, and will also inform and encourage industry to recognise the potential of candidates with disability as prospective employees.

An example of this kind of trainer/employer synergy is that of a visually impaired student who was able to acquire a range of image enhancement aids that he used both in the training and assessment context, and in his part-time work.

The fact remains, however, that for some candidates there may be no reasonable workplace modification that will preserve the integrity of the competency. Candidates faced with this impasse may need to be counselled about the obstacle before them so that if they choose to pursue the training they have no misunderstanding about the prospects for assessment and certification. Please refer to the 'Providing guidance and support to candidates with disability' section of this guide on page 24 for further information.

If Peter's trainer/assessor were to learn from industry that Peter had no prospect of employment because of unalterable workplace requirements he should be counselled and assisted to change his enrolment. If he still desires to undertake the training, it is imperative that he knows that he has no prospect of achieving the competency because the workplace related assessments cannot be adjusted to reflect his needs. He may however be able to pass some units and therefore be able to undertake some job role functions.

Having an understanding of reasonable adjustment in competency based assessment is imperative and many resources exist to assist RTOs make adjustments for people with disability.

Information sources for reasonable adjustment

In considering information sources for alternative assessment strategies, assessors need to focus on evidence-gathering strategies for knowledge and skills separately.

Assessing knowledge: knowledge is usually assessed through short answer tests. Assessors are seeking to ascertain the extent of the candidate's knowledge, and time is rarely an issue. The main barriers relate to the receiving and understanding of the question and the production of a response that is an indicator of the knowledge. Assessors may need to present the questions orally, or employ the services of a reader or an interpreter and assessors may need to seek oral responses or use a writer/scribe or an interpreter, provide extra time, a different time, a quiet separate room, or a personal assistant. There is a range of equipment available, including personal computers, text enlargers, voice synthesisers, voice recorders and special furniture.

An excellent guide, developed by Griffith University, may be viewed at:
anu.edu.au/disabilities/alternative_assessment/index.php?p=1

Assessing candidate skills: skills are usually work-related ‘hands-on’ activities, and time may be a work-relevant requirement. Assessors are seeking to ascertain that the candidate can perform the skill in workplace-like conditions.

The Australian Government JobAccess website provides a **‘Workplace Adjustment Tool’** that gives practical guidance on the use of a wide range of workplace adaptations. This can be viewed at: jobaccess.gov.au.

Given that competency assessment must reflect workplace conditions, the modifications appropriate to workplaces will also be the modifications needed in competency assessment. The modifications listed in the *Workplace Adjustment Tool* include:

- **computers and adaptive technology** (including computer accessories, hardware, mouse and mouse alternatives, and software)
- **environmental controls** (including air, chemical, floor coverings, lighting, sound/noise, and temperature)
- **lifting, carrying and moving aids** (including cranes, heavy moving and carrying equipment, ladders and reachers, lifters and carriers, lifts and elevators, and stair modifications and supports)
- **mobility aids** (including scooters and carts, service animals, transfer aids, walkers and canes, and wheelchairs)
- **occupational specific tools and equipment** (including cleaning equipment, gardening and landscaping tools, health and science equipment, hospitality and catering equipment, industrial, mechanical and construction equipment, and retail equipment)
- **office and call centre equipment** (including audiovisual equipment and communication aids, desks, chairs and workstations, organisers and timing devices, reading aids, telecommunications, and writing aids)
- **personal and medical items** (work related, including assistive listening devices including hearing aids, cushions and pressure care supports, independent living products, medical items, and splints, supports braces and slings)
- **safety, navigation and building modifications** (including building modifications, emergency and other alerts, entry, exit and navigation aids, evacuation, and protective equipment and clothing)
- **vehicle-related equipment** (including drivers, pedal and clutch, public transport, seating, and steering).

