

Reasonable Adjustments and Special Considerations Policy

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1. Overview of the policy

1.1 Policy introduction

This policy is aimed at customers, including learners, who use the products and services of English Speaking Board (International) Ltd. (ESB International) and who submit requests for reasonable adjustments and special considerations. Assessment should be a fair test of learners' skills and knowledge; for some learners the usual format of assessment may not be suitable or accessible. ESB International is committed to complying with all current and relevant legislation in relation to access arrangements, which at the time of writing includes, but is not limited to, the Equality Act 2010.

ESB International offers a range of access arrangements and examines every application on its own merits. When evaluating and recommending appropriate access arrangements, we follow the principles of:

- fairness – will any learners be advantaged or disadvantaged?
- validity and reliability – will the learner still be able to meet all the learning objectives and assessment criteria for this qualification?
- authenticity – how would a learner complete this activity in a real-world situation?
- practicality – how difficult and costly is this accommodation to implement?

1.2 Purpose of the policy

The Conditions of Recognition of ESB International's regulators (Ofqual, CCEA and Qualifications Wales, Conditions D2, G6, G7, G8, G9 and H5) stipulate the conditions that all awarding organisations must fulfil in order to comply with their regulatory obligation. Awarding organisations are required to have in place a written enforceable agreement with each of their centres. Part of this agreement 'requires the centre to undertake the delivery of the qualification required by the awarding organisation in accordance with Equalities Law': www.legislation.gov.uk/ukpga/2010/15/contents

This policy is in line with the Joint Council Qualifications publication *Access Arrangements, Reasonable Adjustments and Special Consideration - General and Vocational Qualifications*, which is updated annually: https://www.icq.org.uk/wp-content/uploads/2021/07/AA_regs_21-22.pdf

1.3 Communication of the policy

To meet their responsibilities to individual learners, and in terms of current equality legislation and regulatory requirements, a centre must communicate this policy with personnel involved in the management, assessment and quality assurance of ESB International's qualifications.

The centre must:

- understand the definitions of 'reasonable adjustments' and 'special considerations'.
- ensure that learners are given correct and accurate information specific to their selected qualifications and potential access arrangements.
- assess each potential learner and make justifiable and professional judgements about the learner's potential to complete the assessment successfully and achieve the qualification.
- evaluate the medical evidence obtained to confirm learner's eligibility for access arrangements.
- put in place the support that will be made available to the learner, as agreed with ESB International. The learner should also be involved in the discussion and decisions.
- communicate clearly to the learner where ESB International identifies that he/she may not be able to demonstrate attainment and thus gain achievement in all parts of the assessment for the selected qualification. A learner may still decide to proceed with studying a particular qualification and not be entered for all or part of the assessment.
- ensure that the learner has appropriate opportunities to practice using the access arrangement(s) before his/her first assessment.
- ensure that there are effective internal appeals procedures so that the learner can query any decision taken by the centre not to allow an adjustment to an assessment. These procedures must be made available to the learner on request and must include details of the grounds for appeal and the timescales associated with investigations of appeals.
- keep the medical/professional evidence for auditing purposes and ensure it is available for ESB International on request for a period of 12 months.

1.4 Review of the policy

ESB International will review this policy annually, to ensure that our procedures and practices continue to meet legislative and regulatory compliance. We reserve the right to make ongoing changes in line with customer and stakeholder feedback, changes in our practices, actions from the regulatory authorities or external agencies, and changes in legislation.

2. Defining Access Arrangements, Reasonable Adjustments and Special Considerations

2.1 Definition of an access arrangement

Access arrangements are agreed **before** an assessment. They allow learners with specific needs, such as special educational needs, disabilities or temporary illness or injuries to access the assessment and show what they know and can do without changing the demands of the assessment, i.e. the learning objectives and assessment criteria. The intention behind an access arrangement is to meet the needs of an individual candidate without affecting the integrity of the assessment. Access arrangements are the principal way in which awarding organisations comply with the duty under the Equality Act 2010 to make 'reasonable adjustments'.

