



# Learner Disability & Access Arrangement Policy & Procedures

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Approved by Senior Leadership Team (SLT)

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# THE EQUALITY ACT 2010 DEFINITION OF DISABILITY

Generally, impairments have to meet the statutory requirements set out in section 6 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 of Work and Pensions) to help better understand and apply this definition – <https://www.gov.uk/definition-of-disability-under-equality-act-2010>

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.

# Learner Disability and Exam Access Arrangement Policy and Procedures

## July 2019

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## **1. Introduction**

Sutton College encourages applications from learners with special educational needs & disabilities (SEND). Our plan is to provide a high quality learning experience for all learners which includes all who disclose a learning difficulty or disability. The College also seeks to provide an atmosphere and culture where everyone is listened to and feels valued, where their information is recorded and stored confidentially and where all visitors' applicants and learners are treated appropriately and respectfully. College staff are trained in equality and diversity and maintain high standards in relation to the treatment of all learners including those with SEND.

The College works in partnership with the local authority to provide a Local Offer to appropriately meet the needs of young people who have SEND to support their learning and their progression into adult life and learning. At the College we are committed to using our resources to put reasonable adjustments in place for all adults and young people who have disclosed a learning difficulty or disability, this includes 'in house' testing for exam access arrangements.

This policy should be read in conjunction with relevant College policies.

## **2 Purpose and principles**

2.1 The purpose of this policy is to provide an outline of the criteria and procedures set in place, which identify the College's underpinning principles, values and legal obligations in relation to the treatment of people with SEND as specified in:

- Children and Families Act 2014
- 0 to 25 Send Code of Practice 2015
- Equality Act 2010 <https://www.gov.uk/guidance/equality-act-2010-guidance>
- Joint Council for Qualifications (JCQ) publication, 'Adjustments for Candidates with Disabilities and Learning Difficulties, Access Arrangements and Reasonable Adjustments'

Our aim is to ensure that all learners who have SEND are not substantially disadvantaged by the difficulties they have identified and disclosed:

2.2 This policy and procedures will provide clear direction to all members of the College community in relation to their responsibilities to visitors, applicants and learners with SEND. Accordingly, all staff are required to fulfil mandatory training on equality and diversity, health and safety and safeguarding; and demonstrate their commitment to the development of good practice in relation to disability equality.

## **3 Scope**

3.1 The policy and procedures apply to all learners, governors, staff and volunteers working for the College in all locations where education and training is delivered. It applies also to those situations where learners are in the workplace setting, undertaking vocational training or studying for vocational qualifications. The policy also covers collaborative provision and staff employed directly by contractors supplying services on behalf of the College.

3.2 The Equality Act 2010 defines a disability as "a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities". The Equality Act 2010 requires an Awarding Body to make reasonable adjustments where a person with a disability would be at a substantial disadvantage in undertaking an assessment.

3.3 Access arrangements are defined as pre-examination adjustments for candidates based on evidence of need and normal way of working. Access arrangements fall into two distinct categories: some arrangements are delegated to centres; others require prior JCQ(CIC) awarding body approval.

## **4 Roles and responsibilities**

4.1 All staff are responsible for ensuring the College is a welcoming and inclusive place to visit and study. Staff are required to anticipate the needs of applicants, visitors and learners with SEND and treat everyone with sensitivity and respect.

4.2 Curriculum teams are responsible for providing an inclusive approach to learning and teaching. This will include high quality teaching and materials that allow for a differentiated curriculum for individuals, including those with SEND so that they can gain full access. Learners should also be encouraged to use technology in the classroom and assistive technology, out of class. Tutors in particular have an important role to play in the

early identification of SEND, encouragement of learners to make declarations and to make full use of the College support services.

4.3 The Learner Support Team are responsible for accessing funding from local authorities for learners who have an Education, Health and Care Plans (EHCP) and high needs support funding requirements. High needs support packages may include, for example, speech and language therapy, specialist tuition, communication support workers, note-takers, learner support workers depending on the needs of the individual. The outcomes from a learner's EHCP are initially written by the home local authority who requested their placement at the College. The Learner Support team are responsible for recording these outcomes/actions into individual support action plans so that all staff working with the learner are made aware of individual needs.

