



**ICA**

**END POINT  
ASSESSMENT**

# **End-Point Assessment Reasonable Adjustment and Special Consideration Policy**

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<b>Date of Issue</b>	22/09/2022
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<b>Policy Owner</b>	ICA Head of EPA
<b>Approved By</b>	ICA Responsible Officer
<b>Policy Relates to:</b>	End-Point Assessment Provision
<b>Policy is for the use of:</b>	Apprentices, Training Providers, Employers, ICA Staff
<b>Should be read in conjunction with:</b>	Ofqual General Conditions of Recognition ICA Appeals Policy

### Introduction

The Equality Act 2010 (previously the Disability Discrimination Act 1995) aims to end the discrimination that many disabled people face, and it is now unlawful for assessment institutes, among others, to discriminate against disabled people.

ICA is, in line with the Equality Act 2010, committed to:

1. ensuring that all assessments are a fair test of an individual's knowledge and what they are able to do
2. ensuring that all Apprentices are given equal opportunity to receive recognition of their achievement, and
3. maintaining the equity, validity and reliability of assessments through the application of reasonable adjustments and special considerations where appropriate.

ICA acknowledges that, if someone has a disability or learning difficulty, the usual format of specific assessments may not be suitable and in certain circumstances adjustments may need to be made for them. Adjustments to assessments allow an individual to show their ability and knowledge without being disadvantaged by the assessment format itself.

As such, ICA offers the below reasonable adjustments policy in order to provide external parties with the process of requesting a reasonable adjustment or special consideration and to offer clear guidance to those responsible for implementing these.

### Reasonable adjustment and special consideration definitions

#### Reasonable adjustment

The following definition is given by Ofqual's General Conditions of Recognition:

*Reasonable Adjustments are adjustments made to an assessment for a qualification so as to enable a disabled Learner to demonstrate his or her knowledge, skills and understanding to the levels of attainment required by the specification for that qualification.*

While the applicable definition of 'disabled' has been taken from the Equality Act 2010, an Apprentice seeking a reasonable adjustment does not necessarily have to fit within this definition of disabled to be entitled to one.

A reasonable adjustment is any action that aids with reducing the effect of a long-term disability or difficulty which places the Apprentice at a disadvantage in an assessment situation.

ICA is only required by law to do what is 'reasonable' in terms of allowing an adjustment, and what is considered reasonable will depend on the individual needs of the Apprentice, cost implications and the practicality and effectiveness of the adjustment.

A reasonable adjustment is not a concession to make an assessment easier for an Apprentice, or to give an Apprentice an advantage over others.

### Special consideration

The following definition is given by Ofqual's General Conditions of Recognition:

*Special Consideration is consideration to be given to a Learner who has temporarily experienced –*

- a. an illness or injury, or*
- b. some other event outside of the Learner's control, which has had, or is reasonably likely to have had, a material effect on that Learner's ability to take an assessment or demonstrate his or her level of attainment in an assessment.*

Special considerations can be a pre-assessment or post-assessment adjustment to cover a 'temporary' condition that may disadvantage, or may have disadvantaged, the Apprentice in an assessment situation (including, for example, a temporary illness, injury or some other event outside of their control).

A special consideration should not give the Apprentice an unfair advantage. The result must reflect their achievement in the assessment and not necessarily their potential ability.

It should be noted that a successful application of special consideration will not necessarily change an Apprentice's result.

### **Internal Responsibility**

The Head of EPA is responsible for the maintenance and compliance of this policy. If the Head of EPA is absent, the Responsible Officer will appoint another member of the SMT to ensure all of ICA's actions and activities are in line with the content of this policy.

### **Review arrangements**

We will review the policy annually as part of our self-evaluation process and revise it as and when necessary, in response to feedback, trends from our internal monitoring arrangements, changes in our practices, actions from the regulatory authorities or external agencies, or changes in legislation.

The annual review of this policy will be undertaken by the Head of EPA approximately four weeks prior to the submission of ICA's Statement of Compliance to our regulators. Any amendments or updates to this policy will be approved by ICA's SMT.

Where the regulators notify ICA of failures that have been discovered in the reasonable adjustment processes of another awarding organisation, ICA will review whether or not a similar failure could affect our appeal processes and arrangements and take action to amend this policy where necessary.

### **Who is entitled to reasonable adjustments?**

The Equality Act 2010 defines disability as a physical or mental impairment which has substantial and long-term adverse effects on a person's ability to perform normal day-to-day activities.