2.2 Definition of a reasonable adjustment

A reasonable adjustment is any action that helps to reduce the effect of a special educational need, disability or temporary illness or injury that places the learner at a substantial disadvantage in the assessment situation. The key factor in assessing whether adjustments are required is whether the affected learner is put at a substantial disadvantage relative to his or her non-affected counterparts. Consequently, the purpose of the adjustment is not to confer an unfair advantage on affected students. It should remove barriers to assessment where it is reasonable to do so. The adjustment may be unique to an individual and must not affect the integrity of what needs to be assessed. A reasonable adjustment may include but is not limited to:

- changing usual assessment arrangements, for example allowing a learner extra time to complete the assessment activity
- adapting assessment materials, such as providing materials in braille or large font
- providing assistance during assessment, such as a sign language interpreter or a reader, to support in reading the instructions or items
- re-organising the assessment room, such as removing visual stimuli
- changing the assessment method, for example from a written assessment to a spoken assessment
- using assistive technology, such as screen reading or voice activated software
- printing paper-based assessments on coloured paper or allowing different coloured transparencies with which to view assessment papers
- changing font or background colours for online assessments
- allowing breaks.

An adjustment may not be considered reasonable if it involves unreasonable costs, time frames, it gives the affected learner an unfair advantage over non-affected learners, or it compromises the security, integrity or health and safety of the qualification. Reasonable adjustments are approved or

set in place before the assessment activity takes place and cannot be made during the assessment. Where reasonable adjustments have been applied, the work produced by the learners will be assessed to the same standard as the work of other assessed learners.

2.3 Examples and definitions of reasonable adjustments (see 3.4 Permissions table)

Assistive software (also called adaptive software) refers to computer programs and specialised hardware, e.g. text-to-speech software and assistive listening systems.

A practical assistant offers physical assistance as instructed by the learner, e.g. organising materials, helping them move around the room and ensuring they keep safe.

A prompter reminds the learner what they are required to do during the assessment and keeps them on task.

A reader reads the instructions and questions aloud to the learner, verbatim, without expression or explanation.

A scribe (also called an amanuensis) writes from speech, i.e. what the learner dictates, without making any changes. The scribe will expect the learner to spell less common words and specify punctuation and layout.

A transcriber (also called a copier) copies a written response into the format required by the assessment, without making any changes to content or style, e.g. a transcriber may type a handwritten response into a digital format, or make a legible version of an illegible response.

2.4 Definition of a special consideration

A special consideration is an adjustment to a learner's mark or grade **after** the assessment has been completed to reflect temporary disability, illness or indisposition, or some other event outside of the learner's control, at or near the time of the assessment.

It is applied when the issue or event has had, or is reasonably likely to have had, a material effect on a learner's ability to take an assessment or demonstrate his or her normal level of attainment in an assessment. A special consideration can go some way to assist learners affected by a potentially wide range of difficulties, emotional or physical, which may influence their performance. It cannot remove the difficulty faced by the learner. This means that there will be some situations where learners should not be entered for an assessment.

3. Reasonable adjustments

3.1 How do I decide who needs a reasonable adjustment?

A centre must decide whether the learner is eligible for an adjustment and must consider the following:

- The evidence in place to confirm learner's requirement for reasonable adjustment.
- Learners should be able to achieve the assessment criteria. Adjustments to assessment should not compensate for the lack of the learner's skills and knowledge.
- Adjustments must not invalidate the assessment requirements.
- The learner should not be placed at a substantial advantage or disadvantage when compared to non-affected learners.
- What the learner needs: adjustments should be made on the basis of individual need and carefully considered.

The arrangement(s) put in place must reflect the support given to the candidate in the centre, in internal school assessments and in mock assessments, i.e. it must reflect the learner's 'normal way of working'.

3.2 Who requests reasonable adjustments?

It is the centre's responsibility to request an adjustment to the assessment arrangements before the assessment. It is also the centre's responsibility to assess each potential learner and make justifiable and professional judgements about the learner's potential to successfully complete the assessment and achieve the qualification.

3.3 Who applies reasonable adjustments?

There are some adjustments which do not need the approval of ESB International and can be implemented at the centre's discretion. Please see the table below for types of adjustment and who can authorise them. Please note that the adjustments listed below are not universally appropriate for all learners, qualifications or assessments, and see sections 3.5 and 3.6 for how to apply for permission for a reasonable adjustment.

3.4 Permissions table

Reasonable adjustment	At the discretion of the centre	Apply to ESB International for permission
Extra time up to 25%		Y
Extra time in excess of 25%		Y
Supervised rest breaks		Y
Change in the organisation of assessment room	Y	
Separate accommodation within the centre	Y	
Taking the assessment at an alternative venue	Y	
Use of coloured overlays, low vision aids and tinted spectacles	Y	
Use of assistive software		Y
For Speech qualifications: Learners for whom English is not a first language, and who have been in the UK for less than 2 years may have additional 25% extra time / additional support as agreed with ESB International		Y
Assessment material in enlarged format		Y
Assessment material in Braille		Y
Assessment material in British Sign Language (BSL)		Y
Assessment material on coloured paper	Y	
Assessment material in audio format		Y
Responses using electronic devices		Y
Responses in BSL		Y
Responses in Braille		Y
Reader (except for any reading test)		Y
Scribe (except for any writing test)		Y
BSL/English interpreter		Y
Prompter		Y
Practical assistant		Y
Transcriber		Y
Other		Y

3.5 Requesting reasonable adjustments

Reasonable adjustment permitted at the discretion of the centre

In cases where the centre is permitted to make the reasonable adjustment, it is the centre's responsibility to ensure that they have the necessary documentation in place. This documentation must be retained and will be audited by ESB International.

