

# Practice Guide

## Reasonable Adjustments

### Overview

Determining, documenting and implementing reasonable adjustments requires trainers and assessors to consider the needs of a learner, the core (inherent) requirements of a unit of competency, how the student can meet that requirement, how to manage the integrity of the requirements, and how to adjust the training and assessment strategy.

### What are reasonable adjustments?

Reasonable adjustments under the *Disability Discrimination Act 1992 (Cth) (DDA)* and *Disability Standards for Education 2005 (Cth) (DSE)* are measures or actions taken to help a student with disability to participate in a course on the same basis as other students.

Reasonable adjustments can be made to:

- course planning and design
- application and enrolment
- training and assessment
- materials and resources
- work placement/vocational placement activities
- learning environment and infrastructure.

Examples of reasonable adjustments include:

- extensions or additional time to complete assessment tasks
- audio-recorded lectures or permission to audio record lectures
- captions and transcriptions on audio and video materials
- alternative formats for learning materials (e.g., large print materials)
- choice in assessment format where allowable (e.g., oral, written or visual presentations)

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- flexible scheduling of training and/or assessment
  - verbal answering of questions instead of writing, where the trainer and assessor has a means of making an accurate record
  - use of different equipment to demonstrate the same skills
  - opportunity to submit a draft for feedback and guidance
  - provision of assistive technology options
  - changes to the learning environment (e.g., ensuring room layout is accessible)
  - vocational placements (e.g., assessing all performance in the workplace).

## Determining reasonable adjustments

When determining the appropriateness of a reasonable adjustment, the process must start by consulting the student. In these conversations, consider the following:

- views and experience of the learner
- nature and impact of the disability
- information from consultation with the student involved and/or specialist advisors
- focus on independence
- student's ability to participate in courses or programs
- student's usual work methods and their ability to achieve learning outcomes
- qualification, accredited course or unit of competency requirements
- type of training and assessment strategy used by the registered training organisation (RTO)
- effect of the proposed adjustment on anyone else e.g., learner, staff or other students
- cost and benefits of making the adjustment.

## What is reasonable?

An adjustment is reasonable if it balances the interests of all parties affected.

Given the highly individualised nature of disability, the vast range of competencies required in different courses, and the different training and assessment strategies, there is no single formula or set of rules to determine the reasonableness of adjustments.

Each person's experience and impact of their disability is unique. It varies throughout a person's life and in different contexts, therefore reasonable adjustments should always:

- be negotiated with the student
- consider the individual student's needs and capabilities

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- maintain the integrity of the course or unit of competency including the principles of assessment and rules of evidence
  - be applied flexibly and responsively.

Adjustments are not reasonable if they could:

- cause the RTO unjustifiable hardship
- harm the student or others.

## Unjustifiable hardship

Under the DDA, an adjustment is not required if the making of the adjustment would impose 'unjustifiable hardship' on another person. However, the burden of proof falls on the person claiming unjustifiable hardship.

A definition of unjustifiable hardship is outlined in the DDA under section 11.

- (1) For the purposes of this Act, in determining whether a hardship that would be imposed on a person (the **first person**) would be an **unjustifiable hardship**, all relevant circumstances of the particular case must be taken into account, including the following:
  - (a) the nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned;
  - (b) the effect of the disability of any person concerned;
  - (c) the financial circumstances, and the estimated amount of expenditure required to be made, by the first person;
  - (d) the availability of financial and other assistance to the first person;
  - (e) any relevant action plans given to the Commission under section 64.

Example: One of the circumstances covered by paragraph (1)(a) is the nature of the benefit or detriment likely to accrue to, or to be suffered by, the community.

- (2) For the purposes of this Act, the burden of proving that something would impose unjustifiable hardship lies on the person claiming unjustifiable hardship.

Subsection 10.2 of the DSE also provides that it is not 'unlawful for an education provider to fail to comply with a requirement of the DSE if, and to the extent that, compliance would impose unjustifiable hardship on the provider.' The burden of proof also falls with the institution to demonstrate unjustifiable hardship.

The concept of unjustifiable hardship does imply that some hardship is justifiable.

In determining unjustifiable hardship, all circumstances of the particular case need to be considered. The process should take account of the scope and objects of the DDA and the DSE, particularly the fundamental principle of removing discrimination as far as possible, and of the rights and interests of all relevant parties.

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Each case turns on its own facts; however, financial hardship for an institution is always closely weighed up against the benefits to the student with disability, and courts have seemed to place greater emphasis on the effects of the adjustments on the student with disability (and any other person concerned), than on financial considerations for the institution.

## How to ‘unpack’ a unit of competency to determine core or inherent requirements

A reasonable adjustment must not compromise the integrity (core or inherent requirements) of the unit of competency and the associated assessment requirements. For example, it is not reasonable to replace an oral interview task with a written task if the unit requires demonstration of oral communication. A student could, however, complete an oral interview using text-to-speech software or an app.

Some competency documents or Companion Volume Implementation Guides contain prescribed core (inherent) requirements and provide guidance information about allowable reasonable adjustments.

Example: In the competency *HLTAID011 Provide First Aid*, the performance evidence states that the candidate must perform at least 2 minutes of uninterrupted single rescuer cardiopulmonary resuscitation [CPR] (five cycles of both compressions and ventilations) on an adult resuscitation manikin placed on the floor.

In this case, it is critical to inform students that they will need to do this physical task on the floor. This information should be detailed and communicated to all students prior to them enrolling in the unit or course. This will allow them to make an informed decision about completing the unit or qualification.

