

Special Considerations and Reasonable Adjustment Policy

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Overview

Professional Assessment Limited (PAL) is committed to complying with all current and relevant regulation and legislation in the development and delivery of our apprenticeship standards (qualifications). Our aim is to facilitate open access for all apprentices (learners) who are eligible for reasonable adjustments or special considerations in assessments, whilst ensuring the assessment of knowledge, skills and behaviours are not compromised in any way for all of the protected characteristics within the Equality Act 2010.

The Equality Act 2010 requires that PAL has in place clear arrangements to make reasonable adjustments that ensure that any apprentice with a disability (or restrictions to ableism), as defined by the Act, is not placed at a substantial disadvantage in comparison with learner/apprentice who is not disabled.

Assessment must be an inclusive and fair test of an apprentice's knowledge, skills and behaviours as stipulated in the respective apprenticeship standard assessment plan. Usual assessment processes for some apprentices may not be suitable, as such PAL ensures that the apprenticeship standards and assessments deployed do not unfairly advantage or disadvantage apprentices undertaking end-point assessment.

Who is this policy for?

- PAL assessors (Independent Assessors (IAS) and Internal Quality Assurers IQAs)
- PAL end-point assessment (EPA) team and EPA Managers
- Employers
- Providers
- Apprentices

Policy Scope

The policy covers:

- Arrangements for making reasonable adjustments and special considerations in relation to the delivery and assessment of apprenticeship standards (qualifications)
- How apprentices (learners) qualify for reasonable adjustments and special considerations
- Reasonable adjustments we will accept requests that are required prior to them being applied
- What special considerations can be granted for apprentices

It is the responsibility of all PAL personnel involved in end-point assessments and quality assurance to ensure they are familiar with what constitutes 'special considerations' and 'reasonable adjustments'.

PALs Directors and Managers will ensure Apprentices are aware of their rights under this policy, through publication of this policy; account management activities; up to date information on PAL's apprenticeship standards on-line libraries of resources (Padlets); gateway requirements; correspondence with PAL's EPASS and Quality team and our assessment planning process.

PAL expects providers and employers to adhere to relevant requirements and legislation to promote fair access to assessment for all apprentices (learners) and PAL would expect third parties¹ and/or centres to have policies and procedures in place which reflect the principles included within this document.

Purpose

To ensure that fair access is available to all apprentices PAL implements a Reasonable Adjustments and Special considerations policy so that apprentice's achievements can be recognised during valid and fair assessments.

PAL has a duty to ensure that the integrity of the apprenticeship standards and end-point assessment is always maintained. At the same time PAL and the Training Providers and Employers we work with, have a duty to ensure that the rights of individual apprentices to access apprenticeship standards and assessments in a way most

¹ Third parties are employers and apprentices. Centres are PAL approved employers and or providers who have been authorised to support the EPA process via test invigilation.

appropriate for their individual needs are upheld. Equality legislation and the regulatory criteria give support and guidance to EPAOs, and those parties involved in apprenticeship on-programme delivery in creating an inclusive assessment process.

If a person has a health condition or impairments or has a difficulty that would be at a substantial disadvantage in comparison with someone who does not, during an end-point assessment, PAL as the EPAO, with the authorisation and recognition for reasonable adjustments from the apprentice concerned, will take all reasonable steps to apply the appropriate and relevant reasonable adjustments. It is important however, to understand that there is no duty on PAL to make an adjustment to the assessment objectives being tested in an assessment.

Adjustments which involve excessive/unreasonable cost or timeframes or that could affect security/integrity may not be considered reasonable.

For every application it is for PAL to determine on a case-by-case basis whether reasonable adjustments are necessary and what reasonable adjustments will be effective. The adjustment required will depend upon a number of aspects, including the needs of each individual apprentice, and may well be unique to the individual involved².

The provision for reasonable adjustments and special consideration arrangements is made to ensure that Apprentices receive recognition of their achievement so long as the equity, validity and reliability of the assessments can be assured. Such arrangements are not concessions to make assessment easier for Apprentices, or to give Apprentices an advantage over others.

There are two ways in which access to fair assessment can be maintained:

- Through reasonable adjustments
- Through special considerations

Reasonable Adjustments

Apprentices who have a permanent or temporary disability, or restrictions to their ableism or specific learning needs or medical condition might need extra support to help them complete all aspects of the end-point assessment. To guarantee fair assessments, it may be necessary to amend or modify the assessment process or timings. PAL cannot change the assessment standards or requirements of the assessment plan, but as an EPAO we can define a range of suitable adjustments, in line with regulatory bodies' guidance and expectations.

What is 'reasonable' will depend on the individual circumstances, the impact of the disability on the individual, cost implications and the practicality and effectiveness of the adjustment.

A reasonable adjustment helps to reduce the effect of a disability or improve ableism or difficulty that puts apprentices at a disadvantage in terms of assessment. However, reasonable adjustments must not affect or compromise the integrity of what is being assessed. **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.**

PAL defines as what is 'reasonable' dependent on the individual circumstances, the impact of the disability on the individual, cost implications and the practicality and effectiveness of the adjustment. Adjustments to assessment based on the following criteria: must not make the assessment easier; not give the apprentice an unfair advantage and be based on the individual need of the apprentice and allow for the demonstration of performance that is compatible with the job role, i.e., it does not skew or detract from the target proficiency.

