



ACCESS AND EQUITY POLICY AND PROCEDURE

Purpose

This policy describes the commitment of ACE to be an equal opportunity RTO by promoting fair and equal access, for all students and potential students, regardless of characteristics such as their gender, sexuality, race, nationality, ethnic background, age, marital status, religion, pregnancy, political convictions, physical disability or intellectual impairment.

This policy and subsequent procedures seek to eliminate discrimination and harassment in the delivery of its training programs and provision of its services. ACE has a legal responsibility to ensure that all reasonable steps have been taken to prevent discrimination and harassment from occurring in the workplace and training environment.

This policy and procedures support 2022 Standard VET Funding Contract Skills First Program, National Code of Practice for Providers of Education and Training to Overseas Students 2018 and the Standards for Registered Training Organisations 2015 Standard 1 Clause 1.7 which states that:

- *“The RTO determines the support needs of individual learners and provides access to the educational and support services necessary for the individual learner to meet the requirements of the training product as specified in training packages or VET accredited courses.”*
- *“Registered providers must offer reasonable support to overseas students, irrespective of their place or mode of study, at no additional cost to the overseas student”*

Scope

This policy and procedures applies to all students, staff and to all aspects of ACE’s operation to ensure responsive to the individual needs of the student or staff whose age, gender, cultural or ethnic background, disability, sexuality, language skills, and literacy or numeracy level may present a barrier to access, participation and the achievement of suitable outcomes. ACE will ensure principle of inclusiveness, to increasing and enhancing educational opportunities and participation for all students irrespective of whether they have a disability.

Definitions

Access and equity	Policies and approaches aimed at ensuring that VET is responsive to the individual needs of clients whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location may present a barrier to access, participation and the achievement of suitable outcomes.
Diversity	is the recognising and valuing of individual differences.
Disability	According to Disability Discrimination Act 1992, disability, In relation to a person, means: <ul style="list-style-type: none"> a. total or partial loss of the 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 judgment or that results in disturbed behaviour;

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	and includes a disability that: h. presently exists; or i. previously existed but no longer exists; or j. may exist in the future (including because of a genetic predisposition to that disability); or k. is imputed to a person.
Reasonable adjustment	Refers to adjustment that can be made to facilities, documentation, learning and assessment and support services which will facilitate access for disabled students and staff and ensure valid and reliable assessment decisions at a reasonable cost while meeting the special requirements for the individual/s.

Policy

1.0 General

ACE shall promote the concept of inclusiveness for all students and provide learning programs and pathways where program design, course content, training facilities and all aspects of training and assessment process are available in a way that allows equality of educational opportunity to all students.

ACE shall have, for all of its scope of registration, and consistent with its training and assessment strategies, sufficient educational and support services to meet the needs of the student cohort/s undertaking the training and assessment. Educational and support services shall include equipment, resources and/or programs to increase access for learners with disabilities and other learners in accordance with access and equity.

Furthermore, ACE shall provide a fair and equitable learning and working environment for all students and staff. ACE shall uphold its legal responsibility to ensure that all reasonable steps have been taken to prevent discrimination and harassment from occurring in the workplace and training environment.

2.0 Principles of Access and Equity

ACE shall ensure that Principles of Access and Equity are embedded in all ACE processes that affect outcomes for clients and learners, and that these principles are incorporated into the development and deployment of new ACE products, services, policies and procedures, practices and/or systems, where:

Access relates to the capacity to use services and facilities essential to achieving and maintaining social, cultural and economic well-being.

Equity relates to fairness. It recognises that some people are more disadvantaged than others in being able to access services and facilities.

3.0 Responsiveness to Individual Needs

ACE shall ensure that through its staff, it identifies and is responsive at all times, to the diverse needs of all stakeholders within the constraints of available resources. Outcomes for all clients and learners through responsiveness to their individual needs shall be maximised.

ACE shall make changes, known as reasonable adjustments, to allow students with disability to participate in education on the same basis as other students. ACE shall determine whether an adjustment is reasonable by considering all relevant facts and circumstances, including:

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- a. the student's circumstances, including the nature of his or her disability; and
- b. the nature of the adjustment required to accommodate the student's disability; and
- c. the effect on the student of making the adjustment, including the effect on the student's ability to:
 - achieve learning outcomes;
 - participate in courses or programs;
 - work independently; and
- d. the effect on ACE, staff, other students or any other person of making the adjustment, including:
 - the financial impact of making the adjustment;
 - the number of people who would benefit from or be disadvantaged by making the adjustment; and
- e. the consequences for ACE of making the adjustment.

4.0 Exceptions to Adjustments

4.1 Not Reasonable for ACE to make adjustments

ACE may not be able to make adjustments if, either:

- a. the adjustments are not reasonable, having regard to the facts and circumstances set out in Item 3.0 above.
- b. the person could not or cannot participate in or continue to participate in or derive or continue to derive any substantial benefit from the educational program even after the adjustments are made.

