

Skillsfirst Assess

Reasonable Adjustments and Special Considerations Policy

May 2021

v7



1. Introduction

This policy is aimed at Skillsfirst Assess Training Providers, Employers and Apprentices where Skillsfirst Assess is providing the End-point Assessment (EPA). It is also for use by internal staff to ensure they deal with all reasonable adjustment and special consideration requests in a consistent manner.

This policy outlines:

- Skillsfirst's arrangements for making Reasonable Adjustments and giving Special Considerations in relation to our EPAs,
- how apprentices qualify for Reasonable Adjustments and Special Considerations,
- the Reasonable Adjustments we permit and those where permission is required in advance before they are applied,
- what circumstance a Special Consideration can be given to apprentices.

2. A Provider's responsibility

It is important that staff involved in the management, assessment, administration and quality assurance of Skillsfirst EPAs are fully aware of the contents of this policy and are able to advise apprentices appropriately.

Skillsfirst Providers have a duty to ensure the rights of apprentices to access End-point assessments in a way most appropriate for their individual needs are upheld.

Providers are reminded, charging for providing or arranging reasonable adjustments is unlawful under Section 20 (7) of the Equality Act 2010, which states:

'A person (A) who is subject to a duty to make reasonable adjustments is not (subject to express provision to the contrary) entitled to require a disabled person, in relation to whom A is required to comply with the duty, to pay to any extent A's costs of complying with the duty.'

This means that where an adjustment or aid is necessary, and it is reasonable for the centre to make the adjustment or provide the aid, the centre must not charge the disabled person any additional fee in relation to that adjustment or aid.

Please note: Skillsfirst is duty bound by law to inform the relevant agencies should this practice be identified.

Providers must ensure they have an inclusive assessment process in place that adheres to disability and equal opportunity legislation and other regulatory criteria whilst ensuring standards of assessment are maintained.

All records, including the appropriate evidence to support a Reasonable Adjustment or Special Consideration must be retained by the Provider for at least three years from the end of the year to which they relate.

Providers must make the learner evidence available to Skillsfirst upon request.

3. Review arrangements

Skillsfirst will review this policy annually as part of its self-evaluation arrangements and revise it as and when necessary in response to customer and apprentice feedback, changes in our practices, requirements from the EQA, or changes in legislation.

If you would like to feed back any views relating to this policy, please contact us via the details provided at the end of this policy.

4. Arrangements not covered by this policy

Circumstances for end-point assessment not covered in this policy should be discussed with the Skillsfirst Administration Team before the assessment takes place. Please contact us via the details provided at the end of this policy.

5. Appeals

If you wish to appeal against our decision to decline a request for a Reasonable Adjustment or a Special Consideration arrangement, please refer to our Appeals Policy.

6. Policy overview

In order to comply with The Equality Act 2010 (Disability) Regulations 2010, Skillsfirst must have in place clear arrangements to make Reasonable Adjustments in relation to its EPAs. A Reasonable Adjustment enables an apprentice with special educational needs or a disability to demonstrate their knowledge, skills and understanding to the levels of attainment required by the EPA, without affecting the integrity of the assessment.

Often apprentices are required to compile a portfolio of evidence which can consist of a mixture of work products, observation reports, witness testimonies, underpinning knowledge tests etc. Making appropriate access arrangements in assessments of this type can be easier than in EPAs where the mode of assessment is more firmly fixed.

It is important to ascertain the most appropriate method of obtaining evidence when an apprentice is first enrolled onto an apprenticeship. The apprentice may present their evidence of assessment in any format, as long as it enables them to demonstrate that they have met the specified assessment criteria. For example, an apprentice may present their evidence through the medium of braille, on audio recording equipment or on video, rather than in written formats. Alternatively, oral questioning or witness testimonies may replace written responses.

The provision for Reasonable Adjustments and Special Consideration is made to ensure that apprentices receive recognition of their achievement so long as the comparability, validity and reliability of the assessments can be assured. Such arrangements are not concessions to make assessment easier for learners, nor advantages to give learners a head start. For guidance on permitted reasonable adjustments, please see Appendix 1.

7. Reasonable Adjustments

7.1 Definition of Reasonable Adjustments

A Reasonable Adjustment is any action that helps to reduce the effect of special educational needs or a disability that places the apprentice at a substantial disadvantage during an assessment. A Reasonable Adjustment is made to an assessment to enable the apprentice to demonstrate their knowledge, skills and understanding of the levels of attainment required.

