Reasonable Adjustments Policy

Disability is a ‘protected characteristic’ under the Equality Act 2010 and one cannot legally discriminate against people with that characteristic.

As part of this, we must make ‘reasonable adjustments’ to minimise disadvantages to disabled learners, staff and parents. If an adjustment is reasonable, we must make it.

Definition of disability

Regulation 6 of the Equality Act 2010 says 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 their ability to carry out normal day-to-day activities

The Special Educational Needs and Disability (SEND) Code of Practice, which applies to maintained schools and academies, gives further guidance on this definition on page 16. It says that:

- ‘Substantial’ is defined as ‘more than minor or trivial’
- ‘Long-term’ is defined as ‘a year or more’

What are reasonable adjustments?

Under the Equality Act 2010, schools must make ‘reasonable adjustments’ for:

Learners:

We have a duty to make 'reasonable adjustments' for learners with disabilities. The DfE’s guidance on the Equality Act summarises the duty as:

- Where something a school does places a learner with disabilities at a disadvantage compared to other learners, the school must take reasonable steps to try to avoid that disadvantage
- Schools will be expected to provide an auxiliary aid or service for a disabled learner when it would be reasonable to do so, and if such an aid would alleviate any substantial disadvantage that the learner faces in comparison with non-disabled learners

We are not under a reasonable adjustment duty to make alterations to physical features, as this is already considered as part of their pre-existing planning duties.

See the section below for more on providing auxiliary aids or services.

Staff:

We have a duty as an employer to make reasonable adjustments for members of staff with a health condition or disability that puts them at a disadvantage in the workplace.

This may include adjustments such as:

- Changing working hours
- Providing special pieces of equipment

Parents

At public events such as parents' evenings, plays or award ceremonies, the college acts as a service provider for parents, according to the Equality Advisory and Support Service (EASS).

If we find there are barriers to disabled people in the way we do things, we will consider making adjustments, and then make them if they're reasonable. This is explained in guidance from the Equality and Human Rights Commission (EHRC) on reasonable adjustments for disabled people when using a service.

For example, we might decide it's reasonable to provide a sign language interpreter at a parents' evening attended by parents who are deaf.

This duty is anticipatory, which means we must think in advance about what people with a range of impairments might reasonably need and make adjustments accordingly.

Deciding what's 'reasonable' for learners
We will decide what is reasonable for learners using the below:

- Your resources and the availability of financial or other assistance
- The extent to which taking any particular step would be effective in overcoming the substantial disadvantage experienced by a disabled learner
- The effect of the disability on the individual
- Health and safety requirements
- The interests of other learners and prospective learners
- Balancing the potential negative impact on other learners with the disadvantage to the disabled learner if you don't make the change (EHRC guidance, page 14).

Considering cost
We will consider the cost of an adjustment when deciding whether it's reasonable. We will consider using hardship funds, or carrying out fundraising activities, if we need to fund reasonable adjustments.

Deciding what's 'reasonable' for staff
We must do everything reasonable to allow your staff to do their jobs. However, what constitutes a 'reasonable' adjustment will depend on the college and what you're capable of providing. We will involve the member of staff concerned in the process of working out reasonable adjustments, as they'll know best about what support they need.

Dismissing employees on grounds of capability
We will consider as many ways as possible to help the employee back to work before resorting to dismissal, according to government guidance on dismissing employees due to illness.

Before terminating a member of staff's contract, we will consider carefully:

- Making reasonable adjustments that mean they can carry on in their role
- There are other roles they could take in the college

Dismissing a member of staff who's disabled may still be fair if no reasonable adjustments can be made. However, if the employee feels that the college hasn't done enough to make reasonable adjustments and explore alternatives, they are entitled to take legal action.

Deciding what's 'reasonable' for parents
As with adjustments for learners and staff, what is 'reasonable' depends on our context and what we're capable of providing.

The responsibility for making reasonable adjustments lies with the college, and not the local authority (LA).

Using and providing auxiliary aids and services
There's no clear definition of what an 'auxiliary aid or service' is, but they include things like:

- Hearing loops
- Adaptive keyboards
- Special software

Many children with SEND may need auxiliary aids or services as part of their SEN provision. This is covered in paragraphs 4.14 to 4.18, on pages 26 and 27 of the DfE guidance.

Auxiliary aids as reasonable adjustments
Auxiliary aids may be included as part of an education, health and care (EHC) plan.

However, if a learner doesn't have an EHC plan (or the plan doesn't mention auxiliary aids), we will consider whether we should still use them as a reasonable adjustment. We will consider each individual case.

It's likely to be considered unreasonable for us to provide an aid (e.g. hearing aid) that is needed for all aspects of a child's life, rather than just for their education or participation in school life (DfE guidance, paragraph 4.19).

Funding the provision of auxiliary aids
We will make this provision out of your college budget. An assessment of reasonableness will include the cost of providing an auxiliary aid.

Reasonable adjustments for extra-curricular activities
Our duty to make reasonable adjustments includes all college activities, including:

- Extra-curricular and leisure activities
- Trips and visits
- After-college clubs
- Clubs and activities run by third-party providers

We make any reasonable adjustments to make sure all learners can access such activities.

As above, reasonable adjustments apply on an individual basis. We consider the specific needs of an individual learner and what adjustments could be made, then consider whether it's reasonable to make each adjustment.

All learners should be able to attend trips linked to the curriculum and not be disadvantaged because of their disability. We make sure all learners are able to attend, and make reasonable adjustments where necessary.

Work with providers to make reasonable adjustments
We make sure reasonable adjustments are made for disabled learners to take part in clubs and activities run by third-party providers if applicable.

Reasonable adjustments and accessibility planning
We have created and implemented an accessibility plan that sets out how we'll improve accessibility for learners with disabilities.