² PAL recognises the fact that it is a legal duty for an EPAO to accept an application and technically the only grounds for us rejecting a RA claim is where any adjustment, or combination of adjustments may create a serious loss of validity, or independence within the assessment process, or any adjustment may constitute a serious safety hazard that cannot be reasonably or legally justified or mitigated against and as such renders any assessment or aspect of assessment as unsafe.

The application of reasonable adjustments must be: auditable and capable of being internally and externally quality assured; preferably reflect the apprentice's usual way of working and give a realistic indication to any employer of what the holder of the apprenticeship certificate can do. It is important to note reasonable adjustments cannot be applied in any assessment, without prior approval of PAL's quality team, this is particularly relevant where PAL needs to organise and ratify interventions such as the use of scribes, or readers.³

Special Considerations

Special Considerations may be applied by the assessor after assessment, subject to quality assurance ratification where evidence suggests the circumstances allow for such an application. Special considerations can also be requested by the apprentice, or employer or provider on behalf of the apprentice's behalf.

Considerations can be applied after the assessment if there is a valid reason to believe that the assessment circumstances, or environment, hampered the apprentice from effectively performing their work to meet the relevant apprenticeship standard (qualification) requirements. For example, due to a temporary illness or persistent equipment failure, that was not the fault of the apprentice.

Special considerations are not implemented on the grounds of a permanent disability, for such disabilities the apprentice must declare their needs prior to assessment, and reasonable adjustments implemented before the end-point assessment process commences.

Special considerations should not provide the apprentice with an unfair advantage but provide a consideration to circumstances which may have been outside of the apprentice's control. **The assessment results must reflect the apprentice's performance and ability during the assessment and not potential ability.**

PAL retains the right to make or not make an adjustment to results, because of a special considerations request, as in some cases, such a dispensation may not be necessary. The extent of the adjustment permitted will depend on the mitigating circumstances and reflect the difficulty faced by the apprentice. The apprentice's result must reflect their achievement in the assessment and not necessarily their potential ability.

Apprentices, employers, and providers should note that in some situations it may not be possible to apply considerations to the final assessment outcome, examples include:

- Where an assessment requires the Apprentice to demonstrate practical competence or in the case of qualifications that confer a License to Practice, it may not be possible to apply special consideration.
- In some circumstances, it may be more appropriate to offer the Apprentice an opportunity to take the assessment at a later date and pause the assessment or return the apprentice to the training provider for a further period of learning.

PAL will consider each special consideration request on a case-by-case basis.

Assessment incidents will be evaluated separately.

See **appendix one** for **reasonable adjustments, special considerations, and incidents classification**

If you have any questions regarding this policy please contact PAL, via our Freephone number 0800 160 1899 or our dedicated support email- epasupportservices@professionalassessment.co.uk

³ Please see PAL's Reasonable Adjustment guidance for further information- the guidance is available via the PAL website and for PAL personnel the internal policy tracker

Principles of Granting Reasonable Adjustments

PAL will support reasonable adjustments by ensuring that the following applies:

- Reasonable adjustments granted provide Apprentices with the opportunity to demonstrate their attainment
- The reasonable adjustment compensates for any disadvantage imposed by ableism restrictions or difficulty but does not disadvantage others
- Apprenticeship Certificates requested by PAL and issued by the ESFA/DfE do not mislead anyone regarding the apprentice's attainment
- The assessments are and were rigorous and fair
- The assessment activity is valid and is measurable against the assessment criteria
- Assessment results are reliable

Factors to consider when considering the application of a Reasonable Adjustment

An important consideration in making a reasonable adjustment request, is does the apprentice require this adjustment, are they aware and in agreement with the application and is the request being made, reflective of current job role competence and requirements and reasonably aligned to the assessment plan assessment components.

When considering whether an adjustment to assessment is appropriate, PAL and the individuals involved in making the application (typically this will be the provider making the request on behalf of the apprentice, but an apprentice and/or employer can make such requests) need to bear in mind the following (where appropriate for the related apprenticeship standard):

- Adjustments to assessment should not compensate the Apprentice for lack of knowledge and skills. The Apprentice must be able to cope with the content of the assessment and be able to work at the level required for the assessment and be able to meet the job role requirements, associated with their apprenticeship.
- Any adjustment to assessment must not invalidate the assessment requirements of the apprenticeship standard and assessment plan or the requirements of the assessment strategy. In the case of the apprenticeship standard, no knowledge, skills, or behaviours should be removed or altered in the end-point assessment activities. Whilst PAL will take all reasonable steps to ensure that an Apprentice with a disability or difficulty is not placed at a substantial disadvantage, in comparison with persons who are not disabled in terms of access to assessment, there is no duty to make any adjustment to a provision, criterion or practice which is defined as a competence standard. All Apprentices' performance must be assessed against the full set of KSBs as laid out in the relevant apprenticeship standard and any apprentice must demonstrate the appropriate level of demand and challenge as indicative of the apprenticeship level. **Apprenticeship standards cannot be altered, but it may be possible to change the delivery or process of assessment so that each Apprentice has an equal opportunity to demonstrate what they know, understand, and can do.**
- Any adjustment to assessment must not give the Apprentice an unfair advantage or disadvantage compared to other Apprentices. The qualification of an Apprentice who had an adjustment to assessment must have the same credibility as that of any other Apprentice. Achievement of apprenticeship standards must give a realistic indication to employers of what the holder of the certificate can do.
- Any adjustment to assessment must be based on the individual need of the Apprentice. Decisions about adjustments to assessment should be taken after careful consideration of the assessment needs of each individual Apprentice, the assessment requirements of the qualification (standard) and the nature and extent of the support that has been provided as part of the apprenticeship on-programme training. **PAL expects reasonable adjustment applications to clearly indicate an individual's current needs, and requirements.** It should not be assumed by any party that the same adjustment will be required for all assessments. Different apprenticeship standards and different methods of assessments can make different demands on the Apprentice. **The Apprentice should be consulted throughout the process and PAL will confirm with the apprentice at the assessment planning meeting, that they are fully aware and briefed**