Reasonable Adjustments must not affect the integrity of what needs to be assessed, but may involve:

- changing usual assessment arrangements, for example allowing an apprentice extra time to complete the assessment activity;
- adapting assessment materials, such as providing materials in Braille;
- providing assistance during assessment, such as a sign language interpreter or a reader;
- re-organising the assessment room, such as removing visual stimuli for an apprentice with autism;
- using assistive technology, such as screen reading or voice activated software;
- providing the mechanism to have different colour backgrounds to screens for onscreen assessments;
- providing Providers the mechanism to request permission for copying to different coloured paper for paper-based assessments,
- providing and allowing different coloured transparencies with which to view assessment papers.

Reasonable Adjustments are approved, or set in place before the assessment activity takes place; they constitute an arrangement to give the apprentice access to the assessment. The use of a Reasonable Adjustment will not be taken into consideration during or after the assessment of an apprentice's work. It is the Providers responsibility to ensure a Reasonable Adjustment is approved where necessary by Skillsfirst and arrangements are put in place prior to the assessment taking place.

Skillsfirst and Providers are only required by law to do what is 'reasonable' in terms of giving access to assessment. What is reasonable will depend on the individual circumstances, cost implications and the practicality and effectiveness of the adjustment. Other factors, such as the need to maintain competence, standards and health and safety, will also be taken into consideration.

7.2 Submitting a Reasonable Adjustment application

If a Provider is making a request to Skillsfirst on behalf of its apprentice, it should complete an on-line Reasonable Adjustments Request Form or a Special Consideration Request Form through ePASS. You will be asked to supply relevant supporting information.

Requests for reasonable adjustments must be submitted no later than 30 working days before the assessment.

7.3 Acceptable supporting evidence

An application for a Reasonable Adjustment must be accompanied by supporting evidence.

See below a list of acceptable evidence, please note this is not an exhaustive list:

- Disability statement
- SEN report
- Doctors letter
- Psychological report
- Care plan
- Diagnostic report
- Education Health Care (EHC) plan
- Assessment report

There are instances where the implications of a difficulty are clear and the Provider can provide supporting evidence of a disability or difficulty. For these reasonable adjustments, the Provider does not need to provide any further evidence. For example, an apprentice who is registered as blind or partially sighted.

In cases where the implications of the difficulty are not obvious, for example identified learning difficulties or mental health difficulties, we require the Provider to provide additional evidence which confirms the effect of the impairment in regard to the apprentice's performance within an assessment. The evidence should consider:

- The Provider's assessment of the apprentice's needs in relation to the assessment the reasonable adjustment relates to, including how the Provider plans to meet the apprentice's needs. It should also include how the Provider have ensured the apprentice can cope with the level and content of the assessment. This evidence can include information from previous Providers the apprentice has attended
- The history of the support the apprentice has received from the Provider during the learning programme including through formative assessment

If the evidence above is not available for the apprentice, we may accept a statement from the Assessor which explains in detail the need for a Reasonable Adjustment. Any statement submitted to Skillsfirst must include the information set out above.

All supporting evidence which is submitted must be individual to each apprentice and their requirements. Should there be a concern that the evidence provided contains large similarities to that provided for another apprentice(s), the request will be rejected.

8. Special Consideration

8.1 Definition of Special Consideration

Special Consideration can be applied before or after an assessment depending on the circumstance for the individual apprentice and cannot be applied to a cohort of apprentices.

For example, Special Consideration could apply to an apprentice who has:

- a temporary illness or injury (must be approved prior to the assessment);
- a temporary disability or medical condition (must be approved prior to the assessment);

- experienced some other event outside of their control such as a fire alarm (must be applied post assessment)

which has had, or is likely to have had, a material effect on that apprentice's ability to take an assessment, or demonstrate their level of attainment in an assessment.

Special Consideration cannot be applied in a cumulative fashion, e.g. on the basis of a domestic crisis at the time of the examination and the apprentice suffering from a viral illness.

If the application for Special Consideration post assessment is successful, the apprentice's performance will be reviewed in light of available evidence.

A Special Consideration should not give the apprentice an unfair advantage; neither should its use cause the user of the certificate to be misled regarding an apprentice's achievements. The apprentice's result must reflect their achievement in the assessment and not their potential ability.