Applying to ESB International for a reasonable adjustment

For all Speech qualifications taken within the UK and internationally, and ESOL qualifications taken in the UK, a centre must apply to ESB International directly. This is on MyESB when making the booking, by selecting the option from the drop-down menu. We will contact you if we do not agree with your application or it has been completed incorrectly. Do not send any documentation to us, but it must be collated, retained and will be audited by ESB International.

For adjustments that are not on the drop down menu, or for queries, email product@esbuk.org.

For ESOL International qualifications taken outside the UK, centres are required to collate and submit reasonable adjustment applications to ESB International by saving the relevant information to a secure area as agreed with customer@esbuk.org or product@esbuk.org.

In all cases, the centre must keep full and accurate records and supporting evidence for 12 months.

3.6 Evidence requirements

If a learner requires arrangements for reasonable adjustments, they should provide the centre with evidence of their learning needs or medical condition. You must ensure that suitably qualified personnel check that the evidence is current and relevant to the learner. Examples of evidence could be a relevant diagnostic report or statement of learning needs or medical condition from appropriately qualified personnel. Please retain the evidence and make it available to any of our authorised representatives. ESB International may ask for documentary evidence of the learner's condition within 12 months of the assessment. In this situation, ESB International will email the centre and request the evidence within four working weeks. If a centre fails to send in evidence within this period, a maladministration issue will be raised and sanctions might be applied, including a requirement for all requests for the following year to be supported by evidence at the time of submission.

4. Special Considerations

4.1 How do I decide who needs a special consideration?

Candidates will be eligible for a special consideration if they have been fully prepared and have covered the whole course, but their performance in the assessment is materially affected by adverse circumstances beyond their control. These include but are not limited to:

- temporary illness or accident/injury at the time of the assessment
- bereavement at the time of the assessment
- domestic crisis arising at the time of the assessment
- serious disturbance during an examination, particularly where recorded material is being used
- accidental events at the time of the assessment such as being given the wrong paper, being given a defective paper or CD, failure of practical equipment, failure of materials to arrive on time, or assessor error
- failure by the centre to implement previously approved access arrangements and/or reasonable adjustments
- Loss or damage of the assessment paper before marking or recording the results, e.g. it is lost in the post.

Learners will not be eligible for special consideration if preparation for, or performance in the assessment is affected by:

- long term illness or other difficulties during the course affecting revision time, unless the illness or circumstances manifest themselves at the time of the assessment
- bereavement occurring more than six months before the assessment, unless an anniversary has been reached at the time of the assessment or there are on-going implications such as an inquest or court case
- domestic inconvenience, such as moving house, lack of facilities, taking holidays (including school/exchange visits and field trips) at the time of the assessment
- minor disturbance in the examination room caused by another candidate, such as momentary bad behaviour or a mobile phone ringing
- the consequences of taking alcohol or recreational drugs
- the consequences of disobeying the centre's internal regulations
- the failure of the centre to prepare candidates properly for the examination for whatever reason
- misreading the timetable and/or failing to attend at the right time and in the right place
- misreading the instructions of the question paper
- making personal arrangements such as a wedding or holiday arrangements which conflict with the examination timetable
- failure by the centre to process access arrangements by the published deadline.

4.2 Who requests special considerations?

It is the centre's or satellite centre's responsibility to request a special consideration in relation to the marking of the learner's assessment in writing within 24 hours of the assessment taking place, or before the papers are dispatched. It is also the centre's or satellite centre's responsibility to assess each circumstance and make justifiable and professional judgements about the effect on the learner. The special consideration application form can be downloaded from www.esbuk.org

In cases when papers or marks go missing, where appropriate, ESB International will work with the centre to award a result based on Teacher Judgement.

Teacher Judgements

To be able to provide a Teacher Judgement, centres must be able to provide sufficient evidence of learner achievement through formative assessment and evidence of learner progress. This could include, but is not limited to:

- Mock assessment evidence
- Coursework
- Individual Learning Plans/ Records

Ofqual requires all awarding organisations to ensure that its approach uses sources of reasonably trusted evidence along with a sufficiently robust basis for quality assurance. This means that where there is not appropriate evidence available to centres upon which to base a Teacher Judgement, ESB International may determine that it is unable to issue a result which has sufficient validity and reliability.

