

Reference	Concern	Action taken	Rationale	Old page reference	New paragraph reference
J - Gen 1	It would be helpful if the paragraphs were numbered. A student might want to refer to a particular part of the guidance.	The paragraphs have been numbered and a two column format has been used following the model established by the Student Fitness to Practice Guidance.	To help the guidance to be more accessible.	All	All
J - Gen 2	There are no examples except different categories of reasonable adjustments.	No action taken.	We do not think further (necessarily hypothetical) examples are required. Some of those we have reviewed in other documents appear facile and can raise more questions than they answer. FB comment: Very few examples were drawn upon in the OEI focus groups and discussions but those that were were included in the Guidance.	All	All
J1	Is a glossary necessary or helpful? Some of the terms aren't relevant to this guidance, and if the explanations were simpler, they would be more useful in the text.	The glossary has been removed and minor amendments or additions have been made to elaborate terms in the text. - Practice substituted for practise in para 10 'and' inserted in para 23.			

J2

It would be good to have some encouraging words up front about what disabled students can bring to the profession as in the Gateways guidance.

FOR COMMITTEE DISCUSSION - No action taken yet.

Reference is made to the need for some positive words if the GOsC decides that it wishes to include a stronger statement about diversity. We suggest some or all of the following: 'We are committed to the principles of equality and diversity and firmly believe that the profession and its patients benefit from having disabled practitioners in the profession. Disabled students and practitioners make a unique contribution to osteopathy. They bring direct experience of particular health conditions and impairments and are able to provide valuable insights for colleagues. Some patients recognise and appreciate a particular sensibility and sensitivity and identify closely with disabled practitioners. Osteopathy can accommodate people with a range of

J3 -	This could be simplified - replace 'The Equality Act protects students from discrimination or harrassment based on a list of what it refers to as protected characteristics and also from victimisation to 'on the basis of a 'protected characteristic' After the next sentence you could add 'The others are age etc.... see comment on glossary	Redrafted to be consistent with OEI guidance. Consistency and simplication.	page 6	29 to 31.
J4	Unlawful discrimination isn't 'defined' suggest it says 'includes'.	Redrafted to be consistent with OEI guidance.	page 6	29
J5	This should be deleted, the government is not bringing combined discrimination into effect.	Redrafted to be consistent with OEI guidance.	page 6	29
J6	Only the courts can decide whether 'other factors can be taken into account. Suggest this says 'Other factors may be relevant in determining whether...' and add sentence. These are set out in government guidance.	Amended as suggested.	page 6	30

J7	You might want to add a new sentence 'The Act also protects people who have had a disability in the past'.	Amended as suggested.				31
J8	The new duty is to 'advance' (slightly stronger) but perhaps it was felt 'promote' was easier to understand.	No action taken.	We have left the word 'promote' in place in preference to 'advance' as we believe it is the more common usage, but this is a matter of stylistic preference and could easily be amended. - 'of opportunity' added to this para.			33
J9	The contrast would be clearer if reversed ie 'students or prospective students'. Or it could say 'applicants or students' as in Annex E (the OEI guidance).	amended to the simpler 'applicants or students' here and in the next para.	Simplified.	page 7	34 and 35	
J10	Suggest the word (mental health) 'problems' is avoided. The guidance refers to mental health condition	conditions' substituted for 'problems'.	more appropriate language.	page 8		37
J11	It might be useful to amplify this eg 'for instance the entry criteria should be genuine and necessary'	Suggested text inserted. Spelling mistake 'assess' changed to 'assesses'.	to amplify	page 10		52

J12	Not clear that this sentence includes physical features of premises. ' This means that OEIs have to take reasonable steps to ensure that nothing they provide or do puts disabled students at a substantial disadvantage...'	Physical features included so now reads 'This means that OEIs have to take reasonable steps to ensure that nothing they provide or do, including the physical features of their premises.....'	To clarify that physical features are included.	page 10	57
J13	In effect, students and applicants with different kinds of disability rather than every prospective student, eg students with specific learning difficulties, visual impairments or mobility impairments'...	paragraph redrafted to clarify and respond to the comments. Now reads 'OEIs are expected to plan ahead and to anticipate the requirements of people <i>with different kinds of disability (for example people whose vision or mobility is impaired)</i> , as well as to respond to the specific needs of disabled <i>applicants and</i> students on an individual basis. The requirement is to make adjustments that are reasonable <del>and proportionate</del> .	clarification.	page 10	58
J14	And applicants?	See above - added	As above	page 10	58
J15	The Act doesn't say 'proportionate' but it is an element of reasonableness.	See above - deleted	As above	page 10	58

