

Access Arrangements, Reasonable Adjustments and Special Consideration General and Vocational Qualifications With effect from 1 September 2010 – 31 August 2011 Summary: J M Ridsdale Principal Psychology Lecturer Dyslexia Action

1. Introduction

New points for **2010-2011** will be presented here in ***bold italics***. Those who are familiar with the guidelines and just want to know what's new this year may just want to look at the text in ***bold italics***.

The new booklet of regulations and guidelines is available on-line at www.jcq.org.uk <<http://www.jcq.org.uk/>> .

There are a few significant amendments this year but on the whole it represents a consolidation of the system of applying to awarding bodies for access arrangements, using Access Arrangements Online.

Close examination of the booklet suggests the basic rules with reference to learning difficulties are almost identical to last year – with some clarifying amendments

One major and significant change however is with reference to the use of coloured overlays, prompters, read aloud and word processors. As long as these arrangements can be deemed 'normal way of working' they can be granted by the centre with no need to go through Access arrangements online or to keep evidence. The only requirement is that it is the candidates' normal way of working and reflects their needs.

The booklet retains the new format introduced last year, being divided into 'changes for the academic year 2010-2011. This is followed (pvii) by a brief but informative section titled 'Definitions' in which common terms such as Access Arrangements, Reasonable Adjustments and Special Consideration' are clarified.

This is followed, as before, by Sections A, B, C and D. Section A is called Pre-examination adjustments – Access Arrangements, and is the section that generally deals with the familiar issues of access arrangements, eligibility, learning difficulties. It is on the whole clear and retains very helpful concrete examples.

Section B was introduced the year before last and refers specifically to the Disability Discrimination Act 1995 which now applies to general qualifications. The helpful format includes FAQs and a link to the full document.

There is an important imminent change here. In October 2010 the Disability Discrimination Act is superseded by the new Equality Act. This Act will 'strengthen the duty to make reasonable adjustments and will define 'substantial disadvantage' ... The

Equality and Human Rights Commission (EHRC) is intending to produce a code focused on qualifications and assessment to accompany the Equality Act 2010.

This may well have the effect of changing some of the regulations published in this current booklet.

Section C refers to Reasonable Adjustments in Vocationally Related Qualifications (VRQs) and National Vocational Qualifications (NVQs) to allow access to assessments. Section D refers to Post examination adjustments – Special Consideration (GCSE and GCE qualifications.)

Neither Section C nor D will be discussed here.

Those aspects that pertain especially to the position of dyslexic/other SpLD candidates at GCSE and GCE, AEA will be summarised. Basic Skills, Entry Level, Functional Skills, Key Skills etc will not be addressed. This means that by and large this summary refers to the information contained in the Changes for the academic year 2010/2011, pp vi and also Section A, Pre-examination adjustments' pp 1-33 but other sections are touched on where appropriate. References are given to page and paragraph numbers in the 2010/2011 booklet, unless otherwise specified.

2. *New Terminology in bold italics. Details will be provided later in this document.*

A reminder of the terminology Introduced four years ago is in plain below.

1. JCGQ is JCQ
2. Special arrangements are known always as Access Arrangements
3. The exact nature of these constitute effective adjustments
4. Exam Boards are known always as awarding bodies
5. The distinction between centre delegated and awarding body approved access arrangements is effectively removed as the Access arrangements online system means both types of access arrangements are processed in almost the same way.
6. The terms dyslexia and dyslexic are still maintained – but only in the 'Examples of how Access Arrangements...would apply' sections, (e.g. p 6). In all other sections the terms 'learning disabilities, learning difficulties, disability/learning difficulty, disability, substantial learning difficulty, impairment, learning difficulties affecting literacy' are all used fairly interchangeably.
7. The term amanuensis is deemed interchangeable with the term scribe
8. The new form to be completed on-line is now called 'The Diagnostic Report'. Form 8 is still, rather confusingly, referred to throughout the document in a way that seems interchangeable with 'The Diagnostic Report' and Form 8 is deemed a useful way to summarise relevant information so as to create a 'The Diagnostic Report'. Schools are encouraged to complete Section A as well as Sections B & C as a useful way to maintain evidence of history of need and provision. It may also sometimes be necessary for 'off-site' specialist assessors (such as Dyslexia Action psychologists and specialist teachers, if they wished to do so) still to use Form 8 – as they will be unable to download a 'The Diagnostic Report' form. This is because only Examination Centres have access to this as part of the Access arrangements online system – whereby they have a specific coded access number.
9. Assessor remains 'the specialist' whether teacher, psychologist or other
10. Oral Language Modifier – this term was introduced two years ago and is even more fully specified this year. This term will be returned to. This access arrangement has arisen from the needs of deaf candidates. Under the DDA however it must now be available to others.