The following individuals will be considered for reasonable adjustments. Those with:

- a permanent physical impairment, e.g., cerebral palsy and multiple sclerosis
- behavioural, emotional or social needs, e.g., chronic depression and autism
- a sensory impairment, e.g., hearing or visual impairment
- specific cognitive difficulties, e.g., dyslexia and memory loss, and
- motor difficulties, e.g., hand-eye coordination and difficulty moving hands or arms.

This list is not exhaustive and it is recognised that certain Apprentices may have other reasons for requiring adjustment or may fall within more than one of the categories.

### **Who can request a Reasonable Adjustment or Special Consideration?**

Apprentices who believe they are eligible for reasonable adjustments or special considerations should first consult with their training provider.

Applications must be submitted by an Apprentice's training provider. The training provider is responsible for ensuring that the employer supports the application.

Apprentices must be consulted before an application is submitted and should be fully involved in any decisions about adjustments and/or adaptations. This will ensure that individual needs can be met, while still bearing in mind the specified assessment criteria for the EPA.

### **Fees**

ICA will not apply any additional fee to cover the administrative and personnel costs involved in dealing with reasonable adjustment.

### **Eligibility criteria**

#### Special Considerations

A special consideration to an assessment will only be considered where the permanent disability, difficulty or individual learning need experienced by the Apprentice would place them at a disadvantage, in comparison with persons who are not disabled.

A special consideration to an assessment will only be considered where the 'temporary' condition would place the Apprentice at, or has placed them at, a disadvantage in an assessment situation.

An Apprentice who is fully prepared and present for a scheduled assessment may also be eligible for special considerations if:

- performance in an assessment is affected by circumstances beyond the control of the Apprentice (e.g., recent personal illness, accident, bereavement, serious disturbance during the assessment)
- alternative assessment arrangements which were agreed in advance of the assessment proved inappropriate or inadequate
- part of an assessment has been missed due to circumstances beyond the control of the Apprentice, and
- there is a sufficient difference between the part of the assessment to which special consideration is applied and other parts of the qualification that have been achieved

to infer that the Apprentice could have performed more successfully in the assessment.

An Apprentice will **not** be eligible for special considerations if:

- no evidence is supplied by the training provider that the Apprentice has been affected at the time of the assessment by a particular condition
- any part of the assessment is missed due to personal arrangements including holidays or unauthorised absence, and
- disruption in a controlled assessment environment is minor and momentary (e.g., a mobile phone ringing) and dealt with immediately by the Assessor or invigilator.

### Reasonable adjustments

ICA will endeavour to accommodate the needs of Apprentices with a particular assessment requirement, according to individual circumstances, ensuring that such apprentices are not disadvantaged in relation to other Apprentices and that certificates accurately reflect Apprentice attainment.

The types of adjustments to the EPA may include, but are not limited to, changes to elements such as:

- the location and timing of the assessment
- the format, wording or type of assessment activity
- the availability of support personnel for additional needs, and
- the availability of adaptive software or hardware, or specialist equipment.

Adjustments should, where possible and relevant, mirror the types of reasonable adjustments and additional support that the Apprentice has received from their employer and training provider during their apprenticeship programme.

ICA will support Apprentices by ensuring that:

- the reasonable adjustments provide Apprentices with the opportunity to demonstrate attainment against occupational competence
- the assessment is reliable, and any person using the apprenticeship certificate to identify an individual's competence can have confidence in their skills and abilities
- the assessment process is rigorous and fair, and the assessment activity is valid, and
- the assessment can be conducted within available resources, following the application of any reasonable adjustments.

All requests will be considered on the basis of information received. Some adjustments may **not** be considered reasonable if they:

- do not meet the published criteria
- involve unreasonable costs to ICA
- involve unreasonable time frames, and
- affect the security and integrity of the apprenticeship itself.

It is important that reasonable adjustments do not affect the reliability or validity of assessment and they should not give the Apprentice an advantage over other Apprentices undertaking the same assessment.

Adjustments must **not** put in jeopardy the health and well-being of the Apprentice or any other person.

## **Process for requesting adjustments to an assessment**

ICA will use the Institute for Apprenticeships and Technical Education (IfATE) Reasonable Adjustment Matrix to support us in applying appropriate and consistent judgements. The matrix is based around the Higher Education Statistical Authority's (HESA) disability grouping framework and can be found here:

<https://www.instituteforapprenticeships.org/media/5489/reasonable-adjustment-matrix.pdf>

Each application is considered on a case-by-case basis taking into account the Apprentice's support needs, job role and employment context. The matrix only provides recommendations, if the required support is not listed it does not mean that it cannot be provided. It is important to remember that appropriate adjustments are likely to be a continuation of the additional support that the Apprentice has received during their apprenticeship.