The *Workplace Adjustment Tool* also provides access to information about **professional services and support** (including consultancy services, drivers and transport services, interpreting, captioning and reading services, workplace assessors, and training providers). The *Tool* can be searched based on:

- the **job requirements** (ability to adapt or acclimatise to the environment, cognitive abilities, communication abilities, physical abilities, and social and behavioural skills)
- the **disability** (diverse, learning, intellectual and autism, neurological and brain, physical, psychiatric and mental health, and sensory and speech listed in more detail later in this text)
- **products or services**
- **suppliers of services.**

Each of the four search pathways (accessed at Step 1 on the *Tool*) links to comprehensive information that will assist with the modification of a workplace (or simulated workplace) so that the skills assessment is accessible and transferable to future employment.

The cost of reasonable adjustment

Funding is available from JobAccess to employers to assist with the acquisition of workplace modifications, but funding is not available for trainees or training providers. The conditions for funding through the Workplace Modifications Scheme are provided on the JobAccess website.

What makes an adjustment reasonable will also depend on the costs associated with the modification. It may be possible for the candidate to access part-time work and thus qualify for assistance through their employer. It may be possible to build up a reserve of resources to share with other RTOs. It may also be possible to underwrite the initial cost, then seek reimbursement through the Workplace Modifications Scheme when the graduate gains employment where the employer uses (purchases) the modifications from the RTO.

The RTO is not expected to extend itself to such an extent that it experiences unjustifiable hardship or where the adjustment would put the welfare of other candidates or the RTO's business at risk.

In the event that the candidate does not accept the RTO's judgement that the adjustment is unreasonable, the Equal Opportunity Commission or the Australian Human Rights Commission (AHRC) can be contacted for advice on whether a complaint would be justified.

Processes for identifying candidate needs for alternative assessment

While this Guide is not focused on processes that take place during selection or enrolment, it is initially through these processes that the needs of a candidate with disability are identified. It is at this early stage that some preliminary thought should be given to what assessment adjustments might need to be made, and which are possible. This consideration may impact on the enrolment choices of the candidate, and will ensure that the RTO is fully aware of its long-term responsibilities to the candidate should the candidate be admitted.

Under the *Disability Standards for Education 2005*, the RTO is required to consult with the candidate about the nature of the disability and the effect, if any, on the candidate's ability to participate in the courses or programs, and the reasonable adjustments, if any, that could be applied to enable participation. This process depends on the candidate, or his or her associate, providing timely information about the effects of the disability. The key word in the process is 'consultation'. The processes followed need to be supportive, transparent, open, encouraging, honest and respectful of the rights and needs of the candidate.

Given the scope of the *Workplace Adjustment Tool*, it would be appropriate to identify which type(s) of disability need to be addressed using the *Tool's* disability categories:

- **diverse** (including auto-immune or immune system disorders, cancer, cardio-vascular disorders, digestive conditions, endocrine system disorders, respiratory system disorders, and urological and reproductive conditions)
- **learning, intellectual and autism** (including autism, intellectual disability, and specific learning disabilities)
- **neurological and brain** (including acquired brain injury, brain-related conditions, epilepsy, and neuro-muscular conditions)
- **physical** (including arthritis, cerebral palsy, muscular-skeletal system disorder, paralysis, and skin disorders)
- **psychiatric and mental health** (including anxiety, depression, eating-related disorders, organic dementia, personality disorder, schizophrenia and psychosis, and substance dependencies)
- **sensory and speech** (including blindness or vision impairment, deaf/blind or dual sensory, deafness and hearing loss, and speech or voice disorders).

For each of these disabilities, the *Tool* provides a discussion of the disability, its effect, and suggested workplace modifications to minimise the disability's impact in the workplace and in the assessment of workplace skills. Having access to this information will assist the assessor in considering assessment adjustments.

In Peter's case, the assessor would go to the jobaccess.gov.au website and:

- select '*Workplace Modifications*', then select the '*Workplace Adjustment Tool*'
- again select the '*Workplace Adjustment Tool*'.

Since the assessor knows Peter's disability, go to Step 1

- select the '*Disability*' box and then go to Step 2
- select '*Physical*' from the drop-down box for '*Select a topic*' and '*Cerebral Palsy*' for the '*Select a sub-topic*'
- press '*Search*' to go to a page that describes cerebral palsy, its symptoms and characteristics, and workplace (assessment) adjustments and solutions relevant to Peter's needs.