11. Papers with modified language. Once again this has its origins in the needs of the deaf – but may have far reaching implications.
12. Live Speaker – once again this arises from the needs of deaf candidates – but could potentially apply to learning difficulties and will be discussed further.
13. Computer readers – software which reads out a scanned paper
14. Assessment Objectives – competence standards, knowledge, understanding, skills and application.
15. Carrier language – the language in which the exam questions are couched.
16. Exemption from the component – There are guidelines on this making it clear it can only be applied in extreme cases and will incur an indication on the candidate's certificate to show not all of the assessment objectives were accessible. It cannot be processed by Access Arrangements on line

3. The Role of the Awarding Bodies

The introduction of 'Access Arrangements on-line' has considerably changed – but not altogether removed - the role of the Awarding Bodies. In nearly all cases now however the procedure by which the exams officer enters details on-line means that there is an instant online automated response either confirming or turning down the access arrangement proposed – as long as a Standard Score is submitted.

NB. Although this procedure is the same for 'delegated to centre' and 'awarding body approved' access arrangements, the evidence requirements are different.

4. Access Arrangements

(See pp ix-xii for a helpful synopsis of ALL Access Arrangements)

These are as follows:

- **Prompters**
- **Coloured Overlays**
- **Reading aloud to self**
- **Word processor**

NB All these have now become access arrangements which centres can allow without any need to go to Access Arrangements online OR hold evidence on file. What is necessary is an understanding that this is the candidate's normal way of working

- Up to 25% extra time
- Separate Invigilation
- Transcripts
- Low vision aids,
- Amplification equipment
- Coloured Paper
- Additional tapes/CDs
- Alternative accommodation away from centre
- Braille question papers
- CCTV
- Colour naming
- Early opening of papers
- Live Speaker
- Modified Enlarged font
- Modified Language
- Practical assistant

- Sign Language Interpreter
- Supervised Rest Breaks
- Tactile Diagrams
- Transcript of recording

All of the above must be processed through 'Access Arrangements on-line' which allows centres to download pre-populated cover sheets.

Extra time up to 25% for candidates with learning difficulties:

The exams officer must simply answer two validating questions, on the lines of:

- 1) Has the candidate a Statement of SEN relating to secondary/further education? (NB the Statement does NOT have to refer specifically to literacy).

OR

- 2) Has the candidate had an assessment confirming learning disability, carried out by a specialist, undertaken during the secondary/further education period?

There is a bit more detail – see Chapter 2 p4. If the answer to one of these questions is 'Yes', the arrangement will be accepted.

It is ESSENTIAL that the centre holds evidence to substantiate saying 'yes' to one of the above questions, and it is anticipated that there will be a significant increase in monitoring and inspection of centre held evidence by JCQ officers.

- Computer Reader/Reader(*an aide memoire for this is available p79*)
- Scribe(*an aide memoire for this is available p79*)
- Voice Activated Computer
- Oral language Modifier
- Extra time – more than 25% - up to 100%

All of the above must also be processed through 'Access Arrangements on-line' which allows centres to download pre-populated cover sheets. In the case of these access arrangements however the assessment must have been carried out within the 26 months prior to the examination and in most cases the candidate must have scored below 85 on a relevant test.