regarding the adjustments requested.

- Any adjustment to assessment should reflect the Apprentice's normal way of working providing this does not affect what is being assessed in any way. The Apprentice should have experience of and practice in the use of the adjustment, as part of their on-programme training. If for a practical assessment an adjustment request appears unusual in relation to the role and typical task requirements, we will ask for evidence of how the apprentice normally carries out the tasks at work, and whether the adjustment requested is applied is applied at the workplace.
- Any adjustment to assessment must be supported by evidence which is sufficient, valid, and reliable
- **All adjustments to assessment for end-point assessments with PAL must be approved by the PAL Quality team, prior to any assessment taking place.**

Procedure to request a Reasonable Adjustment

Providers and employers will wish to identify apprentice needs as soon as possible to support the apprentice through the on-programme phase of their apprenticeship.

Requests for reasonable adjustments to PAL can be discussed at any point of the apprentice's programme, however we recommend reasonable adjustment requests are made in most cases three months before the gateway meeting, or by the gateway meeting.

Please see PAL's Reasonable Adjustment guide for further information, requests for the guide can be made via the epa support email address detailed in this policy.

The process for requesting reasonable adjustment arrangements and the evidence required may vary dependent upon the standard (qualification) specification, the Apprentice's circumstances and any other factors that need to be taken into consideration. Additionally, as apprentice's gain new skills and knowledge during their programme, this can have a positive impact on their confidence and self-esteem and support requirements that were pertinent at programme commencement, may not be required as the apprentice progresses to end-point assessment.

Reasonable adjustments requests made to PAL, can only cover the end-point assessment, PAL cannot be involved in any request regarding functional skills or other mandated qualifications that constitute required elements of the apprenticeship programme.

Requests for reasonable adjustments received at /or after the assessment planning meeting, may mean a delay and rescheduling of assessment activities, so PAL can make suitable arrangements.

At the assessment planning meeting the assigned PAL independent assessor will review and confirm reasonable adjustment requests. If there are any changes to previous agreements with the PAL quality team, the independent assessor will need to confirm such changes with the PAL quality team.

All requests for reasonable adjustments will be reviewed on an individual basis and all the information received will be considered. PAL will not approve any adjustments that may compromise the assessment criteria and that may disadvantage other apprentices. PAL will provide a decision to the person making the request regarding reasonable adjustments typically **within 10 working days of receiving the request**. If the request requires further clarification or such adjustments are varied and complex, PAL may take longer to respond, in such cases concerned parties will be kept informed of progress.

Failure to comply with this policy may constitute malpractice and our maladministration and malpractice policy will be invoked.

Completed forms should be returned to epasupportservices@professionalassessment.co.uk

Information required and Record Keeping

All supporting evidence provided for reasonable adjustments needs to be formal and clearly relevant to the apprentice's individual requirements. Applications require up-to-date evidence from a medical professional, educational psychologist or other appropriately qualified expert using appropriate documentation and supporting statements, where applicable⁴.

The application should be checked for accuracy and the requests need to be commensurate with the apprenticeship standard and assessment plan, the apprentice is working on.

In order to ensure that any adjustment to assessment will only provide the Apprentice with the necessary assistance, without giving them an unfair advantage over others, the application must be clear about the extent to which the apprentice is affected by the health condition, impairment, or additional learning need and how this will manifest in the assessment activities as described in the relevant apprenticeship standard assessment plan.

Where the evidence of the restricted ableism or additional learning needs are clear, to include the implications of these needs, such as for an Apprentice with physical challenges, profound hearing impairment or who are registered as blind or partially sighted, PAL would not require further evidence.

Where the implications of a particular need are not clear, such as some additional learning needs, or mental health issues, the person making the request will have to provide additional evidence of the effect of the impairment on the Apprentice's performance in the assessment. Any of the following types of evidence would be acceptable. The person or persons making the application should decide which of these will best assist understanding of the Apprentice's situation.