These outcomes will be formally reviewed during and at the end of a course, learners should also receive regular feedback too. Learner Support staff will co-ordinate what must be a formal person centered approach, but tutors play a lead role in monitoring individual progress and achievement.

4.4 For learners with SEND who do not have an EHCP, the College will use, psychometric testing, made available to those who have declared SpLD and require access arrangements, for those declaring medical difficulties reasonable adjustments will also need to be made. The Learner Support team will work with individual learners to add their preferred normal way of working evidence to any request for access arrangements and this evidence will be collated by Exams. Learners may receive support in the form of assistive technology and adaptive equipment.

4.5 Curriculum teams and Exams are responsible for requesting adjustments during examinations and controlled assessments. These will only be authorised by the exam boards, if the learner has attended an exam access arrangement assessment (or equivalent) *and* the tutor has submitted a normal way of working document to Learner Support or Exams.

4.6 The Head of Centre, members of the senior leadership team, the SENCo equivalent and assessors in Learner Support are familiar with the regulations of JCQ and take a whole centre approach to access arrangements. The SENCo equivalent in Learner Support must be fully supported by teaching staff and members of the senior leadership team to lead on the access arrangement process. The SENCo equivalent must work with teaching staff, support staff and the exams team to ensure that approved access arrangements are put in place for internal tests, mock examinations and examinations. The SENCo equivalent / Exams will process applications online, liaise closely with assessors and hold the evidence for inspection purposes for GCSE and /or GCE and other qualifications.

4.7 The exams team co-ordinate and publish examination schedules, including exam access arrangement requirements such as separate rooms. The Learner Support team supported by curriculum teams provide staffing for supporting access arrangements in examinations such as readers or scribes. Staff supporting in exams will receive training at least once a year to carry out this support within JCQ regulations.

## **5 Procedures**

5.1 Learners are provided with the opportunity and are encouraged to make a disclosure via College staff, within a confidential setting at:

- admissions stage (application, interview and enrolment)
- induction
- prior to examination deadlines and for controlled assessments and in year via the College's Support Referral Form, to be submitted by a staff member. Appendix 1.

5.2 Learners with SEND whose needs cannot be met through adapted teaching strategies and equipment alone should be referred for a support assessment. If they have a sensory impairment, physical disability, medical condition or mental health issue that impacts on learning, they will be asked to supply evidence of their condition. For learners who declare a general and specific learning difficulty on mainstream provision will be offered an assessment for exam access arrangement.

5.3 High needs funding: operational guide 2018 to 2019 sets out timeframes for local authorities to consult colleges regarding the placement of learners who have an EHCP. This provides colleges with an opportunity to assess the learner in the spring term prior to entry to ensure they can meet their needs. Local authorities are then required to agree to pay the cost of any high needs support package and sign a contract in the summer term. The College then has a duty to ensure we continue to meet the needs of these learners and to work with the local authority to complete the annual review of their EHCP. Applicants applying outside of this timeframe will need to be referred back to their local authority to request a placement at the College.

## **6 Exam Access Arrangements**

6.1 Access arrangements allow learners with SEND or temporary injuries to access the assessment without changing the demands of the assessment. For example, readers, scribes and Braille question.

Papers. In this way Awarding Bodies and thus the College will comply with the duty of the Equality Act 2010 to make 'reasonable adjustments'. Access arrangements are assessed, approved and implemented in accordance with JCQ guidelines or other awarding bodies' guidelines as appropriate.

6.2 A reasonable adjustment for a particular person may be unique to that individual and may not be included in the list of available Access Arrangements. How reasonable the adjustment is will depend on a number of factors including the needs of the learner. An adjustment may not be considered reasonable if it involves unreasonable costs, timeframes or affects the security or integrity of the assessment. There is no duty on the Awarding Bodies to make any adjustment to the assessment objectives being tested in an assessment.