NB Many of the above apply to candidates with sensory or physical impairment. It is of note however that one of the central tenets of DDA legislation is that adjustments must be made according to need – rather than according to a category of disability. This has wide implications. The use of 'Modified Language' for example is generated by the need of those with a hearing impairment, who have a concomitant difficulty in reading comprehension, to have written language simplified so they can understand it. This original intent however cannot be exclusive to candidates with a hearing impairment. It means that any candidate who can be shown to have a significant impairment in language comprehension must now be allowed access to papers where the questions have been written in 'modified language'. The JCQ has grasped this nettle however and (p40 Chapter 6) is working on the task of 'the modification of carrier language in all question papers. The carrier language means the way in which the questions are phrased – it does NOT refer to any technical terms etc which constitute part of

the core assessed components. This modification of all papers for all candidates remains work in progress. Some are however now completed.

Extra Time up to 100%

Up until this year it was rare to be granted more than 25% extra time. Application of the DDA has now made this more freely available to those with 'substantially' below average speed of processing' p5, even though it was intended probably to cater for those with, e.g., severe cerebral palsy.

This year this has been quantified and the candidate must gain a standard score of less than 70 on a test of speed of processing – whether reading, comprehension, writing or cognitive processing. Over 25% of time will not be granted in addition to scribe and/or reader.

Live Speaker

This arrangement is designed largely for the hearing impaired who need to lip read, and relates to aural exams, a live speaker replacing a tape.

Oral Language Modifier

This arrangement has been further clarified this year – see **p19**. To be eligible for this arrangement the candidate must 'have a reading comprehension score that is below average – and have an oral language modifier as a normal way of working.

An oral language modifier is permitted to 'explain or re-phrase the carrier language in an examination paper'. The modifier must be able to differentiate between carrier and subject specific language. Training is recommended.

I suspect in classrooms far and wide teachers regularly perform this service on a daily basis for their students whose reading comprehension is below average. It is an access arrangement long been deemed 'missing' by, e.g., parents/carers of candidates with significant general learning difficulties. Once again it clearly originates from the needs of hearing impaired candidates but can now be much more widely applied – and I imagine will be! An example of a candidate with severe and specific language disorder is given on p20. NB There are specific guidelines on what must be included on the coversheet notes p20.

Computer Reader

This really reflects ongoing developments in technology and the use of software, rather than a person, to read the text. NB reading Pens are still NOT allowed.

Scribe/Word Processor WITH spell checker/Voice Activated software with spell checker
These three access arrangements are classified as equivalent. If a candidate is permitted a scribe he may implement this by using a word processor with voice activated software with predictive text and spell checker, or use a word processor with keyboard and spell checker. In exams assessing writing however (eg French, English – written) text must be independently produced or it cannot be marked. Because of the 'scribe' component this remains an 'applied for', rather than a 'centre allowed' arrangements

All of the above must be processed through 'Access Arrangements on-line'. In the case of candidates with learning difficulties needing arrangements which must be 'applied for', rather than 'registered' and which therefore require the outcomes of literacy assessments, it is necessary to complete The Diagnostic Report. This term is used interchangeably with Form 8

Section C; It is also necessary to quote 'below 85' scores related to the arrangements requested. In addition the assessment must have been carried out within 26 months of the exam series.

If a centre is unable to provide literacy assessments in the form of standardised scores or the outcome of the assessments does not fall in the below average range, the request will be automatically turned down. HOWEVER, there is a procedure to cater for this event. The exams officer must now make an 'awarding body referral'. To do this he/she must press a button at the end of the Diagnostic Report page in order to submit 'alternative evidence'. The exams officer must then 'make a case' for those candidates who do not have any literacy scores below 85 but who nevertheless are seriously disadvantaged. It is ESSENTIAL that the centre holds evidence to substantiate any requests made and it is anticipated that there will be a significant increase in monitoring and inspection of centre held evidence by JCQ officers.

5. Psychologists and Specialist Teachers

Rules and regulations have always applied alike to psychologists and specialist teachers. Assessment reports may be furnished by psychologists and by holders of specialist teaching qualifications that include training in assessment (details p33). Most postgraduate certificates and diplomas in dyslexia/SEN would be acceptable.

NB An assessment report constitutes 'A diagnostic report', NOT, 'THE Diagnostic Report' - an important distinction in the new terminology. An exam officer may well take information from A diagnostic report to include in THE Diagnostic Report. Alternatively an off site specialist may well wish to complete a Form 8 – still available to download – which the exam officer can then use.

