



| <b>Procedure 5.3 Equality, Diversity and Special Needs</b> |             |                         |               |                    |                |
|--|-------------|-------------------------|---------------|--------------------|----------------|
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**Procedure Owner** : Principal / CEO

- ❖ This procedure is shared with our students and/or can be obtained:
  - on our website <https://docklandsacademy.co.uk/policies-and-procedures>,
  - on the desktops of all computers in the library on the top floor,
  - by emailing us at [info@docklandsacademy.co.uk](mailto:info@docklandsacademy.co.uk).
- ❖ Also, our students are informed about the main aspects of the procedure in the Student Handbooks, Induction Seminar and Learning Agreement.
- ❖ The procedure is reviewed and monitored on a regular basis for currency and fitness as part of our Annual 1.9 Policy and Procedures Review.

## **1. Introduction**

- 1.1** The Academy is committed to ensuring that disabled people or those with additional needs have the same opportunities as non-disabled people and to ensuring that disabled people are treated fairly.
- 1.2** The Academy welcomes the *Equality Act* (2010).
- 1.3** The aim of the Academy is to ensure that it does not, without justifiable reason, treat a disabled person less favourably than others because of the nature of their disability.
- 1.4** The Academy is committed to developing, maintaining, and supporting an inclusive culture and environment for the benefit of its learners, employees, and the communities it serves.
- 1.5** The principles of equality and diversity are at the heart of Academy's life, and the Academy expects all their employees, learners, and members of the wider Academy community to be treated equitably and with respect.

## **2. Aims**

The aims of the procedure are:

- to promote equal treatment within the Academy for all members of the Academy's community,
- to communicate the commitment of the Academy to the promotion of equal opportunities,
- to create and maintain an open and supportive environment which is free from discrimination,
- to foster mutual tolerance and positive attitudes so that everyone can feel valued within the Academy,
- to actively promote and safeguard the welfare of children, vulnerable adults, learners, staff and others who come into contact with the Academy.



### **3. Definition**

- 3.1** The Academy will not unjustifiably discriminate against a person who has a physical or mental impairment which has a substantial, adverse and long-term effect on his or her ability to carry out normal day to day activities. The term 'normal day to day activities' includes mobility, manual dexterity, physical co-ordination, perception of risk or physical danger, speech, hearing, vision, memory, concentration and the ability to understand.
- 3.2** The definition of disability applies to clinically well recognised illness and disfigurement. It does not include addictions or personality/social disorders, which are covered by our welfare procedure in 'Welfare Services and Pastoral Care 5.2.
- 3.3** The Academy will not discriminate against a disabled person:
- in the admission or enrolment procedures for students,
  - in the terms on which admission or enrolment offers are made,
  - by unreasonably refusing or deliberately omitting to accept an application for admission or enrolment,
  - in the provision of services provided for students, including courses of education, learning support, recreational and leisure activities, catering facilities, accommodation and work-based learning,
  - in all learning and teaching, assessment and social activities,

### **4 Discrimination under the Equality Act 2010**

- 4.1** The Academy recognises the benefits of having a diverse community, with individuals who value one another, and the different contributions everyone can make. Learners will be taught to value and respect others. The Academy is committed to be an equal opportunities education provider and is committed to equality of opportunity for all members of the Academy community.
- 4.2** The Equality Act 2010 brings together previous legislation to protect people from discrimination in the workplace and in wider society. The act covers nine 'protected characteristics' which qualify for protection from discrimination under the act. These are as follows:
- Age,
  - Disability,
  - Gender reassignment,
  - Marriage and civil partnership,
  - Pregnancy and maternity,
  - Race,
  - Religion or belief,
  - Sex,
  - Sexual orientation

### **5. Disclosure**

- 5.1** The Academy encourages potential students to disclose any disability that may affect their application. This must be done in a spirit of openness and the Academy makes it clear that this is not done with a view to discriminate against the candidate. The information is critical to assess their ability to undertake courses and to make, where necessary, reasonable adjustments to help applicants overcome the effect of their disability.
- 5.2** Individual needs will be discussed:
- at the point of initial enquiry to the Academy,
  - on initial application to Academy,
  - prior to and during interview,
  - during assessment procedures,
  - when drawing up care and learning plans,
  - during one-to-one meetings with the programme coordinator.



**5.3** The Academy operates a process to monitor student welfare and progress. This means that a disability may be disclosed at any time during the academic year. The Academy will review and respond to such disclosure in a sensitive and appropriate manner. The Academic Quality Coordinator and Welfare Officer have been trained appropriately and are appointed to support prospective and current students who have additional learning needs.

**5.4** If a student fails to disclose a disability, or asks for it to remain confidential, the Academy will be unable to make the necessary adjustments to their needs.

## **6. Confidentiality**

**6.1** A student has the right to request that the existence of his or her disability remains confidential. Where a disability has been disclosed, the wishes of the student regarding confidentiality are respected. Information will not be improperly used or disclosed.

**6.2** If the student agrees for the information to be passed on, the Academy as a whole is deemed to know about the disability for the best interest of the student. The member of staff to whom the disclosure has been made, not the student, is responsible for disseminating the information throughout the Academy.