As it is a legal duty, we will only reject applications for a reasonable adjustment in circumstances where:

- any adjustment may create a serious loss of validity or independence within the assessment process, and
- any adjustment may constitute a serious safety hazard that cannot be reasonably accommodated.

ICA will consider each request and the employer, training provider and Apprentice will be informed in writing of our decision.

## **Supporting evidence**

All reasonable adjustment or special consideration requests must be supported by evidence which is sufficient, valid and reliable alongside the relevant form.

Requests may not be accepted without appropriate supporting evidence. It is the training provider's responsibility to provide this evidence and to ensure that all applications for reasonable adjustments are based on the individual needs of the Apprentice.

Any evidence you provide of an Apprentice's needs should reflect their normal way of working. Evidence of the Apprentice's needs should be current and from an assessment completed within 24 months of the EPA.

The evidence required will depend on the reasonable adjustment being requested. Some examples of documents that could be used to support an application are:

- a letter from a doctor, hospital consultant or a psychiatrist, or
- an educational psychologist's report.

This list is not exhaustive and if a specific document is not listed it does not mean it cannot be used as evidence. If you have any doubts or need further clarification, please contact us.

All evidence that you provide must:

- specify the candidate's disability
- be dated
- include details of the author (e.g., name and position), and
- be relevant to the application being made.

## **Requesting reasonable adjustments and special considerations**

Once the need for a reasonable adjustment or special consideration has been identified the training provider must complete and submit the appropriate form on behalf of the Apprentice.

To submit a request, you should fully complete the Reasonable Adjustment and Special Considerations Form within the timeframes noted below. Any requests that do not use or fully complete the form will be automatically rejected.

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

- the application has been overlooked by the training provider and the oversight is confirmed by the training provider, or
- medical evidence has come 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.

### **Timeframes for dealing with requests**

#### Reasonable adjustments

Requests for reasonable adjustments on behalf of Apprentices must be submitted prior to submission through Gateway.

If an application is received late ICA will endeavour to deal with the request but we cannot guarantee it will be processed in time.

#### Special considerations

Requests for special considerations must be submitted at least 10 working days before the scheduled assessment. Requests for special considerations following the completion of an assessment should be submitted immediately and not after the confirmation of results by ICA.

Should a training provider be made aware of the need for a special consideration within the 10 working days prior to an assessment after the due date for requests has passed, ICA may decide that the assessment be delayed to a later date.

#### ICA response

ICA will confirm receipt of the request within 2 working days.

The request review stage will typically take 5 working days from the date all requested evidence was received. With more complex cases which require input from experts, ICA may be unable to respond in this timescale and an estimated extended response date will be communicated.

The review of the reasonable adjustment or special consideration request will be conducted by a suitably competent ICA staff member.

### **Appeals relating to reasonable adjustments or special consideration**

A training provider who wishes to appeal any decision regarding reasonable adjustment or special consideration should consult the ICA Appeals Policy first in order to understand the appeals process ICA follows.

If, after consulting the relevant policy, the training provider disagrees with the decision made and has reasonable grounds to believe that ICA has not followed its processes and procedures correctly, then an appeal should be made following the process in ICA's Appeal Policy.

### **Disclosure and confidentiality**

Information about an Apprentice's disability is deemed 'sensitive personal data' under the Data Protection Act 2018 and therefore ICA, the employer and training provider, if appropriate, are required by that law to process the information 'fairly and lawfully'. ICA will

keep in confidence all correspondence and documentation received in accordance with the Data Protection Act.

An Apprentice's information will only be made available to other parties on a 'need to know' basis as allowed by the Equality Act 2010. This will include ICA administrative staff and the Assessor, as well as people who may be required to assist the Apprentice during the assessment or interview, such as a scribe or sign language interpreter.

We are required to keep a record of any reasonable adjustment applications, the decisions we have made regarding these applications, the reasons for making any changes and any appropriate evidence behind the decision. All reasonable adjustments must also be recorded on the Apprentice's registration.

Any records pertaining to reasonable adjustment applications are retained and can be made available to Ofqual, on request. Any records provided will not contain an Apprentice's name or any detailed information about the Apprentice.

ICA will not pass on in written form any sensitive information without the Apprentice's written consent.