Providing guidance and support to candidates with disability

When Peter's story was introduced, the trainer's view was that Peter, like the other candidates, had to fit the assessment or be excluded. It is now clear that it is the assessment that must 'fit the candidate' as far as is reasonable through adjustments to the learning and assessment processes. This means that the trainer/assessor needs to get to know Peter and his disability so that together they can work out how Peter's needs can be accommodated.

To begin with, the assessor must know the candidate's needs. These may be revealed through information provided by the candidate on the enrolment form and/or by observation of previous performance.

The candidate must know that the RTO is prepared to make reasonable adjustments, but the RTO must not force the candidate to engage in the process as some candidates may feel uncomfortable to be 'singled out'. The RTO can reduce this discomfort by providing clear information about:

- the requirements of the unit of competency and its application in the workplace
- the opportunity for ALL candidates to have the assessment process tailored to reflect their needs
- the services and support available specifically for candidates with disability
- processes involved in working with each candidate to develop a suitable assessment strategy.

If the candidate seeks support, the following steps should be taken with the candidate:

- work out what the challenges, needs or barriers are for the candidate (the *Workplace Adjustment Tool* may help by providing information about the disability and some strategies that might be applied)
- suggest adjustments that could be made to deal with those issues.
- discuss whether these adjustments are reasonable.
- provide a letter to the candidate reporting on the discussions and decisions, and provide a date for final decision on enrolment.

The RTO may need to consult with other assessors, industry and/or work placement employers before the RTO is able to make a firm commitment to the candidate.

If an organisation is able to accommodate the candidate, ensure that there is a clear and continuing commitment from all parties so that the candidate will be able to complete all requirements.

If an organisation is unable to make a reasonable adjustment, make sure that the candidate is aware of the reasons, and is assisted with locating an alternative provider and/or an alternative course commensurate with their needs and capabilities.

If an organisation can make reasonable adjustments only in some units of the course, the candidate should be advised accordingly. These units may still be sufficient to secure employment where a narrower range of skills is required.

Reasonable adjustment checklist for assessors

Question	Yes/No	Comments
Have I prepared a list of the mandatory requirements for the unit of competency that I am assessing?		
Have I considered the workplace implications of the unit's mandatory requirements?		
Have I informed my candidates/students of the unit's assessment and workplace requirements?		
Have I informed all candidates of their right to tailored assessment to accommodate their personal needs?		
Have any of my candidates/students advised me that they have a disability that might require an adjustment to the evidence-gathering process?		
Do I understand the nature of the candidate's disability and the implications for assessment for this unit?		
Have I consulted with industry and researched the web to identify the potential adjustments that would enable this candidate/student to undertake the knowledge part of the assessment and the skills part of the assessment?		
Have I consulted with other assessors, workshop staff and work-placement employers to identify which of these adjustments will not invalidate the assessment, will not cause unjustifiable hardship to the RTO or to other candidates/students, and will be accessible to the candidate/student?		
Have I consulted with the candidate to identify their preferred adjustment options?		
Have I counselled the candidate/student on alternative pathways if there are no acceptable adjustment options available?		
Have I documented the reasons why no adjustment is possible?		
Have I secured the long-term commitment of RTO and workplace staff to provide this candidate/student with access to the adjusted assessment process?		
Have I prepared a workplace modifications statement for potential employers that can be carried by the graduate when seeking future employment?		

Case studies and examples

The following case studies illustrate the concepts discussed in this guide and demonstrate the use of the *Workplace Adjustment Tool*.

Timber trades

A student with paraplegia who uses a wheelchair wanted to undertake a qualification in the timber trades area. It was immediately evident that there were some parts of the training that would present barriers due to issues of physical mobility, predominantly in the workshop environment. It was decided that a meeting, centred on determining the student's abilities and individual requirements in relation to the training, and involving a number of relevant key stakeholders, would be held in the workshop of the timber trades area. The workshop was the perfect place to hold the meeting in order that the student could physically demonstrate what he was and was not able to undertake in the environment in which he would undertake his training if enrolled.

