



# ALSOP HIGH SCHOOL

## Examinations

### The Equality Act 2010

Document control table			
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Version number:		1	
Date approved:		September 2022	
Approved by:			
Date of review:		July 2023	
Links to		Exams Policy	
Document History			
Version	Date	Author	Note of revisions
V1			

## **The Equality Act 2010 - Examinations**

The Equality Act 2010 provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful, meaning that schools cannot discriminate against pupils because of their sex, race, disability, religion or belief and sexual orientation.

The Equality Act 2010 strengthens the duty to make reasonable adjustments, defines substantial disadvantage and places new duties on the qualifications regulator.

The awarding bodies have a duty not to discriminate against individuals in conferring qualifications in respect of all protected characteristics set out in the Equality Act 2010. They will take steps when developing specifications, identifying the assessment criteria and drafting question papers to ensure that the impact of each of these upon individuals with differing protected characteristics is minimized.

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

## **The Equality Act 2010 – Examinations – Alsop High School**

When a student enrolls at Alsop High School they are assessed by the SEN department. After the assessment the SEN department will complete an Exam Requirement Form. This form will allow the exams and data team to ensure the student is not discriminated against and appropriate arrangements are in place.

## **Protected Characteristics**

Under the Equality Act 2010 the characteristics below are classed as protected:

Age  
Disability  
Gender Reassignment  
Marriage and Civil Partnership  
Pregnancy and Maternity  
Race  
Religion or Belief  
Sex  
Sexual Orientation

## **Types of Discrimination: Definitions**

Below is a list and brief details of the different types of discriminations covered in the Equality Act 2010.

**Direct Discrimination**

Someone is treated less favourably than another person because of a protected characteristic.

**Discrimination by Association**

Direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**Perception Discrimination**

Direct discrimination against someone because others think they possess a particular protected characteristic.

**Indirect Discrimination**

Can occur when you have a rule or policy that applies to everyone but disadvantages a particular protected characteristic.

**Harassment**

Harassment is unwanted conduct related to a relevant protected characteristic, which violates an individual's dignity. Employees can now complain about behaviour they find offensive even if it is not directed at them.

**Harassment by a Third Party**

Employers are potentially liable for harassment of their staff by people they don't employ.

**Victimisation**

Someone is treated badly because they have made/supported a complaint or grievance under the Act.

**Awarding Bodies – General Qualifications**

Section 96 (s1-6) of the Equality Act 2010 states that awarding bodies must not discriminate, harass or victimize when conferring general qualifications and have a duty to make reasonable adjustments.

The duty of an awarding body to make a reasonable adjustment (s8) will apply where a disabled person would be at a substantial disadvantage in comparison to someone who is not disabled. In such circumstances, the awarding body is required to take reasonable steps to avoid that disadvantage. A reasonable adjustment maybe unique to that individual and may not be included in the list of available access arrangements.

Section 96 (s7-8) state that the duty to make reasonable adjustments to general qualifications does not apply where the regulator specifies provisions, criteria or practices in relation to which the awarding body:

- Is not subject to a duty to make reasonable adjustments
- Is subject to a duty to make reasonable adjustments, but in relation to which such adjustments should not be made.

It should be noted that the regulators' powers under Section 96 of the Act are 'negative' rather than 'permissive'. That is, Section 96 allows the regulators to specify where awarding bodies are not under a duty to reasonably adjust, rather than saying precisely what should be reasonably adjusted.

The responsibility of an awarding body principally concerns permitting access arrangements for a candidate defined as disabled under the terms of the Equality Act 2010.

A reasonable adjustment required by a candidate will usually be an access arrangement for the assessment in question. Whether it is reasonable for an awarding body to permit a particular adjustment will depend on a number of factors, such as its cost and effectiveness. However, if an adjustment is one which is reasonable to make, then the awarding body will do so unless the assessment objectives being assessed are to be affected. Where a disabled person is placed at a substantial disadvantage by an assessment objective, the awarding body is not under a duty to make reasonable adjustments.