- **Evidence of assessment of the Apprentice's needs in relation to the particular assessment, made by an appropriately qualified person with competence and responsibility in this area; staff include learning support staff, trainers, assessors, employers and other specialist staff.** If necessary, any external assessments by experts should be made available. PAL would expect to see an indication of how the apprentice is supported in the workplace and what support they have received as part of the apprenticeship programme delivery; such information is requested in PAL's RA application form. The information should demonstrate that the Apprentice can cope with the level and content of the assessment. Information from previous educational experiences and attendance by the Apprentice may also be included if it portrays current needs and the request for related adjustments. Evidence should be documented for audit purposes.
- **History of Apprenticeship Provision.** This should include information about the support received by the Apprentice during the learning or training programme and during initial and formative assessments. Evidence of the way in which the Apprentice's needs are being met/have been met during the learning programme should be documented for audit purposes.
- **Written evidence produced by independent, authoritative specialists** This could take the form of medical, psychological, or professional reports or assessments. These reports should state the name, title and professional credentials of the person who carried out the assessments and wrote the report. The report should set out the nature of the disability or additional learning needs and extent to which the Apprentice is affected, including the effects of any medication that the Apprentice may be taking. In cases where it might be expected that there could be changes in the way the Apprentice is affected, **there will have to be recent and relevant evidence of assessments and consultations carried out by an independent expert.**

An Apprentice with a Statement of Special Educational Need does not automatically qualify for reasonable adjustments. The demands of the apprenticeship standard and associated assessments should be considered. The reasons for the statement may have only limited effect on achievement in the assessment.

⁴ PAL reserves the right to check any supporting evidence, but RA applications should be made using the PAL devised form, or the Providers/Colleges in-house form providing it covers the information as required in PAL's form.

It is the responsibility of the person making the reasonable adjustment request to ensure that all applications for reasonable adjustments are based on the individual need of the Apprentice and that the evidence in support of the application is sufficient, reliable, and valid.

Typically, the Provider⁵ should co-ordinate a reasonable adjustment request and they should maintain records of all cases for audit purposes and to monitor the effectiveness of the reasonable adjustments that have been made. PAL will retain RA application records in accordance with reviewing, approving or not approving the request and to endorse the adjustments made. We recognise there can be situations where an employer or apprentice makes an enquiry or request for a reasonable adjustment or special consideration.

Any non-essential information that does not specifically relate to the application should be omitted or redacted from any RA application. If PAL receives information, it regards as not required for the purpose of processing an application, we will securely delete such information.

Parties making the request should retain a copy of application information and PAL will retain the information in accordance with our data protection and privacy policy and requirements and regulatory requirements and for audit purpose.

These records are classed as assessment records and will be kept for at least six years from the end of the year to which they relate.

PAL has produced an additional guide to support the application process for reasonable adjustments

Health and Safety Considerations

There are no circumstances when the health and safety of an Apprentice should be compromised during assessment. Where there is a concern that the effect of a person's disability or additional learning needs may have health and safety implications for them or others, a suitably qualified person should carry out a risk assessment, related to the Apprentice's particular circumstances.

The risk assessment should identify the risks associated with the particular activity but should also take account of any reasonable adjustments put in place for the Apprentice which may remove or reduce the risk. The risk assessment may reveal that it is not possible for the Apprentice to fulfill all the requirements of the assessment.

Where assessments are to take place at the provider or employer site, PAL will request access to the risk assessments and will discuss with all parties what the implications for end-point assessment are and whether the end-point assessment can be fairly conducted.

Assumptions should not be made about an Apprentice's ability levels or additional learning needs, posing a health and safety risk. The health and safety of all Apprentices and others must always be of paramount importance.

Principles of Granting Special Considerations

Apprentices must have been on programme for the minimum permitted duration and passed through the gateway process in line with the relevant assessment plan requirements. If their performance in the assessment is affected by adverse circumstances beyond their control, a special consideration may be granted for an apprentice if they have temporarily experienced any of the incidents as detailed in appendix one.

PAL will ensure that any special considerations granted:

- Treat all apprentices fairly
- Require the apprentice to fully meet the assessment requirements
- Maintain the relevance, reliability, and comparability of the assessment

⁵ If someone else, other than a provider/centre representative is making a reasonable adjustment request, PAL will apply the same conditions in respect of granting and applying reasonable adjustments.

Special Considerations cannot invalidate the assessment requirements set out in the qualification/apprenticeship specification and assessment plan.

Special considerations should not give the apprentice an unfair advantage, neither should it mislead an employer/training provider regarding the apprentice's achievements for certification. The apprentice's results must reflect the achievement in assessment and not their potential ability.

If a special consideration is granted this may result in a post-assessment adjustment to the assessment outcomes and grades of the apprentice. The adjustment will depend on the circumstances and reflect the difficulty faced by the Apprentice.

Note to providers and employers: It may not be possible to grant a special consideration where an assessment requires the apprentice to demonstrate competence in a specific setting and environment, as detailed in the relevant assessment plan.

Procedure for Granting Special Considerations

Following an assessment, an employer, provider, or independent assessor⁶ may wish to submit a special consideration form, in recognition of the difficulty an apprentice has encountered. The special considerations form is available via our website, epasupportservices@professionalassessment.co.uk or Padlet. The form should be submitted with any relevant paperwork within 10 working days of the assessment conclusion. PAL's quality team will provide a decision within 10 working days of receiving such a request.

Please indicate on the form the exact nature of the condition(s) that you consider make the apprentice eligible for a special consideration, supply copies of any appropriate evidence to support your request.