A Special Consideration, if successful, may result in a small post-assessment adjustment to the mark of the apprentice, but not necessarily so. The size of the adjustment (to a maximum of 5%) will depend on the circumstances and reflect the difficulty faced by the apprentice. See Appendix 2 for further information.

Providers should note that:

- where an assessment requires the apprentice to demonstrate practical competence, or where criteria have to be met fully, or in the case of qualifications that confers a Licence to Practice, it may not be possible to apply a Special Consideration;
- in some circumstances, for example for on-demand assessments, it may be more appropriate to offer the apprentice an opportunity to take the assessment at a later date.

8.2 Submitting a Special Consideration application

If the request is relating to a temporary illness, injury, disability or medical condition, it must be submitted to Skillsfirst with at least one working days' notice prior to the assessment. This will ensure the special consideration can be reviewed and applied prior to the assessment taking place. It is important the assessment does not take place until our decision has been confirmed via ePASS.

Requests for special consideration should be submitted as soon as possible but no more than 5 working days after the assessment. This is with the exception of on-screen Situational Judgement Tests, which are required to be submitted within 24 hours of the assessment taking place.

Requests for special consideration may only be accepted after the results of assessment have been released in the following circumstances:

- application has been overlooked by the Employer and the oversight is confirmed by the standards assessor

- medical evidence comes to light about an apprentice's condition, which demonstrates that the apprentice must have been affected by the condition at the time of the assessment, even though the problem revealed itself only after the assessment
- for onscreen assessments where results are immediately available

Requests for Special Consideration may only be accepted after the results of assessment have been released in the following circumstances:

- application has been overlooked at the Provider and the oversight is confirmed by the Provider co-coordinator,
- medical evidence comes to light about an apprentice's condition, which demonstrates that the apprentice must have been affected by the condition at the time of the assessment, even though the problem revealed itself only after the assessment;
- for on-screen assessments where results are immediately available.

9. How Skillsfirst will deal with applications

All applications will be acknowledged via email. The request will then be evaluated by a member of the Skillsfirst Administration Team or other appropriate person, with the aim of a decision being given within 5 working days. Some requests may take longer to evaluate, particularly if we need to call on specialist advice. If we are unable to respond in this timeframe, we will provide you with an estimated response date.

10. Invigilating learners with access arrangements

It is important the following invigilation rules are adhered to in relation to Reasonable Adjustments / Special Considerations.

In cases where additional support is required to facilitate access arrangements, the Head of Provider has the responsibility to ensure that invigilators and those facilitating access arrangements i.e. readers, scribes and sign language interpreters understand their role and responsibilities. All involved must be trained appropriately in their role.

10.1 Reader

The invigilator is responsible for ensuring that the reader and learner do not distract, or can be overheard by other learners therefore must be in a separate room, an additional invigilator will be required.

10.2 Scribe

The invigilator is responsible for ensuring that the scribe and learner do not distract, or be overheard by other learners, therefore must be in a separate room, an additional invigilator will be required.

10.3 Sign language interpreter

The invigilator is responsible for ensuring that the interpreter and learner do not distract other learners, therefore must be in a separate room, an additional invigilator will be required.

10.4 Prompter

A prompter may be requested if a learner loses concentration easily, has little or no sense of time, or is affected by an obsessive-compulsive disorder, leading them to repeatedly go over a question, rather than moving onto another question.

A prompter:

- must not be the learners, relative, friend or peer
- must be a responsible adult
- should keep the learner focused on the question in hand and then move them onto the next question
- has a different role to a reader, scribe and practical assistant, however the same person can conduct more than one role to support the learner if permission has been granted by Skillsfirst
- the invigilator may act as the prompter if no other learners are present

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If you have any queries about the contents of this policy or wish to give feedback, please contact our team on 0121 270 5100 or email them at enquiries@skillsfirst.co.uk

Appendix 1 – Reasonable adjustments permissions table

This table outlines some of the reasonable adjustment decisions that can be made. Providers have a duty to seek advice from Skillsfirst where they are in doubt if an adjustment is needed/ permitted, or how it should be applied.