Each application to an Awarding Body will be considered individually in light of the candidate's needs. The response will relate primarily to the effect the requested adjustment may have on the assessment objectives being tested in the qualification.

Some adjustments may not be considered reasonable if they involve unreasonable costs, unreasonable timeframes or affect the security and integrity of the qualification.

### **Qualifications covered by section 96 of the Equality Act 2010**

- Advanced Extension Awards
- Entry level certificate qualifications
- Free Standing Mathematics qualifications
- General Certificate of Education (Advanced and Advanced Subsidiary levels)
- General Certificate of Secondary Education
- Project qualifications (Extended, Foundation and Higher Projects)

### **Awarding Bodies – Vocational Qualifications**

Section 53 of the Equality Act 2010 states that awarding bodies must not discriminate, harass or victimise when conferring vocational qualifications. Awarding bodies have a duty to make reasonable adjustments.

The duty for an awarding body to make a reasonable adjustment will apply where a disabled person would be at a substantial disadvantage in comparison to someone who is not disabled. In such circumstances, the awarding body is required to take reasonable steps to avoid that disadvantage. Awarding bodies are not required to make adjustments to the academic or other standard being applied when conducting an examination/assessment.

Awarding bodies offering vocational qualifications are allowed to apply competence standards to a disabled person. **The application by an awarding body of a competence standard to a disabled person is not disability discrimination unless it is**

**discrimination by virtue of Section 19 of the Equality Act 2010 (re indirect discrimination).**

It is vital that centres recruit with integrity with regard to vocational qualifications. Centres must ensure that learners have the correct information and advice on their selected qualification(s) and that the qualification(s) will meet their needs. The recruitment process should include the centre assessing each potential learner and making justifiable and professional judgments about the learner's potential to successfully complete the assessment and achieve the qualification.

Such an assessment must identify, where appropriate, the support that will be made available to the learner to facilitate access to the assessment.

Where the recruitment process identifies that the learner may not be able to demonstrate attainment and thus gain achievement in all parts of the assessment for the selected qualification, this must be communicated clearly to the learner. A learner may still decide to proceed with studying a particular qualification and not be entered for all or part of the assessment.

Centres are advised to ensure that learners are aware of:

- the range of options available, including any reasonable adjustments that may be necessary, to enable the demonstration of attainment across all of the required assessments: and
- any restrictions on progression routes to the learner as a result of not achieving certain outcomes.

Vocational qualifications accredit competence in the work place against National Standards and an approved assessment strategy. Any reasonable adjustment must reflect the normal working practice of an employee working within the occupational area.

Learners may, however, use mechanical, electronic and other aids in order to demonstrate competence so long as the aids are generally commercially available and can feasibly be used on employers' premises. The following adaptations may be considered for the purposes of facilitating access, as long as they do not impact on the competence standards being tested:

- adaptation of the physical environment for access purposes;
- adaptation to equipment.

Learners should be fully involved in any decisions about adjustments/adaptations to ensure that individual needs can be met whilst still bearing in mind the specified assessment criteria for a particular qualification.

Each application will be considered individually and the response will relate primarily to the effect the requested adjustment might have on the competence or ability being tested in the qualification.

Some adjustments may not be considered reasonable if they involve unreasonable costs or timeframes or affect the security and integrity of the qualification itself.

Reasonable adjustments must not, however, affect the reliability or validity of assessment outcomes nor must they give the learner an assessment advantage over other learners undertaking the same or similar assessments.

For the purpose of Examinations the Equality Act 2010 is defined by Access Arrangements, Reasonable Adjustments and Special Consideration. A definition of each is details below:

### **Access Arrangements**

Access arrangements may cover the entire course. **Access arrangements should be processed at the start of the course.** Access arrangements online must be used to process applications for the following qualification types:

AQA Applied General qualifications, AQA Level 1, Level 2, Level 3 Technical qualifications, BTEC Firsts, BTEC Tech Awards, BTEC Nationals, Cambridge Nationals, Cambridge Technicals, FSMQ, ELC, GCE, GCSE, OCR Level 3 Certificates, WBQ, WJEC Level 1, Level 2 General qualifications, WJEC Level 1, Level 2 Vocational qualifications, WJEC Level 3 Applied qualifications.