All requests for special considerations will be reviewed on an individual basis and all the evidence received will be considered.

If the request for a special consideration is successful, the apprentice's performance will be reviewed based on the evidence that was submitted. **A successful request of a special consideration will not necessarily change an apprentice's overall assessment result and in some cases, it may result in the voiding of an assessment.**

PAL will not approve any special considerations that may compromise the assessment criteria and that may disadvantage other apprentices.

Failure to comply with this policy may constitute malpractice and our maladministration and malpractice policy will be invoked.

Employer and Provider Responsibilities

It is important that all personnel involved in the management and training of apprentices are fully aware of the contents within this policy and ensure their apprentices are made aware of the policy when undertaking an end-point assessment with PAL.

PAL would expect that providers have a special considerations and reasonable adjustment policy that is in line with PAL's policy.

Identifying apprentices who are eligible for reasonable adjustments

Any adjustment to assessment will be based on what the apprentice's needs to access the assessment and the requirements of the assessment plan, along with guidance issued by IfATE⁷ (see appendix 2). Below are some examples of apprentice needs that may necessitate adjustments to assessments. This list is not exhaustive, and it should be noted that some apprentice needs will fall within more than one of the categories set out below.

⁶ PAL's expectation is that in the majority of cases, it will be the independent assessor who makes a special consideration request

⁷ Note this guidance is currently under review and PAL will review our policy in line with any new recommendations, the matrix is not exhaustive and as stated in this policy, PAL will review all RA applications on a case by case basis

- Communication and interaction needs
- Cognition and learning needs
- Sensory and physical needs
- Behavioural, emotional, and social needs

An adjustment to assessment should only be considered where the difficulty experienced places the apprentice at a substantial disadvantage, in comparison with persons who have no apparent ableism challenges. Where the difficulty is minor, the employer and training provider should assist the learner by offering help with study and assessment preparation sessions.

An apprentice does not necessarily have to be disabled (as defined by the Equalities Act 2010) to be entitled to reasonable adjustments to assessment. Equally every apprentice who has health conditions or impairments will also not necessarily be entitled to or need an adjustment to assessment as the apprentice may have developed coping mechanisms which minimise or remove the need for assistance.

Identifying apprentices needs

It is the responsibility of the apprentice, their employer and provider to identify any specific assessment needs and to discuss these with the selected End-Point Assessment Organisation (EPAO), in the case of this policy, that is PAL⁸. Providers have a responsibility to ensure they have sufficient internal procedures for identifying apprentice's needs and that these procedures comply with the requirements of Equalities legislation.

A Provider should use the following guide:

- Identify those apprentices who are having difficulties or are likely to have difficulties accessing assessment
- Identify whether reasonable adjustments may be needed
- Identify the appropriate adjustment
- Discuss and agree the adjustment and subsequent arrangements with the relevant EPAO

The EPAO must ensure the adjustment is permissible in respect of the assessment plan and will not confer any advantage to the apprentice over other apprentices undertaking assessments with the same apprenticeship standard.

The Range of Reasonable Adjustments

The Permissions Table (Appendix 2) lists the most requested adjustments to standard assessment arrangements in a template which can be used when considering where the decisions on applying different reasonable adjustments need to be applied.

It is not intended to be a comprehensive list and apprentices; employers or providers should contact PAL directly to discuss any reasonable adjustments and/or access arrangements.

PAL will not uphold any arrangements made that require adjustments, where they have not been advised of the request and agreed to the actions.

Apprentices, employers, and training providers should note:

- Not all the adjustments to assessments described in appendix 2 will be reasonable, permissible, or practical in particular situations. In some circumstances it may be more appropriate to select an alternative assessment task for the apprentice and where this could deviate from the assessment plan, PAL will confirm any such actions with the relevant regulatory body.
- The apprentice may not need, nor be allowed, the same adjustment for all aspects of the standards. Some apprentices may need a single adjustment; others may require a combination of several adjustments.

⁸ It should be noted where providers and apprentices may be undertaking qualifications and assessments with a multitude of EPAOs and AOs, application of reasonable adjustments granted by one examination or assessment body, does not mean PAL will automatically grant the same reasonable adjustments

Arrangements not covered in this policy

If any circumstances arise relating to assessment not covered within this policy, you should contact PAL via the epasupportservices@professionalassessment.co.uk email address.

Appeals

If you wish to appeal against our decision to decline a request for a reasonable adjustment or special consideration, please refer to our Enquiries and Appeals Policy, this is available on our website or via info@professionalassessment.co.uk. Or accessed through PAL's Padlets. PAL also has a dedicated email address for appeals and enquiries epaappeals@professionalassessment.co.uk

Regulatory References

PAL is required to establish and maintain compliance with regulatory conditions and criteria. This policy relates to Ofqual General Conditions of Recognition: Accessibility of Qualifications D2; Arrangements for Reasonable Adjustments G6; Arrangements for Special Consideration G7

Date Created: 6th June 2017

Last Review: 18/10/2023

Next Review: 18/10/2024

Persons Responsible for review: PAL Board

This Policy has been agreed by Linda Martin, Managing Director

Appendix One- Reasonable Adjustments, Special Considerations, and Incidents Matrix

The table outlines which category each element should be determined as, when reporting, and be used for clarification by the end-point assessment team.