It is very important that off site specialists, if NOT using Form 8, give consideration to including in their reports a section clearly intended to give evidence for the need for access arrangements. Sometimes exam officers find it very difficult to tease out from long reports the information they need. Caution must however be exercised here – as, whatever the view of the specialist assessor, it remains the responsibility of the Head of the examinations centre to decide which access arrangements should be requested.

Examples of those qualified to provide evidence, and/or complete form 8 are posted on the JCQ website www.jcq.org.uk

JCQ sent out a consultation paper with a view to shifting responsibility for ascertaining which qualifications are acceptable in enabling teachers to provide assessment reports. This has now, been implemented.

This constituted a considerable change – and questions from schools **still** suggest a marked degree of confusion. 'Anybody can do it now can't they?' – Or words to that effect has been a frequent question to psychologists. The answer remains of course 'no!' NOT anybody can do it! In order to be eligible the specialist assessor must be able to demonstrate all the competencies listed on p33. These include a good understanding of the basic principles of psychometrics.

Some ambiguity in the booklet regarding which psychologists, and which teachers, and Non Teaching Assistants are actually eligible has been clarified for me by the JCQ, as follows:

Psychologists

It has been confirmed to me in writing that the key paragraph here is 3.4 that refers to a 'Qualified Psychologist'.

Para 3.4.1, which refers to Educational, Clinical and Occupational Psychologists, is intended *merely* to give examples of some psychologists who might carry out assessments. It is NOT intended to be *excluding*, for example, of Chartered Psychologists whose background is primarily in research.

Teachers

Once again it has been clarified to me in writing that para 3.7, p33, which refers to 'a teacher...able to teach and assess secondary aged ...learners' is NOT intended to be excluding of, for example, peripatetic teachers, specialist teachers employed in the voluntary/independent sectors, teachers with primary age qualifications, tutors who do not have QTS employed in colleges, NTAs etc. It is deemed the responsibility of the Head of Centre employing someone in a teaching capacity to ensure that that person is suitable for the task of teaching – and also for the quality of the access arrangements process within his or her centre (p33). Evidence of the specialist teacher's ability to meet the criteria set out on page 33 must be available in the centre for inspection purposes.

The crucial feature is that a teacher/tutor carrying out and reporting on the assessments has all of the specified competencies noted by bullet points on p33.

NB It remains the case that there is a very clear statement making it mandatory for all assessments quoted in Section C of Form 8/ The Diagnostic Report to have been carried out by the person holding a qualification deemed appropriate by the head of centre.

It is NOT permissible for example, for a SENCO who holds a qualification, or for a psychologist, to quote assessments carried out by other unqualified teachers as having been done 'under supervision'.

Any infringement of this would 'constitute malpractice'.

The booklet adds 'psychologists must not sign off assessments carried out by a teacher' p32.

It IS however permissible for a psychologist's, or independent specialist teacher's report to be submitted in its original form, making no use of Form 8. As noted above, this may however cause difficulties for the exams officer who has to take information from the report to input on-line

6. Forms

By and large there should no longer be a need to use forms, but, Form 8 may still be used and is still as follows:

Form 8

The form JCQ/AA/LD FORM 8 for use in Application for Access Arrangements is the same one for psychologists or teachers. It retains four sections. The sections should be completed as follows:

Section 1

This is a frontispiece to be completed by the centre, and refers to exams being taken, history of access arrangements etc.

Section A

This covers the candidate's history of need and provision, and should be completed by the centre and sent to the *specialist assessor* prior to the candidate's appointment for assessment.

Section C

This section must be filled in by a qualified specialist (See comment re psychologists above for possible exemptions), and constitutes a summary of results obtained by the candidate. Once completed it should be returned to the Centre.

Section B

This section is brief but crucial and lists the exact special arrangements requested. This section should be completed by the centre, on receipt of the completed Section C from the specialist assessor

NB. It remains the responsibility of the Centre, NOT the specialist assessor to decide on the special arrangements necessary, and to request them.