Quality Assurance of Teacher Judgements

Once ESB International receives a Teacher Judgement request from a centre, it will carry out appropriate quality assurance activities to ensure it complies with the principles set out in Ofqual's General Conditions of Recognition. This may involve a request for the evidence identified to inform the Teacher Judgement. Where ESB International requests evidence, this will be followed by acceptance or rejection of the Teacher Judgement

4.3 Who applies special considerations?

All applications must be made to ESB International by emailing qualityassurance@esbuk.org, who will review the application and confirm the outcome to the centre. Applications for special consideration must be made on a case-by-case basis.

4.4 Arrangements for special consideration

If the application for special consideration is successful, the learner's performance will be reviewed in light of the available evidence. It should be noted that a successful application for special consideration will not necessarily lead to a change in a learner's result. Special consideration should not give the learner an unfair advantage. The learner's result must reflect his / her achievement in the assessment and not necessarily his / her potential ability. Special consideration, if successful, may result in a small post-assessment adjustment to the mark of the learner. The size of the adjustment will depend on the circumstances and reflect the difficulty faced by the learner, with the maximum adjustment being 5%. The size of the adjustment is at the discretion of ESB International.

5. Related publications

The Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Equality Act 2010 (Qualifications Body Regulator and Relevant Qualifications) (Scotland) Regulations 2010)

<http://www.legislation.gov.uk/ssi/2010/315/contents/made>

The Equality Act 2010 (General Qualifications Bodies, Regulator and Relevant Qualifications) (Wales) Regulations 2010)

<http://www.legislation.gov.uk/wsi/2010/2217/contents/made>

Access Arrangements, Reasonable Adjustments and Special Consideration – General and Vocational Qualifications, Joint Council for Qualifications (updated annually)

https://www.jcq.org.uk/wp-content/uploads/2021/07/AA_regs_21-22.pdf

Revision No	Change to previous release	Reason for change
6	Processes updated Definitions and terminology updated e.g. assessment, assessor, learner	Review of internal processes and documents

Appendix 1 The Equality Act 2010 definition of disability

In line with the Equality Act 2010, a person has a disability if:

- a person has a physical or mental impairment, and
- the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

Generally, impairments have to meet the statutory requirements set out in section 6 and Schedule 1 to the Equality Act 2010 and associated regulations.

The Equality Act 2010 definition of disability is usually considered cumulatively in terms of:

- identifying a physical or mental impairment;
- looking into adverse effects and assessing which are substantial;
- considering if substantial adverse effects are long term;
- judging the impact of long term adverse effects on normal day to day activities.

Statutory guidance on the Equality Act 2010 definition of disability has been produced by the Office for Disability Issues (within the Department for Work and Pensions) to help better understand and apply this definition: <http://odi.dwp.gov.uk/docs/wor/new/ea-guide.pdf>

The clear starting point in the statutory guidance is that disability means 'limitations going beyond the normal differences in ability which may exist among people'.

'Substantial' means 'more than minor or trivial'. Substantial adverse effects can be determined by looking at the effects on a person with the impairment, comparing those to a person without the impairment, to judge if the difference between the two is more than minor or trivial.

'Long term' means the impairment has existed for at least 12 months, or is likely to do so.

'Normal day to day activities' could be determined by reference to the illustrative, non-exhaustive list of factors in pages 47 to 51 of the statutory guidance relating to the Equality Act 2010. (Study and education related activities are included in the meaning of 'day to day' activities.)

The guidance from the Office for Disability Issues referred to above illustrates the factors which might reasonably be regarded as having a substantial adverse effect on normal day to day activities. Factors that might reasonably be expected not to have a substantial adverse effect are also provided.

Factors that might reasonably be expected to have a substantial adverse effect include:

- persistent and significant difficulty in reading and understanding written material where this is in the person's native language, for example because of a mental impairment, a learning difficulty or a sensory or multi-sensory impairment;
- persistent distractibility or difficulty concentrating;
- difficulty understanding or following simple verbal instructions;
- physical impairment – for example, difficulty operating a computer because of physical restrictions in using a keyboard.

Factors that might reasonably be expected not to have a substantial adverse effect include:

- minor problems with writing or spelling;
- inability to read very small or indistinct print without the aid of a magnifying glass;
- inability to converse orally in a language which is not the speaker's native spoken language.