5.0 Reasonable Adjustments to Training and Assessment

- 5.1 Reasonable adjustment to training and assessment shall refer to special conditions or considerations given to students with disabilities to improve their access and equity to the opportunity to complete their desired studies or training.
- 5.2 Reasonable adjustment to training methods shall refer to variations in the way that courses or subjects are taught in order that they are accessible to students with disabilities. Examples of reasonable adjustment to training methods may include (but not limited to): reading aloud overheads, ensuring audio-visual materials are accompanied by transcripts or subtitles, enlarging text, using accessible teaching venues for student with physical disabilities, negotiating suitable placements for students.
- 5.3 Reasonable adjustment to assessment practices, including examinations, assessment exercises and practical placements, may be modified to accommodate students with a disability, but must be appropriate to the student's skills levels and physical/emotional/psychological capabilities.

6.0 Equitable Access to Training Programs and Services

- 6.1 ACE shall ensure equitable access is available for all learners and clients to quality training and assessment services, opportunities, activities and choices, organisational facilities equipment, resources and personnel.
- 6.2 Through all its staff and stakeholders, ACE shall adopt and implement an inclusive, non-discriminatory approach in the delivery of its training programs and the provision of its services to potential and existing clients and learners, including but not limited to recruitment, selection and provision of training and assessment and support services.
- 6.3 ACE shall ensure safe and convenient access to facilities for students with disabilities. Reasonable adjustments to facilities shall be done with respect to the resources available.

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6.4 Relevant practices and processes shall be reviewed annually to ensure equitable access to training programs and services. Any issues shall be resolved within ACE's financial and budgetary constraints.

7.0 Compliance to Relevant Legislations and Regulations

7.1 ACE shall ensure that it is compliant with the provisions of the Federal and State Anti-discrimination and Equal Opportunity legislation and regulations at all times. Unlawful discrimination shall not exist whatsoever or shall be eliminated in all areas of ACE operations, activities, environment and practices. The protection afforded to all individuals under the law shall be upheld in all that ACE does.

7.2 ACE shall ensure that all individuals understand that they are bound by the following Commonwealth (Cth) and Victorian (Vic) legislations:

- Australian Human Rights Commission Act 1986 (Cth)
- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Work Place Gender Equality Act 2012 (Cth)
- Fair Work Act 2009 (Cth)
- Racial and Religious Tolerance Act 2001 (Vic)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Equal Opportunity Act 2010 (Vic)

8.0 2022 Standard VET Funding Contract Skills First Program (Domestic only)

ACE shall encourage learners with disability to apply for the Skills First Program in the same way as other learners and shall comply and bear all costs of complying with relevant Laws, including:

- occupational health and safety Laws;
- the Australian Consumer Law;
- privacy Laws;
- anti-discrimination and equal opportunity Laws;
- the Disability Act 2006 (Vic);
- the Working With Children Act 2005 (Vic);
- the Human Rights Charter
- the Child Safe Standards as made under the Child Wellbeing and Safety Act 2005 (Vic).

Procedures

1.0 Staff Knowledge on Access and Equity

1.1 At Induction, all staff will be made aware of the Access and Equity Policy and Procedures and the application of Access and Equity principles in the work place.

1.2 All staff will be made aware of the specialised services available for the students and are provided with information that enables them to assist the students to access the services that the students need.

1.3 Professional development of staff will be reviewed annually, including staffs' understanding and practice of Access and Equity related Acts and Legislations.

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2.0 Early Identification of Disability or Special Needs and Intervention for Students

- 2.1 ACE will request students, prior to enrolment to declare if they are in need of specific assistance with regard to language, literacy and numeracy and/or any form of disability or specific learning needs so that specific learning support may be provided. Alternative training and assessment strategies and/or reasonable adjustments will be made by ACE to assist students with special needs.
- 2.2 ACE will determine if it is possible and viable to provide/accommodate the specific learning support needed by the student and if not, ACE will inform the student prior to enrolment to help the student make an informed decision whether to pursue his/her studies with ACE or not. If these circumstances occur, ACE will refer the student (if student requests) to another RTO who may be able to provide support to or meet the learning needs of the student.
- 2.3 If the support needs of the individual learner can be accommodated, ACE will provide access to the educational and support services necessary for the individual learner to meet the requirements of the training program as specified in the training packages or accredited VET courses.
- 2.4 ACE will consider the learner's needs in the assessment process and make reasonable adjustments to accommodate the learner (e.g., oral rather than written assessment). However, ACE will not compromise the rigour of the assessment process (e.g., if there is a requirement to complete documentation in a unit of competency, oral assessment would not be appropriate.)
- 2.5 ACE will provide support and tutorial assistance for any student that is encountering learning difficulties.