J16	Unclear if this is referring to reasonable adjustments before or after starting practice. If the latter, reasonable adjustment (in the legal sense) would only be relevant if employed because they're adjustments made for the person by someone else.	The paragraph has been amended and now reads 'An OEI will therefore assess whether you have the knowledge, skills and attributes for entry to the course, the capacity and capability to enable you to meet the competence standards at the end of the programme, and the potential to enter unsupervised independent practice (allowing for any reasonable adjustments during training to help you do so).	We have inserted 'during training' to clarify (although the point was intended to be more general - but we acknowledge that it cannot be made without detailed explanation of how the term 'reasonable adjustments has to be inferred legalistically in this context - ie referring to employer actions, even though the GOsC would expect responsible (self-employed) registrants to self-regulate and to make reasonable adjustments to their practice if necessary.	page 12	63
J17	reasonable support, aids and adjustments' are all covered by the term 'reasonable adjustments'.	support, aids and' removed so the sentence now reads 'You should recognise that there will be instances when an OEI concludes that reasonable <del>support, aid and</del> adjustments will be insufficient to enable an applicant to demonstrate achievement of the competence standards for entry to the profession....'	We had used the expanded form for clarity but accept that legally, the term 'reasonable adjustments' is inclusive - the sentence has been amended accordingly.	Page 12	64

J18	Extensive range of what - there appears to be something missing. Or is it an 'extensive and appropriate range of therapeutic intervention'	Amended as OEI guidance to read 'treat patients safely and effectively drawing on an extensive range of osteopathic manual and other techniques (leading to consideration of an applicants physical abilities to develop and apply this range)		page 12	64 (box under)
J19	Does 'vision' mean sight or imagination?	<i>(leading to consideration of an applicant's ability to assess risk which is likely to require a certain amount of vision derived from observations that require sensory acuity.)</i>	Term changed for clarity	page 12	64 (box under)
J20	No appeal?	No action taken.	We removed the reference to appeals in the OEU guidance (see J37) - as opposed to complaints about the conduct of the selection process - because we cannot be confident that all OEIs permit appeals against selection decisions and because a formal complaints procedure is in effect the way in which most 'appeals' are handled. All OEIs should have procedures to deal with complaints about the process that led to a selection decision.	page 13	68

J21	I couldn't find details for Skill as footnote indicates that SKILL no longer exists.	Amended to refer to Disability Alliance, now also included in contacts section.	clarification.	13 69 and contacts section.
J22	Sentence 'However it is not your responsibility to identify the adjustments required' appears to contradict the previous sentence and appears at odds with the GMC Gateways guidance at para 10.1. See also the EHRC consultation draft code for	We have removed the sentence as it appears to have confused this reader. As soon as you are offered a place the OEI will want to work with you to agree the reasonable adjustments that will be needed. A member of staff at the OEI will ask you for your views on the adjustments that you think would be helpful for you to overcome any disadvantage you experience because of your disability or health condition. The OEI will recognise that you are mostl likely to know what has helped in the past and to be able to offer suggestions about the adjustments likely to be required. <del>However, it is not your responsibility to identify the adjustments required or to decide whether they can reasonably be provided.</del>	We don't believe the statement contradicts the previous sentences nor does it differ in substance from para 7.25 in the draft Code, but on the grounds that it has clearly muddied the waters for this reader, we have removed the last sentence in its entirety.	page 14 70



J23	<p>The OEI has a duty to make reasonable adjustments. The question is what it is reasonable for the OEI to do in all the circumstances. If it's reasonable for it to make an adjustment, the OEI cannot decide not to put it in place or to do something that is less effective.</p>	<p>Amended for clarification. So now reads 'Generally the OEI will have a good idea about whether or not they are likely to be able to arrange the reasonable adjustments you require before they offer you a place. Occasionally there may be circumstances when, after due consideration of your disability or health condition, the OEI concludes that the adjustments required for you to undertake the course are not reasonable.'</p>	Amended for clarification	page 14	73
J24	<p>Do you mean that the student is offered a place and the offer is then withdrawn - or it's not possible for the OEI to offer a place?</p>	<p><del>the decision is made that it is not possible for you to take up a place.</del> In such a situation the OEI will explain the decision to you and explore with you <del>would work with you to explain the decision and to explore with you</del> possible alternative courses and career choices that you might wish to consider.</p>	Amended for clarification	page 14	73

J25	<p>This sentence is a bit confusing. OEs have a duty to anticipate reasonable adjustments for students with different kinds of disability. But if they're aware of the needs of a particular student, they should also try to meet those needs if it's reasonable to do so. The issues on what is reasonable apply to all adjustments.</p>	<p>sentence deleted and paragraph amended to avoid confusion to read 'OEs have experience of arranging a wide range of adjustments to meet the needs of students with disabilities. <del>Each adjustment is made on an individual basis to meet the needs of a particular student.</del> OEs will consider the specific things you require to help you to complete the course. They will determine what is necessary and reasonable to provide, considering issues such as:....</p>	clarity	14	75
J26	<p>Title - What adjustments might I have to make myself - tends to suggest that these are 'reasonable adjustments' but this is about self-monitoring and management of a condition. Reasonable adjustments under the law have a specific meaning - they're things that are put in place for disabled people by employers, education providers, etc...</p>	<p>wording changed to avoid confusion with 'adjustment' as a legal concept so now reads 'Will I need to change the way I manage my disability?'</p>	<p>Avoiding confusion over legal concept of 'reasonable adjustment'</p>	Page 16	80