## **7. Reasonable Adjustments and Special Considerations**

**7.1** The purpose of reasonable adjustments and special considerations is an important part of the Academy's quality assurance process mainly to deal with the Disability Discrimination Acts 1995 (DDA) and the amendments to the Act to allow fair access to all qualifications offered by the Academy. The Academy will make reasonable adjustments to ensure that a disabled student is not placed at a substantial disadvantage in comparison with someone who is not disabled. This section explains how the Academy manage/request reasonable adjustments and/or request special considerations.

**Reasonable Adjustment:** This is agreed at the **pre-assessment** planning stage and is any action that helps to reduce the effect of a disability or difficulty, which places the learner at a substantial disadvantage in the assessment situation. Reasonable adjustments must not, however, affect the reliability or validity of assessment outcomes nor must they give the learner an assessment advantage over other learners undertaking the same or similar assessments.

**Special Consideration:** This is a **post-assessment** allowance to reflect temporary illness, injury or indisposition that occurred at the time of assessment. Any special consideration granted cannot remove the difficulty the learner faced at the time of assessment and can only be a relatively small adjustment to ensure that the integrity of the assessment is not compromised. Special consideration **cannot** apply to "licence to practice" units within a qualification, or to "licence to practice" qualifications.

**7.2** The Academy aims to facilitate open access to all qualifications for learners who are eligible for reasonable adjustment and/or special consideration in assessments, without compromising the assessment of the skills, knowledge, understanding or competence being measured.

**7.3** The Academy will consider the following for Reasonable Adjustments pre-assessment:

- changing usual assessment arrangements,
- adapting assessment materials,
- providing assistance during assessment,
- re-organising the assessment physical environment,
- changing or adapting the assessment method,
- using assistive technology.



**7.4** The Academy will consider the following for Reasonable Adjustments post-assessment:

- terminal illness of the learner
- terminal illness of a parent
- recent bereavement of a member of the immediate family
- serious and disruptive domestic crises leading to acute anxiety about the family
- incapacitating illness of the learner
- severe car accident
- recent traumatic experience such as death of a close friend or distant relative
- flare-up of severe congenital conditions such as epilepsy, diabetes, severe asthmatic attack
- recent domestic crisis
- recent physical assault trauma
- broken limb on the mend.

**7.5** The Academy considers requests for Reasonable Adjustment and Special Considerations as it recognises disabilities are of a diverse nature. Academic Head will assess the requests and keep copies of all applications for reasonable adjustment. All applications must be made to the Academic Head in written form.

**7.6** The Academy will allow learners to apply for reasonable adjustments by using **Reasonable Adjustments and/or Special Considerations Application form** for internally assessed qualifications and will:

- only make reasonable adjustments that are in line with this policy,
- record all reasonable adjustments made,
- keep all forms on the relevant learner's file.

Special Educational Needs (SEN) does not automatically qualify the learner for reasonable adjustment.

**7.7** The types of Reasonable Adjustments and/or Special Considerations may include:

- Allowing extra time, e.g. assignment extensions
- Using a different assessment location
- Use of coloured overlays, low vision aids, CCTV
- Use of assistive software
- Assessment material in large format or Braille
- Readers/scribes
- Practical assistants/transcribers/promoters
- Assessment material on coloured paper or in audio format
- Language-modified assessment material
- British Sign Language (BSL)
- Use of ICT/responses using electronic devices
- admission, administrative and examination procedures
- course content and work-based learning activities
- teaching arrangements and learning support
- individual care and support arrangements
- accommodation
- facilities and services
- any other Academy service provided to all students and staff



- 7.8** A special consideration is a consideration given following a period of assessment for a learner who:
- was prepared for and present at an assessment but who may have been disadvantaged by temporary illness, injury or adverse circumstances that have arisen at or near to the time of assessment
  - misses part of the assessment due to circumstances outside their control
  - It is important to note that it may not be possible to apply special consideration in instances where:
    - assessment requires the demonstration of practical competence
    - criteria have to be met fully

Where assessment is in the form of on demand assessment, such as electronic tests set and marked by computer, then it is probably more appropriate to offer the learner an opportunity to take the assessment at a later date.

A special consideration cannot give the learner an unfair advantage, nor must its use cause the user of a certificate to be misled regarding a learner's achievement. The learner's results must reflect real achievement in assessment and not potential ability. To this end, special considerations can only be a small post-assessment adjustment to the mark or outcome.

A learner who is fully prepared and present for a scheduled assessment may be eligible for special consideration if:

- performance in an assessment is affected by circumstances beyond the control of the learner, e.g. recent personal illness, accident, bereavement, serious disturbance during the assessment
- alternative assessment arrangements which were agreed in advance of the assessment proved inappropriate or inadequate
- part of an assessment has been missed due to circumstances beyond the control of the learner.