3.0 Disclosure of Disability

- 3.1 Disclosure of Disability before a student's course starts, or as early as possible, will allow the time necessary for the arrangement of appropriate support. Thus, all students are encouraged to disclose a disability or special learning needs, but there is no legal obligation for a student to make such a disclosure.
- 3.2 Where a student does not disclose a disability, ACE is not responsible for providing the specific learning support that would have been required by the student.
- 3.3 Once a student has disclosed his/her disability or special learning needs, the Student Support officer will consult with the student, or an associate of the student, regarding reasonable adjustments that would be less disruptive and intrusive and no less beneficial for the student. The Student Support officer cannot disclose the student's disability to anybody without the written consent of the student.
- 3.4 The Student Support officer will request the student to complete the Reasonable Adjustment / Special Needs Form and provide relevant medical documentation / professional assessment reports.
- 3.5 The Student Support officer will review the Reasonable Adjustment / Special Needs Form and in consultation with the Course Coordinator, recommend to the CEO what reasonable adjustments / support can be made.
- 3.6 Once the CEO has approved the reasonable adjustments, the student will be asked to make a decision whether to pursue or not to pursue studies in ACE.
- 3.7 If the student decides to pursue studies in ACE given the reasonable adjustments and support, the Student Support officer will discuss this with the relevant trainer and staff to ensure its proper implementation.
- 3.8 If the student decides to pursue studies in ACE despite the limitations in adjustments that could be made, the CEO will determine whether the student can continue with their course of study as the level of disability could negatively impact on occupational health and safety or ACE's duty of care to the student and other students and staff.
- 3.9 All documentation are to be, where possible, co-signed by the student and the Student Support officer, and securely stored for confidentiality purposes.

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4.0 Determining “Reasonable Adjustment”

4.1 With respect to Reasonable Adjustment, ACE will not dilute the integrity of attainment of competency by any application of reasonable adjustment. ACE will ensure the integrity of its courses or programs 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.

4.2 ACE will make reasonable adjustments for the student with disability in relation to:

- a. Applying for Admission or enrolment
- b. Participating in a Course or program
- c. Using facilities and services

on the same basis as a student without a disability, and includes an aid, a facility, or a service that the student requires because of his or her disability.

4.3 ACE will offer all students with disability with reasonable adjustments, provided the necessary disclosure requirements are met:

- a. Disclosure of the student’s disability; and
- b. Relevant medical documentation / professional assessment reports as required

4.4 In relation to a student with disability, ACE will consider an adjustment to be reasonable if it balances the interests of all parties affected.

4.5 In assessing whether a particular adjustment for a student is reasonable, ACE will consider all relevant circumstances and interests, including the following:

- a. the student’s disability;
- b. the views of the student or the student’s associate
- c. the effect of the adjustment on the student, including the effect on the student’s:
 - i. ability to achieve learning outcomes; and
 - ii. ability to participate in courses or programs; and
 - iii. independence;
- d. the effect of the proposed adjustment on anyone else affected, including the education provider, staff and other students;
- e. the costs and benefits of making the adjustment.

4.6 Before ACE makes any reasonable adjustment for a student, ACE will consult the student, or an associate of the student, on whether:

- a. there is any other reasonable adjustment that would be less disruptive and intrusive and no less beneficial for the student; and
- b. the adjustment may need to be changed over the period of a student’s education or training.

4.7 ACE will take reasonable steps to ensure that any adjustment required to be made is made within a reasonable time. Whether the time is reasonable depends, in particular, on whether and when the student, or his or her associate, has provided:

- a. in a timely way, any relevant information in the possession of the student or associate about how the disability affects the student in relation to education or training; and
- b. the student’s or the associate’s opinion about the matters discussed during consultation as in Item 4.6 above.

4.8 ACE will take reasonable steps to ensure that regular reviews of access and equity policy and procedures is undertaken to ensure they are:

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- Meeting legislative requirements;
- Satisfying individual student needs;
- Enabling participant outcomes to be met;
- Addressing community needs;

4.9 In addition to formal reviews, the access and equity policy and procedures will be reviewed whenever there is a change in legislation or if there are circumstances identified that are not covered by this policy.

Legislative Context

- Standards for RTOs 2015 Standard 1 Clause 1.7
- Disability Discrimination Act 1992
- Disability Standards for Education 2005
- Equal Opportunity Act 2010
- 2022 Standard VET Funding Contract Skills First Program

Related Forms / Documentation

- Reasonable Adjustment / Special Needs Form

Related Policies and Procedures

This policy is to be read in conjunction with the following policies and procedures:

- Student Engagement Prior to Enrolment Policy and Procedures – Domestic and International
- Pre-training review Policy and Procedures – Domestic
- Formalisation of Enrolment Policy and Procedure – Domestic and International
- Continuous Improvement QA & Compliance Policy and Procedure
- Training and Assessment Strategies and Practices Policy and Procedure

Responsible Parties

The CEO, Compliance Manager, Course Coordinators, staff and contractors involved in the delivery and assessment within ACE's approved scope of registration are responsible for the use and implementation of this policy.

Version History

Version	Date	Description of changes
6.0	17.01.2022	Updated document to add Version History section
5.0	01.03.2021	Currently released version

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