6.3 The current internal deadline for applications for exam access arrangements to exam boards is at least 6 weeks before the examination, the current internal deadline for GCSE exams is 31<sup>st</sup> December and the current external deadline for iGCSE exams is 21<sup>st</sup> February with an extension of 31<sup>st</sup> March for other GCSEs, due to Covid-19. Only in exceptional cases will access arrangements for other exam boards will be considered after these dates as the College is required to meet set deadlines by the awarding bodies.

6.4 Any learners that are entitled to exam access arrangements will have the details added to the Learner Support records. These details will inform tutors and Learning support assistants of learners' specific needs in class tests, mock exams, controlled assessments and all examinations.

6.5 Access arrangement assessors are responsible for the exam access assessment of learners with learning difficulties. These specialist assessors have successfully completed a post-graduate course at or equivalent to Level 7, including at least 100 hours relating to individual specialist assessment which must include training, as specified by JCQ. Or a specialist assessor will have a current SpLD Assessment Practising Certificate as awarded by Patoss, Dyslexia Action or BDA and listed on the SASC website. Checks that these qualifications have been achieved are made by chairs of interview panels during recruitment for this position and specified in the job description. Evidence of the assessors' qualifications are held on file by HR and the Learner Support team to be presented to the JCQ Centre Inspector.

6.6 For candidates requiring exam access, JCQ forms are used to record assessment and application information. Section A and B are completed by the SENCo equivalent nominated within the Learner Support team on behalf of the Head of Centre. Section C is completed by the appointed specialist assessor after testing has been completed.

6.7 For candidates with an EHCP who only require extra time the SENCo equivalent in the Learner Support team, in line with JCQ guidance, writes a file note confirming the candidate's difficulties as per the Equality Act 2010. The file note:

- confirms that the candidate has persistent and significant difficulties when accessing and processing information and is disabled within the meaning of the Equality Act 2010
- includes evidence of the candidate's current difficulties and how they substantially impact on teaching and learning in the classroom
- shows the involvement of teaching staff in determining the need for 25% extra time
- confirms that without the application of 25% extra time the candidate would be at a substantial disadvantage
- confirms that 25% extra time is the candidate's normal way of working within the centre as a direct consequence of their SEND

The file note is supported with appropriate documentation such as:

- a letter from a hospital consultant, a psychiatrist, a speech and language therapist
- a letter from the Local Authority Sensory Impairment Service or Occupational Health Service
- an EHCP which confirms the candidate's SEND and includes evidence of the candidate's current difficulties and how they impact on teaching and learning in the classroom.

The College gathers evidence of normal way of working as defined by JCQ in the following ways from:

- screening tests
- GCSE English results
- candidates self-reported difficulties
- information from feeder schools and colleges
- comments on Normal Way of Working Form about candidate's difficulties
- information contained in EHCP, educational psychologists reports or other documents

The arrangement(s) put in place reflect the support given to the candidate in the centre:

- in the classroom
- literacy support lessons & literacy intervention strategies
- mock examinations

The only exception to this is where an arrangement is put in place as a consequence of a temporary injury or impairment (see section 8.3 of JCQ 'General regulations for approved centres, page 89).

6.7 The College follows JCQ guidance when providing centre delegated access arrangements.

The Head of Centre delegates the SENCo equivalent in Learner Support to allocate candidates a prompter, rest breaks or a separate room if:

- the need is a result of substantial and long term impairment and it is their normal way of working.
- there is medical evidence to substantiate this arrangement.
- there is a normal way of working checklist which shows this is their normal way of working in class.

6.8 Exam access arrangements can take the following forms:

**A scribe:** a trained adult who writes for the learner. The learner would dictate their answers and punctuation. The scribe would write exactly what they say.

**A reader:** a trained adult who would read the question and any relevant text (with the expectation of section A of an English GCSE Exam) for learners. The learner would then write the answer/s themselves. The reader can also read back the learner's answers to them.

**Word processor:** access to a computer for an exam (if appropriate – not necessarily appropriate for subjects such as maths and science) so the learner would word process their answers. Tools to check spelling and grammar and access to the internet and other areas of the College network would be switched off.