<p>Reasonable Adjustments Evidence submitted, and arrangements agreed in advance.</p>	<ul style="list-style-type: none"> ➤ Cognitive processing (e.g., dyslexia, dyspraxia; a need in executive function, visual processing speed, visual perception, literacy, numeracy, verbal reasoning, capacity to recall and remember ➤ ADHD ➤ Social/communication needs or other autistic spectrum conditions ➤ Long standing illness (e.g., cancer, epilepsy, Crohn’s, IBS, Colitis, Chronic Fatigue, ME, MS, Parkinson’s disease) ➤ A mental health condition ➤ A physical need (e.g., crutches, wheelchair user, arthritis, rheumatoid arthritis, scleroderma, paraplegia, quadriplegia, cerebral palsy, motor-neuron diseases, other auto-immune diseases, pulmonary fibrosis, spina bifida ➤ Hearing need ➤ Visual need
<p>Special Considerations During or post assessment to provide a fair and valid assessment decision</p>	<ul style="list-style-type: none"> ➤ Technical Failure – internet ➤ Technical Failure – equipment ➤ Technical Failure – software issues, requiring alternative software to be used, that the apprentice is not familiar with ➤ Temporary Illness/Injury- or minor accident on the day, that impedes performance ➤ Temporary Disability ➤ Events outside the Apprentices control ➤ Alternative assessment arrangements agreed in advance were inappropriate or inadequate- the other option in this specific situation is to void the assessment and book a new assessment date
<p>Incidents Events which have the potential to, or do, cause a minor disruption to EPA but in most cases the apprentice and assessor agree the EPA continuance. All incidents must be recorded by the independent assessor⁹</p>	<ul style="list-style-type: none"> ➤ Disturbance - due to noise ➤ Disturbance - due to interruption ➤ Assessment interrupted due to an unexpected event ➤ Business levels not as expected, impacting on assessment and evidence opportunities ➤ Apprentice leaving area of assessment ➤ Assessor arriving late for assessment ➤ Apprentice arriving late for assessment ➤ Assessment area (for presentation/challenge) changed and alternative site does not have the same access to resources as the planned location. <div style="text-align: right; border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>See assessor protocols- for Assessors only</p> </div>

Incidents should be considered in relation to the impact, or potential impact on the assessment validity. Assessors should consider the level of risk to altering the apprentice’s assessment and/or grading and take action appropriately.

For example, a slight disturbance due to noise which is isolated and does not impede the assessment would be considered low risk and no alteration to usual grading or processes required. A more significant and/or persistent noise, which impedes the apprentices ability to perform in the assessment, would be considered at high risk and considerations around time or voiding of the assessment may be most appropriate.

Assessors should contact the quality team for advice, or to confirm course of action as required.

⁹ Assessors, please refer to the assessor protocols for further information and guidance regarding incident reporting

Appendix Two Reasonable Adjustment Matrix

1. No known disability
2. Cognitive processing need such as dyslexia, dyspraxia, a need in executive function, visual processing speed, visual perception, literacy, numeracy, verbal reasoning, verbal memory, nonverbal memory
3. Social/ communication needs, autistic spectrum conditions, ADHD
4. Long standing illness such as cancer, epilepsy, Crohn's, IBS, Colitis, Chronic Fatigue, ME, MS, Parkinson's disease
5. A mental health condition
6. A physical need such as crutches or wheelchair user, arthritis, rheumatoid arthritis, scleroderma, paraplegia, quadriplegia, cerebral palsy, motor neurone diseases, other autoimmune diseases, pulmonary fibrosis, spina bifida
7. Hearing need
8. Visual need

Note the above is a general guide, regarding adjustments that might be considered. The level of assessment need will be evaluated on a case by case basis, as someone with dyslexia undertaking a MCQ test may not require a scribe or a reader¹⁰.

Application to PAL will be required for all the following reasonable adjustments

- Extra time up to 25%
- Extra time more than 25%
- Reconfiguration of assessment timings, breaking up of assessment- where no explicit allowance noted in assessment plan
- Supervised rest breaks
- Change in the organisation of assessment room or location
- Assessment not at the workplace or at provider premises
- Use of bilingual and bilingual translation dictionaries
- Language modified assessment material
- Assessment material on coloured paper
- Use of ICT in respect of assistive technology
- Responses in British Sign Language
- Responses in Irish Sign Language
- Assessment timing-out of office hours or hours usual with job role
- Access to phones or Smart devices for the purpose of health monitoring

¹⁰ Please note PAL's preference is to use an on-screen automated reader where possible and permissible- in discussions with third parties and centres please make the relevant parties aware of PAL's approach.

