



NiNe Training Limited

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## **Purpose**

The purpose of this policy is to provide direction and guidance to the staff of NiNe training Limited (NINE) and its sub-contractors on the applicable reasons for; and procedure to apply for access arrangements and reasonable adjustments to assessments.

This policy ensures access arrangements are agreed where learners have been identified with a specific need, either special education needs, disabilities, or temporary injuries.

Access arrangements are how Educ8 comply with the duty under the Equality Act 2010 to make 'reasonable adjustments.

This policy has been developed in line with Joint Council for Qualifications (JCQ) and Awarding Body (AO) requirements.

## **Scope**

This policy relates to NINE and its member organisations' undertakings which fall under NINE Welsh Government/ESFA funded contracts. This policy applies to all learners on courses and qualifications offered by NINE.

## **Impact on the Learner**

The implementation of this policy will ensure that all learners are able to access fair and valid assessment of their learning. Reasonable adjustments will be arranged, where it is approved, where a learner is defined as disabled within the meaning of the Equality Act 2010, see Appendix 1.

## **Legal and Regulatory Framework**

This policy is to be used in conjunction with guidance issued by:

- Awarding Organisation guidance
- Joint Council for Qualifications (JCQ) guidance
- Education Workforce Council (EWC) guidance
- Equality Act 2010
- NINE Appeals Policy

## **Definitions**

### **1. Access arrangements**

Access arrangements allow learners to show what they know and can do without changing the demands of the assessment. For example, using readers, scribes and Braille question papers. The intention behind access arrangements is to meet the needs of an individual learner without affecting the integrity of the assessment. Access arrangements are the principal way in which awarding bodies and NINE comply with the duty under the Equality Act 2010 to make 'reasonable adjustments.

### **2. Reasonable adjustments**

A reasonable adjustment may be required where a learner, 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. NINE, along with the AO, is required to take reasonable steps to overcome that disadvantage.

### **3. Special considerations**

Special consideration is a post-examination adjustment to a learner's mark or grade to reflect the temporary illness, temporary injury, or some other event outside of the learner's control at the time of the



assessment, which has had, or is likely to have had, a material effect on a learner's ability to take an assessment or demonstrate his or her normal level of attainment in an assessment.

Special consideration, if successful, may result in a small post-assessment adjustment to the mark of the learner. The size of the adjustment will depend on the circumstances and reflect the difficulty faced by the learner.

Please refer to Appendix 1 for The Equality Act 2010 definition of disability.

### **Review arrangements**

NINE will review this policy annually in line with self-assessment arrangements. This policy will also be revised as and when necessary, in response to customer and learner feedback or guidance issued by an awarding organisation or other regulatory body.

### **Responsibilities**

#### **Board of Directors**

- Ensuring NINE, its member organisations and sub-contractors fully meet legal requirements.
- Ensuring this policy meets the requirements of relevant legislation and regulations.
- Ensuring this policy is regularly reviewed.

#### **Senior Management Team**

- Review and monitor NINE and sub-contractor performance against targets.
- Ensure compliance to Access requirements, raising concerns with partners and to Board as required.
- Ensure effective implementation and monitoring of this policy.

#### **Managers**

- Ensuring all staff are made aware of this policy.
- Immediately reporting to SMT any concerns relating to this policy.

#### **Staff**

- Follow guidance where access requirements are identified.
- Ensure access arrangements are clearly recorded and implemented for learners as per AO guidance.
- Immediately report any concerns relating to access arrangements to their manager.

### **Implementation**

NINE, through its Initial Assessment process, will identify learners who have a disability, which meets the definition under the Equality Act 2010, and note the individual details on the e-ILP.

It may be necessary for a learner to provide a valid and medically assessed statement of needs to access arrangement, adjustments, or special considerations. It is the responsibility of the Assessor to ensure any paperwork is available prior to assessment taking place.

For any reasonable adjustments or special consideration adjustments then relevant AO guidance must be adhered to. For further information on these, the following links apply:

City & Guilds (inc JCQ guidance)

#### **Examinations:**

<https://www.cityandguilds.com/-/media/cityandguilds-site/documents/delivering-our-qualifications/cdl/examinations/jcq-aa-regs-2019-20-pdf.ashx?la=en&hash=D6D43074443549414297B8772DC12556B6E886F0>



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**Access Arrangements:**

<https://www.cityandguilds.com/-/media/cityandguilds-site/documents/delivering-our-qualifications/access-arrangements-when-and-how-to-apply-pdf.ashx?la=en&hash=8358C1BB86F242D18E468D771939693867E9CBEE>

**How to apply:**

<https://www.cityandguilds.com/-/media/cityandguilds-site/documents/delivering-our-qualifications/access-arrangements-when-and-how-to-apply-pdf.ashx?la=en&hash=8358C1BB86F242D18E468D771939693867E9CBEE>

For further information on WJEC and WTCT policies, the Qualifications Manager should be contacted.

**Communication**

This policy, and any updates, will be disseminated to all NINE, member and sub-contract employees via the Teams platform. All new employees will be advised of this policy as part of initial induction.

Learners will be advised of this policy on induction to learning programmes, as well as receiving guidance through their learning journey.

**Monitoring and Review Processes**

This policy will be routinely reviewed on an annual basis and where there are changes to regulatory requirement.

**Complaints**

All complaints will be taken seriously and dealt with in a timely and sensitive manner, in accordance with company procedures and the NINE Complaints Policy and Procedure.



## Appendix 1

### **The Equality Act 2010 definition of disability**

Impairments must 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 be regarded as having a substantial adverse effect on normal day to day activities. Factors that might be expected not to have a substantial adverse effect are also provided.

Factors that might 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.
- physical impairment – for example, difficulty operating a computer because of physical restrictions in using a keyboard.

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

- minor problems with writing or spelling;
- inability to read very small or indistinct print without the aid of a magnifying glass.
- inability to converse orally in a language which is not the speaker's native spoken language.