

# Definitions

## Access Arrangements

**Access arrangements are agreed before an assessment.** They allow candidates/learners with special educational needs, disabilities or temporary injuries to:

- access the assessment;
- show what they know and can do without changing the demands of the assessment.

**The intention behind an access arrangement is to meet the particular needs of an individual candidate without affecting the integrity of the assessment. Access arrangements are the principal way in which awarding bodies comply with the duty under the Equality Act 2010\* to make 'reasonable adjustments'.**

## Reasonable Adjustments

The Equality Act 2010\* requires **an awarding body** to make reasonable adjustments where a candidate, who is disabled within the meaning of the Equality Act 2010, would be at **a substantial disadvantage** in comparison to someone who is not disabled. The awarding body is required to take reasonable steps to overcome that disadvantage. An example would be a Braille paper which would be a reasonable adjustment for a visually impaired person who could read Braille.

A reasonable adjustment may be unique to that individual and may not be included in the list of available access arrangements.

Whether an adjustment will be considered reasonable will depend on a number of factors which will include, but are not limited to:

- the needs of the disabled candidate/learner;
- the effectiveness of the adjustment;
- the cost of the adjustment; **and**
- the likely impact of the adjustment upon the candidate and other candidates.

An adjustment will not be approved if it:

- involves unreasonable costs to the awarding body;
- involves unreasonable timeframes; or
- affects the security and integrity of the assessment.

This is because the adjustment is not "reasonable".

In most cases it will not be reasonable for adjustments to be made to assessment objectives within a qualification. To do so would likely undermine the effectiveness of the qualification in providing a reliable indication of the knowledge, skills and understanding of the candidate. There is no duty to make adjustments which the qualifications regulators have specified should not be made. As set out in **Chapter 2, page 9**, there is no duty to make adjustments to competence standards within vocational qualifications.

**(See Chapter 3, pages 13-14 for information on assessment objectives and section 1.6, page 6 and section 1.8, page 8 for the list of general qualifications covered by equality legislation in England, Wales and Northern Ireland).**

**The responsibility of an awarding body is principally one of making reasonable adjustments for a candidate defined as disabled within the meaning of the Equality Act 2010.**

\*References to legislation in Chapter 1 are to the Equality Act 2010. Separate legislation is in place for Northern Ireland (see section 1.8, page 8). The definitions and procedures in this document relating to access arrangements and reasonable adjustments will also apply in Northern Ireland.

## The Equality Act 2010 definition of disability

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

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

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

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

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

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

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

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

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

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

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

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

- minor problems with writing or spelling;
- inability to fill in a long, detailed, technical document, which is in the person's native language without assistance;
- inability to concentrate on a task requiring application over several hours.