Assessment method	Observation	Practical Skills Test	Test	Project	Presentation	Professional Discussion
Reasonable adjustment						
Extra time allowance	2,3,4,5,6,7,8	2,3,4,5,6,7,8	2,3,4,5,6,7,8	2,3,4,5	2,3,4,5,7	2,3,5,6,7
Scribe			2,6,8			
Reader			2,4,8			
Personal support worker in attendance	2,5,6,8	2,5,6,8	2,5,8	2,5,8	2,5,6,8	2,5,8
Timed rest breaks	2,4,5,6,7,8	2,4,5,6,7,8	2,4,5,6,7,8	2,4,5,6,7,8	2,4,5,6,7,8	2,4,5,6,7,8
Bathroom breaks	4,6	4,6	4,6	4,6	4,6	4,6
Voice Explanation	2,8	2,8				
BSL interpreter + extra time	7	7	7	7	7	7
Assistive technology – voicerecognition			2,4,6			
Assistive technology – screen reader			2,8 (and in some cases 4)			
Assistive technology – speech to text			2,4			
Flexibility with location					3,4,5,6	3,4,5,6
Flexibility of time of assessment	4	4	2,4	4	4	4
Flexibility within the method of assessment		6	3,4,5,6	3,4,5,6	3,4,5,6	3,4,5,6
Pre-recorded evidence / delivered by video link					4	
Info presented in required format – size, font style, colour			2,4,8			
Written questions to back up verbal					2,4,5,6	2,4,5,6

Assessment method	Observation	Practical Skills Test	Test	Project	Presentation	Professional Discussion
Reasonable adjustment						
Rewording of questions / clarification if needed					2,3,7	2,3,7
Time allowance for processing verbal questions					2,4,5,7	2,4,5,7

Please note this is a general table and PAL recognises for example extending the time of an assessment for someone diagnosed with ADHD might be counterproductive, where the use of a supporter or prompter or supervised rest breaks may make the assessment process equitable.

Appendix Three Funding

During the apprenticeship the employer and training provider must make reasonable adjustments to ensure any apprentice with a disability or physical or mental health condition is not at a disadvantage compared to their peers.

To do this they may be eligible for additional support through DWP [Access to Work](#) funding, which provides support with everyday employment difficulties that are not directly associated with the apprenticeship programme, or the ESFA [Additional Learning Support](#) (ALS), which is available to fund apprentices who require extra support to meet the learning goals of their apprenticeship.

In many cases reasonable adjustments will be put in place and funded by the EPAO, as they are classified as an eligible cost that should be reflected in the price negotiated between the employer and the EPAO. The EPAO [guidance](#) setting out the conditions for registration explains this in more detail.

In some circumstances, there may be some substantial additional costs associated with providing reasonable adjustments during the end-point assessment process. These should be agreed between the employer, training provider, apprentice and EPAO in advance to ensure that they are appropriate and proportionate. These may be funded through ALS if they meet the criteria of additional support that enables the apprentice to demonstrate how the apprentice meets the occupational competency requirements.

The funding should be [claimed by the training provider through the ILR](#) using the standard ALS process and must be evidenced in the same way and to the same standard. These records must be kept for audit purposes. Funding found to be claimed for unnecessary or inadequately evidenced support may potentially need to be repaid to the ESFA.

Appendix Four- Special Considerations and Reasonable Adjustments Privacy Notice

Why we need your information and how we use it and how we use it

PAL's Reasonable Adjustments and Special Consideration Policy and procedures are compiled in accordance with the qualification regulator's general conditions of recognition which place a duty on any approved and regulated EPAO to have a policy and process that clearly describes when and how an application can be made for a reasonable adjustment and when special considerations can be applied.

The policy also draws on guidance from the Institute for Apprenticeships and Technical Education (IfATE) and is aligned to the Equality Act 2010 on the grounds it is unlawful to discriminate against someone on the grounds of any of these characteristics: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, religion/belief, sex (gender) and sexual orientation.

The ICO and GDPR regulations, require us to have a data protection and privacy policy and to provide clarity regarding situations where processing of data is likely to include processing sensitive data and notably reasonable adjustment requests may require us to collect and process sensitive data.

Special Considerations are applied after the fact, i.e., after an assessment and in most cases will not require the need to process any sensitive or special category data, where this is not the case, PAL will apply this notice and the pertinent policies, to include our data protection and privacy policies and Appropriate Policy for Processing Special Category data, as well as the Special Considerations and Reasonable Adjustments Policy and Procedure.

In the case for reasonable adjustments, an application must be made in advance of the assessment to PAL. Typically the request will be made available to PAL, by the main provider, on behalf of the apprentice. The Provider will retain any supporting evidence and are responsible for the data security and privacy of such data. PAL does however reserve the right to see sight of the data, should it be necessary to clarify the information in an request, or establish exact needs and the optimum way of supporting the apprentice in an end-point assessment.

In processing such applications PAL will undertake the following:

- Confirm that the apprentice consents to and understands the content of the application. PAL will confirm this with the provider and will check the suitability of any agreed assessment adjustments at the assessment planning meeting
- Currency of the request- does the need for the reasonable adjustment apply in the apprentice's current situation and role
- Validity checks of the evidence, to include where appropriate documents such as a statement of educational needs

More specific information regarding information required and data storage can be found in the Special Considerations and Reasonable Adjustment Policy.