The key stakeholders attending the meeting included: the student, program manager—timber trades, lecturing staff (timber trades), specialist disability support agency staff including an employment and training coordinator and an occupational therapist, occupational health and safety manager (TAFE), disability consultant and a support officer (TAFE). While this may seem like a very large group, each person had a role to play, in terms of support for the student as well as ensuring the practical aspects of the adjustments.

The student was given the opportunity to have a 'test run' using the various types of equipment that he would be required to use if undertaking the training. He did this in the presence of those best qualified to determine if he was able to do so in such a way that he did not present a risk to himself or other students participating in the training environment. Some of the equipment was not a problem to use. Other equipment presented occupational health and safety (OH&S) risks that could be overcome with modifications and some equipment was just not an option due to OH&S risks.

The stakeholders continued to work together to establish what types of modifications could be achieved that would enable the student to enrol in as many of the units in the qualification as possible. During the assessment it was discovered that particular modifications that may have allowed the student to participate in a number of the units, would in fact have introduced a range of duty of care and occupational health and safety issues for the other students in the class. It was decided that the duty of care to other students in the training environment outweighed the proposed modifications, therefore making the proposed modifications an unreasonable adjustment.

After some collaboration and with input from the student and relevant stakeholders, it was decided the student would enrol in the units in which he could safely participate. Modifications would be made (that did not entail a duty of care issue for other students), eg a bench lowered so that the student could safely use hand tools at the bench. It was then decided that, because the student was unable to undertake some of the units associated with the qualification, the course would be modified for this student to include a number of specialised units which the student was able to safely undertake, in place of those in which the student could not safely participate. For instance, units associated with developing specialised hand tool skills were introduced. These enabled him to undertake assessable

tasks such as detailed carving that would in turn, if he were judged competent, allow him to apply for specific types of employment. Thus, the course was modified for this student to include a unique set of units that would reflect, on the Statement of Attainment, a skills set that would deem the student employable within a specific sub set of a trade such as cabinet making.

The process was complex and involved many stakeholders but this was necessary to ensure that the student had the best possible opportunity to undertake the training for which he had a passion, without imposing risk to himself or others in the training environment. The student, on completing the program, will not achieve a 'full' qualification in the traditional sense, but due to the way in which Statements of Attainment are presented it will be reflected that the student has achieved a wide range of competencies, including some which are specialised, in a trade area of his choice. This will contribute to the student becoming highly employable to a suitable employer. It should be noted that the transition between training and employment for students with disability is greatly aided by the involvement of specialist employment agencies, as is the communication between parties when students are undertaking apprenticeships or traineeships.

Retail

A student with chronic pain has completed a Certificate III in Retail Operations. During training, the student needed adjustment to the assessment process to allow for difficulty in concentrating and writing for extended periods. The assessment approach was modified to break the assessment sessions into smaller periods, and to use oral assessments. These changes were subsequently reflected in the graduate's employment patterns through part-time work that required minimal writing demands.

The *Workplace Adjustment Tool* advises us that 'People with pain disorder report pain that causes significant distress or impairment, which cannot be fully explained medically. The disorder often coexists with other disorders such as depression, anxiety and substance dependencies. The major symptom is reported pain in one or more body areas, causing significant distress and associated physical impairment in functioning.' The *Tool* suggests a range of workplace/assessment modifications that would assist the candidate including: handling stress; interacting with others; managing emotions at work; managing pain associated with illness or injury; mobility; and moving around the workplace.

Hospitality

A student with an intellectual disability found assessments in the Certificate II in Hospitality (Operations) difficult to read and difficult to write. The assessments were modified to provide extra time, simpler language, and oral questioning and answering. In some cases, pictures rather than text were used. The student succeeded through these measures, and was able to select elective units that provided a learning and career path that did not confront the disability but focussed on the student's real and significant abilities.

Through the *Workplace Adjustment Tool* the reader is advised that 'Intellectual disability can be defined as a significantly reduced ability to:

- understand new or complex information
- learn new skills
- cope independently (impaired social functioning).

A person with intellectual disability may experience difficulties with communication, social skills, independent living and vocational skill development.'