Access arrangements are agreed before an assessment. They allow candidates with special educational needs, disabilities or temporary injuries to access the assessment.

Access arrangements allow candidates to show what they know and can do without changing the demands of the assessment: for example, readers, scribes and Braille question papers.

An access arrangement which meets the needs of a disabled candidate would be a 'reasonable adjustment' for that particular candidate.

The person appointed to facilitate an access arrangement must not be the candidate's own subject teacher or teaching assistant. Where the candidate's own subject teacher or teaching assistant is used, a separate invigilator must be present.

### **Reasonable Adjustments**

The Equality Act 2010 requires awarding bodies to agree reasonable adjustments for disabled candidates in order to lessen or remove the effects of a 'substantial disadvantage' in an assessment.

The reasonableness of the adjustment will depend on the needs of the disabled candidate. An adjustment may not be considered reasonable if it involves unreasonable costs, timeframes or affects the security or integrity of the assessment.

### **Evidence of Need**

The evidence of need will vary depending on the disability and the access arrangement(s) being applied for. Access arrangements online will provide prompts as to the evidence required. Centres must ensure that they are familiar with what constitutes the core evidence/evidence of need for each access arrangement by referring to Chapter 5 of the JCQ publication "Access Arrangements and Reasonable Adjustments".

### **Special Consideration**

Special consideration is an adjustment to a candidate's mark or grade to reflect temporary illness, injury or other indisposition at the time of the assessment.

## **General Access Arrangements and Reasonable Adjustments**

Below is a list of general access arrangements that can be applied to certain qualifications:

- Alternative accommodation
- Amplification equipment
- Bilingual dictionary
- Braille
- Closed Circuit Television
- Colour naming by the invigilator for candidates who are colour blind
- Coloured overlays
- Computer reader
- Examination on coloured/enlarged paper
- Extra time of up to 25%
- Extra time over 25%
- Live speaker for pre-recorded examination components
- Low vision aid/magnifier
- Modified papers
- Optical Character Reader scanners
- Language Modifier
- Practical Assistant for practical assessments
- Practical Assistant for written papers
- Prompter
- Read Aloud
- Reader
- Scribe/voice activated computer system/voice input system
- Separate invigilation
- Sign Language Interpreter
- Supervised rest breaks
- Transcript
- Word Processor
- Examination Reading Pen

### **Additional access arrangement information for Invigilators and the Exams and Data Team**

A communication professional may access a question paper 60 minutes before the published exam start time if the SENCO has granted this arrangement for a candidate. A reader/Scribe is **not allowed** access.

All candidates with access arrangements need to be highlighted on examination seating plans and invigilators made aware.

## **Processing Access arrangements**

Access arrangements must be processed and approved before an examination/assessment.

The SENCO **must** keep detailed records of all the essential information on file. This includes a copy of the candidate's approval application, appropriate evidence of need (where required) and a signed data protection notice for inspection by the JCQ Centre Inspection Service.

Information for this policy has been obtained from the JCQ publication Adjustments for candidates with disabilities and learning difficulties Access Arrangements and Reasonable Adjustments 2021-2022

<https://www.jcq.org.uk/exams-office/access-arrangements-and-special-consideration>

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Also the Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

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## **Policy Review**

This Equality Act 2010 Examinations Policy will be reviewed by the Head of Centre, Senior Leader for Examinations and the Examinations Officer annually.

The policy is next due for review on 1<sup>st</sup> July 2023

\_\_\_\_\_ Head of Centre

\_\_\_\_\_ Senior Leader Examinations

\_\_\_\_\_ Examinations Officer