PAL will process personal data to ensure any adjustment or consideration granted are fair, equitable and do not advantage or disadvantage any specific individual or groups of individuals with similar characteristics or working in similar setting. Data processing will comply with legal and regulatory obligations in the context of assessment. In relation to reasonable adjustments and special considerations this, this will specifically enable PAL to:

- Review and evaluate any reasonable adjustment application or request for special considerations
- Reliably and consistently apply the reasonable adjustments and special considerations policy and procedures, aligning to the relevant regulatory conditions, the Equality Act 2010 and the apprenticeship funding and performance rules and requirements
- Apply appropriate, useful, and relevant adjustments or considerations and to make a record of such modifications, to include a rationale for such decisions

The lawful basis we rely on to process your personal data is¹¹

6 (1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes

6 (1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract

6 (1) (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Article 9(2)(g) – processing is necessary for reasons of substantial public interest which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interest of the data subject. In respect of this condition,

PAL would process data for statutory and government purposes; to ensure equality of opportunity or treatment; regulatory requirements and support for individuals with a particular disability or medical condition and safeguarding of children and individuals at risk.

PAL is a regulated end-point assessment organisation, delivering end-point assessment for a range of apprenticeship standards, working with many apprentices, employers, and providers. PAL also offers a commercial and independent audit and compliance function.

As an EPA we are subject to regulation by the qualifications regulator Ofqual, we are also bound by the terms and conditions of the register of APAR, overseen by the ESFA and must comply with the apprentice standards and accompanying assessment plans as published by IfATE.

Examples of data we may process under this condition, include the application and approval of reasonable adjustments in assessments and in specific cases, depending on the circumstances this may extend to the processing of special considerations applications. Additionally in addressing any disclosures regarding an individual's well-being and safety, from either PAL personnel or others, this condition would be applied in any processing of data and sharing of information with relevant authorities and bodies.

Our processing of data in this context is for the purpose of substantial public interest and necessary for the carrying out of our role.

What personal data we collect and who has access to it

Please refer to the Special Considerations and Reasonable Adjustment policy in respect of data we will collect to accommodate such requests.

We rely on Article 6 (1)(a) and (f) of the GDPR as our lawful basis to process this personal data and Article 9 (2) (g) of the GDPR and Schedule 1 paragraph 2 (6) and Sch 1, Part 2, Paragraph 8 of the Data Protection Act 2018 to process special category data.

For more information about how PAL processes personal data, please refer to our personal data protection and privacy policy.

¹¹ DPA 2018 Schedule 1 Paragraph 2 (6)

To ensure PAL deals with any reasonable adjustment or special consideration equally and fairly, all applications and requests, including those sent to any named person, or department within PAL including the Managing Director or board members, will be addressed in accordance with the Special Considerations and Reasonable Adjustments Policy and directed to the Quality Team. We ask that you make such requests via the email: epasupportservices@professionalassessment.co.uk

Your information will be shared internally with PAL staff in relevant departments in order that we can handle, review, and address any application for adjustments or considerations in an objective and comprehensive manner. Internal access to information processed as part of such applications are granted to limited individuals who need to have access to the information. Our aim always is to ensure as far as possible the confidentiality of the information received and to protect individual or individuals identities and all other persons involved.

The Qualification Regulator, as part of their statutory function collect data for research and statistical analysis and PAL can be asked to present data in respect of reasonable adjustments and special considerations to include our procedures and processes and attainment rates where such conditions have been applied. Where we share such information, we will ensure we only provide the data and information that is essential to establish the facts.

Where your personal data is stored and how long we keep it

Your personal data will be stored securely in PAL's individual apprentice files and email systems. Access to this information is strictly controlled and reviewed.

Reasonable Adjustments and Special Considerations are logged in PAL's relevant governance records, the details in these records can only be accessed by senior PAL personnel and we aim to keep information limited to the essential facts, to include dates and timelines.

PAL will be obliged to retain records for a period of six years, in accordance with our retention of data for EPA activities.

How PAL protects your personal data

PAL takes the security of your personal data seriously. PAL has internal policies and controls in place to protect your data from loss, accidental destruction, misuse, or disclosure. Some of the ways in which PAL protects your personal data include:

- implementing appropriate technical and organisational measures to protect the confidentiality, integrity and availability of personal data and information
- regular review of PAL's information assurance and security policies and procedures
- on-going training and awareness for staff on information assurance and security
- regular review of security and cyber risks

Your rights

PAL is committed to being transparent about how it collects and uses your personal data and to meeting its data protection obligations. PAL is a Data Controller under data protection legislation, and we comply with the data protection principles when processing your personal information.

Under data protection legislation, you have a number of rights. You can:

- access and obtain a copy of your personal data
- require PAL to rectify / change incorrect or incomplete personal data
- require PAL to delete / erase your personal data (in certain circumstances)
- request PAL restrict the processing of your personal data (in certain circumstances)
- request your personal data in a portable format
- object to the processing of your personal data (in certain circumstances)

If you wish to discuss your data subject rights you can contact PAL's DPO by emailing info@professionalassessment.co.uk, noting in the subject header you are enquiring or asking about your rights to access personal data.

Alternatively, you can write to the Director of Audit and Compliance at Professional Assessment Ltd Connect House, Kingston Road, Leatherhead, Surrey. KT22 7LT

In respect of any enquiries regarding reasonable adjustments and special considerations, you should refer to the Special Considerations and Reasonable Adjustments Policy and use the contact mechanisms detailed in this policy. To access privacy notices for Ofqual the qualifications regulator please visit their [privacy notice charter](#). To access privacy notices for the ESFA please visit their [privacy notice](#).