When determining the core (inherent) requirements of the unit of competency, consider:

- all aspects of the unit of competency, including the intent of the unit, performance requirements and assessment conditions
- advice in the Companion Volume Implementation Guide
- any prescriptions in the unit or qualification, including any explicitly mapped foundation skills
- the training and assessment methods to be used; Do these pose any barriers? Are there any alternatives?
- the equipment, resources and setting for the assessment; consider whether there are any barriers or reasonable alternatives (e.g., better to assess in the workplace where the student has assistive technology or adaptive equipment)
- whether there are critical work health and safety considerations.

Document these considerations and discuss them with the student and other relevant parties. Be sure to consider the views and preferences of the student. If uncertain,

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consult industry partners or other relevant services and supports for advice.

## Documenting reasonable adjustments

The discussion with the student and the decisions about reasonable adjustments should be documented in the Student Support/Learning Plan. Document the types of adjustments and supports that were suggested and agreed upon.

Include the rationale for the reasonable adjustments (identifying any supporting information) and the plan for implementing the adjustments.

It is valuable to consult with senior colleagues about proposed adjustments. They can check that the adjustments are reasonable and maintain the integrity of the unit requirements. It also supports accountability. This should be done before confirming any agreement with the student.

Once the student has confirmed the adjustments and signed the agreement, provide a copy for the student. One approach is to email a copy to the student with a received and read receipt function enabled. This helps ensure transparency of decisions.

## Implementing reasonable adjustments

Implementation of the reasonable adjustments for assessment should be recorded on the assessment instruments or tools. The notations should detail what and how reasonable adjustment was applied, as well as the outcomes. This notation must include a date, time and assessor name and any specific information about the effectiveness of the adjustments.

## Practice considerations and checkpoints

- What do I need to do when asked to make a reasonable adjustment?
- Have a conversation directly with the student about what is viable and workable – this is key.
- Consult the unit of competency/qualification document to explore the core (inherent) requirements and explore all possibilities while maintaining the integrity of the training product.
- Determine the reasonable adjustments.
- Implement the reasonable adjustments.
- Document the decisions, agreements and implementation of the reasonable adjustments.
- Review and adapt adjustments with the student on an ongoing basis throughout the course.

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## Who else can provide advice if I am unsure about the reasonableness or validity of the adjustment?

- Training manager or senior training and assessment staff within the organisation.
- Colleagues and industry partners.
- Training product developers or the Companion Volume Implementation Guides.
- Online resources (e.g., Australian Disability Clearinghouse on Education and Training [ADCET], Department of Education, and Department of Workplace Relations [DEWR]).

## Links to the relevant legislation and standards to meet RTO obligations

### [Disability Discrimination Act 1992 \(Cth\) \(DDA\)](#)

The DDA makes it unlawful to discriminate against a person on the basis of disability in education.

### [Disability Standards for Education 2005 \(Cth\) \(DSE\)](#)

**Making reasonable adjustments – Part 3:** The Standards generally require providers to make reasonable adjustments where necessary. There is no requirement to make unreasonable adjustments. A reasonable adjustment is a measure or action taken by an education provider in relation to applying for enrolment, participation in the course or program, or providing services and facilities. The RTO must ensure the student with disability can access, use and participate on the same basis as a student without disability.

**Standards for Participation – Part 5:** The education provider must take reasonable steps to ensure that the student is able to participate in the course or program provided by the educational institution, and use the facilities and services provided by it, on the same basis as a student without disability, and without experiencing discrimination.

**Standards for Student Support Services – Part 7:** The education provider must take reasonable steps to ensure that the student is able to use support services used by the students of the institution in general on the same basis as a student without disability, and without experiencing discrimination. This includes having available internal and external services and supports, informing students of what is available, and providing access to specialised services and supports as necessary.

### [Standards for Registered Training Organisations \(RTOs\) 2015 \(Cth\)](#)

**Standard 1:** The RTO's training and assessment strategies and practices are responsive to industry and learner needs and meet the requirements of training packages and VET accredited courses.

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**Please note:** RTOs registered by the *Victorian Registration and Qualifications Authority* or the *Training Accreditation Council Western Australia* may refer to the following websites for requirements specific to you.

[Victorian Registration and Qualifications Authority](#)

[Training Accreditation Council Western Australia](#)

## Benefits

- Student – participation and completion in their chosen course.
- Trainer and assessor – minimising barriers to learning and extra work.
- RTO – meeting obligations and responsibilities.

## Training and resources

- [Reasonable Adjustment in Teaching, Learning and Assessment for Learners with Disability – A Guide for VET Practitioners \(Department of Employment Small Business and Training Queensland\)](#)
- [Fact Sheet – Reasonable Adjustment and Inclusive Practice \(Training and Accreditation Council of Western Australia\)](#)
- [Animation – Reasonable Adjustment](#)
- [e-Learning: VET Educators Supporting Students with Disability](#)

## Disclaimer

The ‘supporting students with disability resources’ provide guidance on legislation and policy for Registered Training Organisations (RTOs) regarding vocational education and training for students with disability, but they should not be considered legal advice or impose additional legal obligations. RTOs should seek tailored legal advice to understand their specific obligations. More information on this disclaimer can be found at [adcet.edu.au/vet/disclaimer](http://adcet.edu.au/vet/disclaimer) or by contacting the [Department of Employment and Workplace Relations](#).