A substantial range of workplace/assessment adjustments are suggested by the *Tool*, depending upon the nature of the work to be undertaken or the competencies to be demonstrated.

Tourism

A student with a learning disability found assessments that required reading and writing difficult in the Certificate IV in Tourism (Operations) and was offered additional time, oral questioning and answering, and supportive technology such as recorders and computers. The learning disability was thus bypassed, and the student achieved the competency outcomes.

'Specific learning disabilities are not directly linked to level of intelligence as people with specific learning disability often demonstrate average or above average intelligence. Instead specific learning disabilities affect the brain's ability to receive, process, store and respond to information, that is, they affect how learning takes place. People with specific learning disability process information or learn differently from others and can find learning more challenging' 'Specific learning disabilities are characterised by a difference in a person's level of achievement in some specific area compared with their overall level of achievement. People with specific learning disability may exhibit particular difficulties with:

- reading
- writing
- comprehension
- spoken language
- reasoning ability
- mathematics
- attention
- coordination' (*Workplace Adjustment Tool*).

A substantial range of workplace/assessment adjustments are suggested in the *Tool*, depending on the nature of the work to be undertaken or the competencies to be demonstrated.

Community development

A student with cerebral palsy presented with difficulty in undertaking physical tasks and writing required in the Certificate IV in Community Development. The choice of community development was wise as it is more cerebral than physical, and the hurdles imposed by the written requirements were side-stepped through the use of specialised furniture and equipment and additional time. These adjustments could easily be carried over into the workplace.

The *Workplace Adjustment Tool* describes cerebral palsy as ‘a physical condition affecting movement. It is a permanent, non progressive condition that can range in severity from mild to severe. The muscles and limbs of a person with cerebral palsy are not damaged, however the passages relaying information from the brain to the muscles are. This can result in muscle tightness, low muscle tone, uncoordinated movements or a combination of these.’ The *Tool* offers advice on adjustments that could be used in the workplace or assessment context where the work or competency requires:

- ability to see (or see clearly)
- coping with seizures or blackouts at work
- dealing with stress and psychological demands
- energy and drive
- fine hand use
- hearing
- self care
- managing pain
- mobility
- moving around the workplace
- speech and language
- writing by hand—fine hand use.

Multimedia

A Certificate IV in Multimedia student with generalised anxiety disorder found concentrating difficult and the stress associated with assessment debilitating. The assessor’s response was to provide additional time, stress time-out, and flexible timing. These are all adjustments that can be readily accommodated beyond the classroom in the workplace, so maintained the validity of the assessment process whilst responding to the needs of the student.

The *Workplace Adjustment Tool* provides a range of suggestions to cope with anxiety disorder, which it describes as different from normal anxiety in that it:

- is more severe or excessive
- is long lasting (more than 6 months) or recurring
- often leads to feelings of powerlessness in terms of managing symptoms
- can be linked to depressive disorders (which relates to powerlessness)
- can interfere with an individual’s ability to carry out their work or to have satisfying relationships.

Suggested strategies relate to attention and memory, dealing with stress and psychological demands, interacting with others, managing emotions at work, and problem solving and decision making.

Remedial massage

A visually impaired student found the reporting component of clinical practice a problem in the Diploma of Remedial Massage. The assessor's response was to use voice recording for reporting that did not require writing but demonstrated the same competency outcomes in a format accessible to the student. These strategies would readily transfer to the workplace.

The *Workplace Adjustment Tool* provides solutions and adjustments for visually impaired candidates for the following job/competency requirements:

- ability to see (or see clearly)
- interacting with others
- moving around the workplace
- writing by hand.

Horticulture

A visually impaired student undertaking a Certificate II in Horticulture found the task of viewing, drawing and labelling leaves was a challenge as a means of demonstrating his ability to identify leaves by their characteristics. The student was offered the alternative of identifying the leaves by touch, with notes written by a scribe. Other students were also encouraged to develop this skill. Although this took more time, it faithfully addressed the need for a demonstration of leaf identification.

The encouragement of other students to practise plant identification through touch is an example of the principle of Universal Design. In the absence of a scribe, the workplace notes could be voice recorded and converted to text through speech recognition software.