A learner will **not** be eligible for special consideration if:

- no evidence is supplied by the learner that the learner has been affected at the time of the assessment by a particular condition
- any part of the assessment is missed due to personal arrangements including holidays or unauthorised absence
- preparation for a component is affected by difficulties during the course, e.g. disturbances through building work, lack of proper facilities, changes in or shortages of staff, or industrial disputes.

**7.9** Applications for special consideration will be made by the learner filling out the Reasonable Adjustments and /or Special Considerations Application Form and then submit it to the Academic Head.

Evidence to support the application such as a medical certificate, a doctors' letter, a statement from the invigilator (if relevant), or any other appropriate information will be considered.

The Academic Head must authorise all applications for special consideration.

Applications must be submitted to the Academic Head within seven days of the assessment having taken place. The Academic Head will give a decision within ten working days unless the case is complex.

It is important to note that special consideration applications will not be considered where learner achievement has been claimed and certificated.



**7.10** Factors which will be considered when providing *reasonable adjustments* include:

- maintenance of academic standards
- financial resources
- cost
- practicality
- other aids or services available
- health and safety requirements
- relevant interests of other people

## **8. Complaints**

**8.1** Any student or applicant believing that they have been discriminated against by an Academy student or member of staff should firstly (immediately) avail of the internal complaints procedure (see Procedure 2.5)

**8.2** The Academy takes discrimination very seriously and deals at the highest standard and procedure.

## **9. Training**

**9.1** All employees have a responsibility to ensure that the requirements of the *Equalities Act* are met, and that the values already embedded at the Academy in challenging discrimination are endorsed.

**9.2** All staff undergo training to enable them to understand and meet the requirements of this procedure. New members of staff will be given relevant information and procedural details relating disability during their induction session.

## **10. Related Documents**

### **10.1 Policies**

- 2 Academic Management
- 3 Teaching Learning Assessment
- 4 Admissions
- 5 Student Support, Engagement and Learning Resources
- 7 Information

### **10.2 Procedures**

- 1.5 Equal Opportunities
- 1.9 Review and Revision of Policies and Procedures
- 2.13 Access and Participation Statement
- 3.1 Expectations of Staff in Teaching Delivery
- 3.3 Encouraging Independent Learning
- 3.4 Tutorial Arrangements
- 3.8 Feedback to Students
- 4.1 Enrolment and Selection
- 4.3 Recognition of Prior Learning (RPL)
- 4.6 Student Induction
- 4.13 Transfers Suspensions Withdrawals Closure and Change of HE Provision
- 4.14 Fees Charges and Financial Support
- 5.1 Student Code of Conduct
- 5.2 Welfare Services and Pastoral Care
- 5.4 Student Engagement
- 5.7 Reviewing Learning resources



- 6.15 Safeguarding
- 6.16 Prevent Duty (Racist, Discriminatory, Abusive and Extremist Behaviour)
- 7.1 Review and Sign off PI
- 7.4 HE Public Information

### 10.3 Terms and Conditions

### 10.4 External Reference Points

- Office for Students (OfS) Requirements and Guidance at [Advice and guidance - Office for Students](#)
- UK Quality Code Advice & Guidance – Admissions, Recruitment and Widening Access at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/admissions-recruitment-and-widening-access>
- UK Quality Code Advice & Guidance – Assessment at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/assessment>
- UK Quality Code Advice & Guidance – Concerns, Complaints and Appeals at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/concerns-complaints-and-appeals>
- UK Quality Code Advice & Guidance – Course Design & Development at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/course-design-and-development>
- UK Quality Code Advice & Guidance – Enabling Student Achievement at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/enabling-student-achievement>
- UK Quality Code Advice & Guidance – External Expertise at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/external-expertise>
- UK Quality Code Advice & Guidance – Monitoring & Evaluation at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/monitoring-and-evaluation>
- UK Quality Code Advice & Guidance – Learning and Teaching at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/learning-and-teaching>
- UK Quality Code Advice & Guidance – Student Engagement at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/student-engagement>
- Higher Education Code of Governance (Committee of University Chairs, December 2014) at <https://www.universitychairs.ac.uk/wp-content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf>
- Association of Employment and Learning Providers (AELP) principles of Good Governance for Independent Training Providers at <https://www.aelp.org.uk/media/2595/code-of-governance-final-sept-2018.pdf>
- OIA The Good Practice Framework for Complaints and Appeals at <https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/>
- OIA The Good Practice Framework: Handling Students Complaints and Academic Appeals at <https://www.oiahe.org.uk/media/1859/oia-good-practice-framework.pdf>
- Pearson Recognition of Prior Learning Policy \_\_\_\_\_ at [https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Recognition\\_of\\_prior\\_learning\\_and\\_process\\_policy.pdf](https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Recognition_of_prior_learning_and_process_policy.pdf)
- UKCISA Code of Ethics at <https://www.ukcisa.org.uk/Membership/Codes-of-practice/Code-of-ethics>
- Equality Act – 2010 at <https://www.legislation.gov.uk/ukpga/2010/15/contents>
- Disability Discrimination Act - 2005 <https://www.legislation.gov.uk/ukpga/2005/13/contents>
- Related QAA guidance: Understanding assessment: its role in safeguarding academic standards and quality in higher education