Key:

- Provider – permitted at the discretion of the Provider
- Skillsfirst – apply to Skillsfirst for permission
- Yes – apply to Skillsfirst for approval
- No – reasonable adjustment not permitted

Reasonable Adjustment	Assessments taken under EPA controlled conditions	Reasonable Adjustments accessible for remote invigilation
Extra time up to 25%	Skillsfirst	Yes
Extra time in excess of 25%	Skillsfirst	Yes
Supervised rest breaks	Skillsfirst	Yes*
Separate accommodation within the workplace	Provider	No
Taking the assessment at an alternative venue	Provider	No
Use of coloured overlays, low vision aids, tinted spectacles, CCTV and OCR scanners	Provider	Yes
Use of assistive software	Skillsfirst	Yes
Assessment material in enlarged format (exam system allows for enlarged test)	Provider	Yes
Assessment material in Braille	Skillsfirst	No
Language modified assessment material	Skillsfirst	No
Assessment material in BSL	Skillsfirst	No
Assessment material in audio format	Skillsfirst	No
Responses using electronic devices	Skillsfirst	No
Responses in BSL	Skillsfirst	No
Responses in Braille	Skillsfirst	No
Reader	Skillsfirst	No
Scribe	Skillsfirst	No
BSL/English interpreter	Skillsfirst	No
Prompter	Skillsfirst	No
Practical assistant	Skillsfirst	No
Transcriber	Skillsfirst	No
Other	Skillsfirst	Where applicable

*** The learner must remain in view of the camera with no access to external materials**

Appendix 2 – Special considerations permissions table

This table outlines some of the special consideration decisions that can be made (this is not an exhaustive list). Providers have a duty to seek advice from Skillsfirst where they are in doubt if a special consideration is needed / permitted, or how it should be applied.

Key:

- Provider – permitted at the discretion of the Provider
- Skillsfirst – apply to Skillsfirst for permission
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- No – reasonable adjustment not permitted

Special Consideration	Assessments taken under EPA controlled conditions	Reasonable Adjustments accessible for remote invigilation
Extra time up to 25%	Skillsfirst	Yes
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Assessment material in BSL	Skillsfirst	No
Assessment material in audio format	Skillsfirst	No
Responses using electronic devices	Skillsfirst	No
Responses in BSL	Skillsfirst	No
Responses in Braille	Skillsfirst	No
Reader	Skillsfirst	No
Scribe	Skillsfirst	No
BSL/English interpreter	Skillsfirst	No
Prompter	Skillsfirst	No
Practical assistant	Skillsfirst	No
Transcriber	Skillsfirst	No
Other	Skillsfirst	Where applicable

*** The learner must remain in view of the camera with no access to external materials**

Appendix 3 – Examples of Special Considerations post assessment

The examples listed below are provided for illustrative purposes only.

For the purpose of this list, Skillsfirst defines immediate family as a parent, carer, partner, sibling or child.

5% This is the maximum allowance and will be reserved for the most exceptional cases, such as:

- terminal illness of the learner,
- terminal illness of a parent/carer,
- very recent death of a member of the immediate family,
- very serious and disruptive domestic crisis leading to acute anxiety about the family.

4% Very serious problems such as:

- life-threatening illness of learner or member of immediate family,
- major surgery at, or near the time of the examination;
- severe disease,
- severe injury arising from a car accident,
- very recent death of member of extended family,
- severe, or permanent bodily injury occurring at the time of the examinations;
- serious domestic crisis at time of examinations.

3% A more common category, (more cases will fall into this category) including:

- recent traumatic experience such as death of a close friend or distant relative,
- recent illness of a more serious nature,
- flare-up of severe congenital conditions such as epilepsy, diabetes, severe asthmatic attack;
- recently broken limbs,
- organ disease,
- physical assault trauma before an examination,
- recent domestic crisis,
- witnessing a distressing event on the day of the examination.

2% The most common category of allowance - the majority of cases will fall within this category:

- illness at the time of the assessment,
- broken limb on the mend,
- recent viral illness,
- concussion,
- effects of pregnancy (**not pregnancy per se**),
- hay fever on the day of an examination,
- extreme distress on the day of an examination (**not simply exam related stress**),

Where extra time has been used following reasonable adjustment approval, this should be included in the calculation.

Supervised rest breaks **must not** be included in the total duration of the papers when applying for special consideration.

1% Reserved for more minor problems:

- noise during examination which is more than momentary,
- illness of another learner which leads to disruption in the examination room,
- stress or anxiety for which medication has been prescribed,
- minor ailments,
- headache,
- minor upset arising from administrative problems, such as wrong time allocated.

0% The application was reviewed but the addition of marks was deemed inappropriate. Where the request fails to meet the criteria, it will be rejected.