J27	Will the term 'maintenance medication' be widely understood - is it a common expression.	No action taken.	We believe that the concept of maintenance medication is widely understood especially to those to whom it applies.	page 16	83
J28, 29	Wording in relation to the health reference currently refers to a character reference from a ... need to ensure this matches the registration requirements.	TO DO: Amend wording to the following: Para 88 should state: 'We require a health reference from a doctor who has known you for four years. If the applicant is unable to obtain a reference from a doctor, they should seek advice from the GOsC.'	To ensure consistency between registration information and guidance.	page 18	88
J30	The term reasonable adjustment is used but is used here in a slightly different way eg '...your responsibility to make any necessary changes to the way you work...' If the registrant is employed, the employer has a duty to make reasonable adjustments (but only if he knows or should know about the registrants disability - it's not anticipatory).	Amended to read 'If your condition worsens or you develop a health impairment or disability when you are on the register, it is your responsibility to make any <del>adjustments</del> <del>required</del> necessary changes to the way you work. This might include, for example, working in a group practice where colleagues can provide support or substitution, restricting your practice to a more limited approach, or paying specific forms of support (such as signing or administration support) to help you maintain the standards. <i>The majority of osteopaths are self-employed, but if you are employed your employer has a duty to make reasonable adjustments if he knows or should know about your disability.</i>	Amended to avoid confusion with the legal concept of adjustment	page 18	91

J31	The list of sources for further information seems a bit thin. It would be useful to include sites aimed at students such as Skill at Disability Alliance.	Skill at Disability Alliance now included.			page 20	
J32	Use of protected characteristics rather than protected grounds	Characteristics amended to Grounds			Page 20	
J33	I'm not sure how helpful the legislation here is to students. The Equality Act is a very long and hard read even for lawyers. It would be more useful to refer to the summary guide produced by the GEO, the EHRCs non-statutory guidance and th draft code of practice on further and higher education (final draft due Autumn 2011). (I've listed them in reverse order of authority byt in order of how easy they are to understand).	TO DO - Check additional information from Jenny White with various Codes of Practice in and refer Lindsay to this. If the draft EHRC guidance is published in time it could be included here - if for no other reason than the grounds of transparency and openness and transparency - in retaining the link to the Equality Act.			page 21	
J1 - Nov	I think consultants meant to delete this	para 27 superfluous 'that' removed.	proofing error		27	27

J2 - Nov	<p>Would be helpful to give title and reference, either here or in Section 4</p> <p><a href="http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf">http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf</a></p>	<p>para 30 a footnote referencing the guidance has been inserted to read 'See: Office for Disability Issues, May 2011, Equality Act 2010 Guidance: Guidance on matters to be taken into account in determining questions relating to the definition of disability, available at: <a href="http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf">http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf</a>'</p>	30	30
J3 - Nov	<p>The Act also protects people who have had a disability in the past. Needs to be in the OEI guidance too.</p>	<p>OEI guidance amended as suggested.</p>		27 of OEI guidance
J4 - Nov	<p>In the footnote, it might be more helpful to say 'The DDA still applies...' re Northern Ireland</p>	<p>Not amended</p>	<p>We think it sufficient to say separate legislation applies in NI because there are no OEIs in NI.</p>	33 33
J5 - Nov	<p>This should make clear that it also includes an auxiliary service ie any kind of help (see my comments on the previous glossary. The consultants haven't responded to all of these.). Should be reflected in OEIs guide too.</p>	<p>amended here (para 57) and in OEI guide (see explanation in J6 above). 'This means that OEIs have to take reasonable steps to ensure that nothing they provide or do, including the physical features of their premises, puts disabled students at a substantial disadvantage (i.e. it is more than minor or trivial), and are obliged to provide auxiliary aids – such as special equipment or computer software - <i>or extra assistance from staff</i> – where, without them, disabled students would be put at a substantial disadvantage. '</p>		57 57

J7 - Nov	Should be reflected in OEIs guidance too	this has been reflected in OEI guidance.	58	58
J8 - Nov	The consultants response (previous [J16]) was to add 'during training' to clarify. I don't think this helps as might be read as post-qualification training, especially as it comes at the end. My concern was that 'reasonable adjustments' is the term used in the Act for things that are done for a disabled person by someone else such as an education provider or employer. It shouldn't be confused with registrants' own management of their condition and any changes they make to the way they work. Suggest the words in brackets are either deleted or moved to come after 'programme'	section in parentheses in para 63 moved for greater clarity. '63 An OEI will therefore assess whether you have the knowledge, skills and attributes for entry to the course, the capacity and capability to enable you to meet the competence standards at the end of the programme(allowing for any reasonable adjustments during training to help you do so), and the potential to enter unsupervised independent practice ( <del>allowing for any reasonable adjustments during training to help you do so</del> ).	63	63