



# Clients/Learners with a Disability Policy

## 1. Purpose Statement

TLC Learning is committed to supporting the rights of clients and learners with a disability to be involved in an educational environment that is accessible, inclusive and free from discrimination and harassment.

## 2. Scope

This policy applies to all areas of Disability Discrimination as identified under the relevant Acts.

This policy and procedure apply to all clients and learners who are engaged in training and assessment services provided by TLC learning.

## 3. Policy Statement

TLC Learning is committed to the principles of equality and opportunity for Clients and Learners in all aspects of its operations.

TLC learning acknowledges that it has a responsibility to conduct its operations in ways that do not disadvantage people with a Disability as described under the Disability Discrimination Act 1992, the Disability Services Act 2014 (Vic) and the Disability Act 2006 (Vic).

TLC Learning will identify and support the Reasonable Adjustment needs of Clients and Learners with a Disability through effective, open communication with all stakeholders

TLC Learning aims as far as possible to:

- Eliminate Disability Discrimination
- Ensure that Clients/Learners with disabilities have the same rights as any other clients involved with TLC Learning
- Promote recognition and acceptance of these rights within TLC Learning

To achieve this commitment, TLC Learning will

- Promote and foster an environment which encourages positive, informed and unprejudiced attitudes towards Clients/Learners with a Disability
- Ensure that requests for Reasonable Adjustments for Clients/Learners with disabilities are considered fairly, completed as soon as practicable and are appropriately monitored and reviewed

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- Ensure that positive and practical steps are undertaken to enable people with a Disability to apply for and enroll in TLC Learning’s training programs and that barriers to access are identified and removed
- Ensure that the needs of Clients/Learners with a Disability are met in relation to the physical environment of TLC Learning including buildings, facilities and information technology systems

## 4. Implementation

### 4.1 Roles & responsibilities

#### 4.1a Chief Executive Officer

- Authorization of Learners and Clients with a Disability Policy and all related procedures and documentation

#### 4.1b Chief Quality Officer

- Ensuring systems and processes are in place for compliance with all relevant legislative, regulatory and statutory requirements, professional standards and guidelines

#### 4.1c Chief Operation officer, Chief Finance Officer and Chief Human Resources and Industrial Relations Officer

- Contribute to approval to Learners and Clients with a Disability procedures and documents as related to area of operational/business responsibility

#### 4.1d Manager – TLC Learning

- Policy, procedures and related documentation distributed throughout the RTO
- Implementation of policy and relevant procedures
- Implementation of relevant inductions to ensure staff practices are compliant
- Ensuring staff compliance with relevant policies and procedures and protocols through implementing audits and analyzing relevant data trends
- Receiving and acting upon Client, Learners and other stakeholder feedback

#### 4.1e All Staff

- Keep informed of all relevant current TLC Learning Policies and Procedures
- Attend relevant induction sessions

#### 4.1f Quality and Information Coordinator

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- Review of Policy at a minimum of 2 years and/or in alignment with legislative or statutory changes

## 4.2 Relevant stakeholders

**4.2a** Potential and current Clients/Learners and staff of TLC Learning

## 5. Definitions

**5.1** Disability – the Disability Discrimination Act 1992 defines Disability in relation to a person as:

Total or partial loss of the person’s bodily or mental functions

Total or partial loss of a part of the body

The presences in the body of organisms causing disease or illness

The malfunction, malformation or disfigurement of a part of a person’s body

A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction

A disorder, illness or disease that affects a person’s thought processes, perceptions of reality, emotions or judgement or that results in disturbed behavior.

The definition refers to a disability that presently exists, previously existed but no longer exists, or may exist in the future. A Disability is defined by the disability Discrimination Act 1992 5o include:

Physical

Intellectual

Psychiatric

Sensory

Neurological

Learning disabilities

Physical disfigurement

The presences in the body of disease-causing organisms

The Act covers a Disability which people have not, have had in the past, may have in the future, or are believed to have

**5.2** Impairment – impairment is defined in the Anti-Discrimination Act 1992 as;

The total or partial loss of the person’s bodily functions, including the loss of a part of the person’s body

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The malfunction, malformation or disfigurement of a part of the person's body

A condition or malfunction that results in the person learning more slowly than a person without the condition or malfunction

A condition, illness or disease that impairs a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behavior

The presence in the body of organisms capable of causing illness or disease

Reliance on a guide dog, wheelchair or other remedial device, whether or not arising from an illness, disease or injury or from a condition subsisting at birth

The definition includes an Impairment that presently exists or previously existed but no longer exists.

- 5.3 Disability Discrimination – the Disability Discrimination Act 1992 makes it unlawful to discriminate against a person because of their Disability. This includes people who are relatives, friends and carers of people with a disability

Direct disability Discrimination occurs when a person with a Disability is treated less favorably than a person without a Disability would be treated in the same of similar circumstances

Indirect Disability Discrimination – occurs when there is a requirement, condition or practice that is the same for everyone but has an unfair effect on a particular group of people. Defenses to claims of unlawful discrimination include assessments of Inherent Requirements and Unjustifiable hardship

- 5.3 Disability Harassment – occurs when someone is made to feel intimidated, insulted or humiliated because of their Disability as specified under the Disability Discrimination Act 1992

- 5.4 Inherent requirements – are the fundamental, essential elements to the performance of the roles and tasks of the training program that TLC learning considers whether the person could perform these requirements if some Reasonable Adjustment was made, including adjustments to facilities, equipment, work or study practices or training

- 5.5 Reasonable Adjustments – are measures which an organization implements to enable the Client/Learner with a Disability undertake the Inherent Requirements of the training program they are enrolled in

- 5.6 Universal Design principles – is an approach towards enabling services and environments to be usable by as many people as possible regardless of age, ability or circumstance. The seven principles for universal access are: fairness, flexibility, logical, understandable, toleration of differences, straightforward in use and physical accessibility

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5.7 Unjustifiable Hardships – is a defense to a claim of discrimination on the grounds of Disability. It requires TLC Learning to consider all relevant circumstances of a particular situation before making a decision in regards to admitting/enrolling a person with a Disability into a Training Program. It includes the following:

Nature of the benefit or detriment likely to accrue or be suffered by any persons concerned

Effect of a Disability of the person concerned

Options there are to meet the requirements of the person with a Disability

Financial circumstances and the estimated expenditure by TLC Learning

## 6. Related/relevant legislative/policy frameworks

- 6.1 Anti-Discrimination Act 1991  
 Australian Human Rights commission Act 1986  
 Disability Discrimination Act 1992  
 Disability Services Act 2014 (Vic)  
 Disability Act 2006 (Vic)  
 Equal Opportunity (Commonwealth Authorities) Act 1987  
 Fair Work Act 2009  
 Occupational Health and Safety Act 2004 (Vic)  
 Occupational Health and Safety Regulations 2007 (Vic)

## 7. Related Documents

- 7.1 Anti-Discrimination Policy & Procedure  
 7.2 Access and Equity Policy  
 7.3 Bullying and Harassment Policy and Procedure  
 7.4 TLC Learning Code of Ethics  
 7.5 TLC Learning Code of Practice  
 7.6 Learners Code of Conduct  
 7.7 Disciplinary Policy and Procedure  
 7.8 Privacy and Confidentiality Policy and Procedure  
 7.9 Pre- training review Policy and Procedure  
 7.10 Language, Literacy and Numeracy Policy and Procedure

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