Modification of the Form 8 is not permitted in any way. Only those sections relevant to the specific access arrangement being requested for the candidate need to be completed. Irrelevant sections must however not be deleted, but may be noted as N/A.

7. Eligibility for Access Arrangements

Four years ago there was a considerable shift here, maintained this year, in that potentially many more candidates became eligible for Access Arrangements than in previous years. This reflected the 'spirit of the law' as enshrined in the DDA and the need to provide for 'people with substantial impairment'. In discussion with the DRC and the AEP the JCQ took a decision that access arrangements must accommodate those candidates with 'below average' access skills. This was clarified for me by the JCQ in writing as follows:

“The change to the regulations was intended to comply with the spirit of the law which covers people with substantial impairment. In the case of learning difficulties, it is not easy to identify what the courts might define as substantial impairment...The DRC will not accept blanket bans, such as the ten-year cut off point. We have therefore had to accommodate the below average group and this was defined by the AEP as below 85 on a standardized score or below 16 on a percentile score”

The 'Below Average Rule' benchmark

In practice this generally means candidates with literacy standardized scores falling below 85, or below the 16th percentile.

Major changes introduced this year are summarized above. These have come about because of the amendment of the DDA 1995 to include general qualifications. Details are available at <http://www.drc-gb.org/pdf/DefnOfDisability.pdf> . Below Average remains a benchmark rule.

8. Other general points

As before the guidance covers topics relevant to dyslexic pupils such as recency of assessment, range of access arrangements permitted, use of computers, and deadlines for submission. Most of these remain substantially the same as last year.

1. There will no longer be an indication on a certificate that an access arrangement has been allowed.
2. Requests for all access arrangements must be made on-line
3. The appropriate cover sheets for all types of requested special arrangements must accompany candidates' scripts. Detailed guidance on each of these with reference to learning disabilities and other impairments, not by and large new, is given. It is made clear that whilst the same person may act as both reader and amanuensis/scribe, these special arrangements must be specified separately.
4. Several candidates doing the same paper may share the same reader but that the reader may NOT be the same person as the invigilator. This applies in all situations, and not solely where a group is sharing a reader. In any case the reader must not be a relative, friend or peer of any candidate. This also applies in the use of a prompter.
5. As last year it is permitted for a candidate who does not qualify for a Reader but who has poor reading skills to be able to sit their exams in a separate room so that they may read the questions aloud to themselves if they wish.
6. In a request for either amanuensis/scribe, voice activated software or use of word processor it is no longer necessary to submit pieces of timed work produced by the client in hand-written mode.

Cognitive Ability

NB The important and significant changes introduced four years ago are retained.

An important issue seems to be that in all cases where the 'Below Average Rule' applies (see above), there is really no need to undertake any cognitive ability assessment at all. Neither is there any necessity to give any indication that a candidate is able to cope with the cognitive demand of the exam undertaken.

NB There is no longer any Cognitive Ability Assessment section on the form.

These changes once again reflect the spirit of the DDA.

The JCQ make it plain that:

'The changes to the Regulations and Guidance seek to enhance access for people with disabilities and other difficulties to the qualifications without compromising the assessment of skills, knowledge, understanding or competence being measured'.

My reading of the booklet leads me to believe that the JCQ wishes Centres and candidates to take their own decisions as to who is eligible to embark on a particular

course of study, or undertake a particular qualification. JCQ wish only to ensure access barriers are removed, whilst unfair advantage is not endowed.

Unfair Advantage

This is where in my opinion cognitive assessment becomes crucial. The booklet acknowledges, somewhat indirectly, that the 'Below Average Rule' will not apply to all candidates who nevertheless may be eligible for Access Arrangements, (eg p1, para 1.3).

In the Examples of Access Arrangements Section references are made to difficulties beyond the 'Below Average Rule' e.g. p6.

More importantly, p32, Para 3.3.10 Other Relevant Information, the booklet refers to 'additional information...where extra time may be required by a candidate who has otherwise normal levels of literacy'

This paragraph is really the only one giving any leeway for the, for example, very bright dyslexic, with literacy skills falling above the 85 cut off point, but who is unable to demonstrate their 'skills, knowledge, understanding or competence being measured' without extra time. It also now suggests that complex cases are perhaps best referred to an Educational Psychologist.