As in the previous case study, the *Workplace Adjustment Tool* offers many suggestions for reasonable adjustments in assessment.

References

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- Australian National Training Authority (ANTA), 2004, *Assessor Competency Standards Training and Assessment Package TAA04*, Australian Training Products Limited, Melbourne.
- Australian Qualifications Framework Council, 2007, *Australian Qualifications Framework*, viewed 10 June 2008, www.aqf.edu.au/aboutaqf.htm
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- Western Australian Department of Education and Training, 2008, *Troubleshooting guide: Assessment in VET (2nd edition)*, Western Australian Department of Education and Training, East Perth.

Other Resources

Australian Qualifications Framework (AQF)

W: www.aqf.edu.au

Australian Quality Training Framework (AQTF)

W: training.com.au

Australian Disability Clearinghouse on Education and
Training

W: www.adcet.edu.au

Disability Education Standards available in accessible
formats

W: ddaedustandards.info

Australian Human Rights Commission (AHRC)

W: hreoc.gov.au

Griffith University's assessment resources

W: [anu.edu.au/disabilities/alternative_assessment/index.
php?p=1](http://anu.edu.au/disabilities/alternative_assessment/index.php?p=1)

JobAccess and the Workplace Adjustment Tool

W: jobaccess.gov.au

Support groups

Asperger's Syndrome Support Network

W: asperger.asn.au

Association for the Blind of WA

W: abwa.asn.au

Better Hearing Australia (WA Branch)

W: betterhearing.org.au

Cerebral Palsy Association of WA

W: www.cpaaustralia.com.au/state_organisations/wa.html

Development Disability Council

W: ddc.org.au

Disability Services Commission

W: www.dsc.wa.gov.au

Down Syndrome Association of WA

W: www.dsawa.asn.au

Head Injured Society of WA

W: headwest.asn.au

National Disability Services (NDS) (WA Division)

W: www.acrod.org.au/wa/wahome.htm

Paraplegic Quadriplegic Association

W: www.paraquadwa.asn.au

People with Disabilities (WA)

W: pwdwa.org

Senses Foundation

W: wadeaf.org.au

WA Association for Mental Health

W: waamh.org.au

Feedback

The Department of Education and Training hopes you have found this *Guide* useful, and would like to learn about ways to improve the *Guide* for later versions. There are two ways you can provide considerable assistance to the Department and to users of future versions of the *Guide*:

- provide the Department with feedback on the clarity and usefulness of the text
- provide the Department with case studies or exemplars where you have used this *Guide* to make reasonable adjustments to assessment processes for candidates with disability.

If you would like to provide feedback on the text, please complete and return the questionnaire on the next page.

If you can provide us with a case study or exemplar, please email it to VET Access Branch at: vet.infonet@det.wa.edu.au

Please include the following information with your case study:

- industry area, qualification and unit of competency
- candidate information (no names) including disability
- the challenges presented by the unit of competency for a candidate with disability and the adjustment strategies adopted to ameliorate them
- your name and contact details so the Department can contact you.

Feedback questionnaire: reasonable adjustment

Thank you for taking the time to complete this questionnaire. When you have completed this questionnaire, please fax it to manager VET Access at: (08) 9264 4346 or email vet.infonet@det.wa.edu.au

Your name (optional)	
Your contact details (optional)	
Overall, how useful has the <i>Guide</i> been to you as an assessor?	
What particular ideas did you gain through your reading of the <i>Guide</i> ?	
What issues do you think the <i>Guide</i> has not addressed adequately?	
Can you suggest ways in which the <i>Guide</i> might be made more effective as a tool for assessors?	
Do you think a companion <i>Guide</i> needs to be written for the use of candidates with disability?	
Do you think a companion <i>Guide</i> is needed for employers of candidates or graduates with disability?	
Any other comments about the <i>Guide</i> ?	



REASONABLE ADJUSTMENT – A PRACTICAL GUIDE TO REASONABLE ADJUSTMENT IN ASSESSMENT
OF CANDIDATES WITH DISABILITY IN VET



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