**Extra time:** learners may be entitled to an allowance of up to 25% depending on the history evidence of need and the recommendation of the EAA Assessor. In some circumstances learners may be entitled to an allowance of up to 50%.

**What types of disability, learning difficulty or additional need may require these types of support?**

<b>Scribe</b>	<p>A physical disability, a medical condition, a sensory impairment, a mental health condition or a learning difficulty which has a long term and substantial adverse effect on the candidates writing.</p> <ul style="list-style-type: none"> <li>• writing speed is too slow to be able to complete the exam in the allotted time</li> <li>• writing is illegible and candidate cannot use ICT</li> </ul>
<b>Reader</b>	<p>An impairment which has a substantial and long term adverse effect on his/her ability to read.</p> <ul style="list-style-type: none"> <li>• A standardised score of below 84 in a test delivered by Specialist Teacher (100 is the average)</li> </ul>
<b>Word-Processor</b>	<ul style="list-style-type: none"> <li>• A physical disability, a medical condition, a sensory impairment, a mental health condition or a learning difficulty which has a long term and substantial adverse effect on the candidates writing, where it is illegible and may hamper their ability to be understood or their writing speed is too slow to be able to complete the exam in the allotted time.</li> </ul>

**Extra- Time**

Where a learner’s ability to process information/read and/or write is significantly slower than average.

**Rest Breaks**

Where a learner has a medical condition, a physical disability, a learning difficulty, a sensory impairment or a mental health condition which prevents them from concentrating for long periods of time. This is now the recommended option from the exam boards before considering extra time.

**Separate Room**

Where a learner has a medical condition, a physical disability, a learning difficulty, a sensory impairment or a mental health condition which prevents them from sitting the exam in the main hl. If they have extra time allocated to them, they may require a separate room so when other learners exit their exams, this does not distract learners. They may also be entitled to a separate room if they are easily distracted or may distract other learners due to their condition.

**Bi-lingual Dictionaries**

For learners who have English as an Additional Language, a bi-lingual dictionary will be available for the candidate to use. This does not entitle them to extra-time.

The dictionary cannot be used in examination where English is being tested i.e. English GCSE.

## **Prompt**

Where a learner has a medical condition, a physical disability, a learning difficulty, a sensory impairment or a mental health condition which prevents them from concentrating for long periods of time.

## **Other Access Arrangement**

For a few learners with significant specific needs, such as physical impairments or sensory based needs there are other access arrangements personalised according to need, such as Sign Language Interpreter's. To receive these AA's candidates must be disabled within the meaning of the Equalities Act and at a substantial disadvantage.

### **6.9 Temporary arrangements**

Temporary arrangements may be required by candidates suffering from illness or injury. In general, candidates with leg injuries are accommodated in the main rooms near the doors for easy access and exit. Candidates with an illness or injury that has a direct impact on their ability to access the examination should obtain a letter from a GP, consultant or other professional giving brief outline of their condition and the access arrangements that are deemed to be necessary. For example, a right – handed candidate whose right arm is broken may need a scribe and some extra time, as it is not their normal way of working and dictating to a scribe may be difficult for them. A candidate with a painful back condition may require supervised rest breaks in order to stand and move around.

In all cases where an access arrangement or a reasonable adjustment is needed, the College is entitled to expect reasonable notice to carry out its responsibilities. Where a need for access arrangements has been identified before an examination session, the Head of Centre, Examination Officer or SENCo equivalent should be provided with medical evidence in reasonable time. For example:

- a candidate who suffers panic attacks in test or exam situations should obtain a note from their GP well before the start of formal examination.
- in an emergency, a scribe can be provided with 24-hour notice. It may not be possible to provide a scribe if the request is made without notice.

Temporary arrangements last for one examination session. If the condition persists another letter may be required for next session.

## **7 Review**

The policy and procedures will be subject to annual review. The review will be initiated by the Learning Support Manager.

## **8 Access to the policy and procedures**

The policy and procedures will be published on the College's intranet and website.