It is these candidates for whom a full diagnostic assessment is essential if the Form 8 'Other Relevant Information' section is to be completed in sufficient detail to make a valid case in support of their need for Access Arrangements. As there is no longer any Cognitive Ability Assessment Table on Form 8 any recording of cognitive ability assessment must now be placed in the 'Other Relevant Information' section.

Concluding Remarks

Experience, and my interpretation of this and previous booklets, suggests that the JCQ are more and more willing to extend the use of access arrangements to those who can be shown to need them. ***The shift of use of word processor to being an access arrangement that can be permitted by centres with no need to notify Access Arrangements online – or hold evidence, merely confirm it is the candidates normal way of working is an example of this.*** Full implementation of the DDA 1995 means, in addition, that any access arrangements must be available to any candidate demonstrating an area of disability, PLUS a history of using such an arrangement to support access, regardless of the 'label' of their disability.

In the end, however, as always, the provision of assessment reports by specialist assessors demands that those people maintain their own high professional standards of integrity in carrying out this task. The basic principles stated on page 1 however (re measurement of skills, knowledge, understanding, removal of access difficulty whilst not according unfair advantage) remain crucial and mandatory.

The burden of interpretation now falls even more heavily on Examination Centre Personnel. It is *they* who must decide both which candidates to enter for which exams, and also which special arrangements they should apply for, and for whom. In addition

they must now also decide who is qualified to carry out the assessments. The bullet points on p33 will help them decide who is suitably qualified to be a specialist assessor.

NB Advice on How to Proceed where the Specialist Assessor is not a Member of Staff at the Examination Centre: JMR

Where this is the case I would recommend the following:

EITHER:

1. The Examination Centre is requested to complete Section A of Form 8 (in electronic form if possible) and send Form 8 to the Specialist Assessor so that they may have sight of it before carrying out assessment of the candidate.
2. The Specialist Assessor completes Section C.
3. The Specialist Assessor also writes a paragraph, on a separate page, designed so as to aid the Examination Centre in the completion of Section B.
4. All the above are returned to the Examination Centre which then completes Section B, for which they have responsibility, using if they wish, the recommendations of the Specialist Assessor as a guide.
5. The Examination Centre then sends all the Sections on line to the Awarding Body.

OR

Note: some consulting psychologists may wish to charge for the extra work of providing an additional report in the form of Section C of Form 8. In such cases it may be wise to encourage Examination Centres to use the psychologists' standard assessment reports for this purpose. This is allowed, but then the exams officer must take from the report the relevant information so as to complete the on-line 'The Diagnostic Report'. Consulting psychologists should be aware that this may be a difficult task for exams officers (as has been indicated to me by JCQ) and therefore it is helpful if they can include a specific paragraph in their reports detailing the evidence that the examination centre, could, if they wished, use to substantiate requests for particular arrangements. NB, to reiterate, whatever the view of the specialist assessor, it remains the responsibility of the Head of the examinations centre to decide which access arrangements should be requested.

How to proceed when the Specialist assessor (Teacher) has carried out some of the assessments, and some have been carried out by a Psychologist, and Form 8 is being used: JMR

Form 8 must not be amended. My recommendation would be that in this case the specialist teacher, who has carried out the literacy assessments, complete and sign Section C. I would suggest that they include in Section A any information from the psychologist - e.g. IQ scores, results of other psychometric tests, and observations on stress levels etc – which are pertinent to the Access Arrangement they are requesting. The actual sequence of timing of assessments seems to me to be immaterial. What is important is that Section A may include information gained from several sources, whereas Section C must only include information gained through assessment carried out by the

specialist signing Form 8 - tests not relevant to the access arrangements requested may of course be omitted.

The original summaries of these guidelines used to be carried out by my colleague Martin Turner. Martin died this year but his legacy lives on in so many ways – and this is just one of them. People have been kind enough to tell me they find my summaries useful – and I would just like to attribute their conception to Martin, Thank you.

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