

# Reasonable Adjustments and Access Arrangements Policy and Procedures

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CILEX END-POINT ASSESSMENT

The Chartered Institute of Legal Executives

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## **Purpose**

1. CILEx recognises that reasonable adjustments and access arrangements allow Apprentices to show what they know and can do without changing the validity or demands of the assessment.

## **Scope**

2. This policy applies to Apprentices undertaking CILEx End-Point Assessments, their employers and training providers and CILEx staff and contractors involved in the delivery of EPA services.

## **Definitions**

3. Reasonable adjustments are offered within the scope of the Equality Act 2010. The Act defines someone with disabilities as having 'a mental or physical impairment which is long-term and has a substantial adverse effect upon day-to-day activities'. Disabilities considered for reasonable adjustments include (but are not limited to): mobility issues; sensory impairments; learning difficulties such as dyslexia, Asperger's syndrome and autism; long-term conditions such as multiple sclerosis, MND, ME, cancer treatment.
4. Reasonable adjustments can be made for Apprentices taking assessments to alleviate or remove the effect of a disability, which places Apprentices at a substantial disadvantage, to enable them to demonstrate their knowledge, skills and understanding to the levels of attainment required by the relevant Apprenticeship Standard.
5. Access arrangements are for Apprentices who have temporary injuries, temporary illness or other indisposition and/or protected characteristics under the Equality Act 2010 which present a barrier to accessing the assessment.
6. Access arrangements can be made to an assessment to alleviate the effect of temporary illness, temporary injury or other indisposition and/or a protected characteristic which places Apprentices at a substantial disadvantage to enable them to demonstrate their knowledge, skills and understanding to the levels of attainment required by the relevant Apprenticeship Standard.

## **Key Principles**

7. The Equality Act requires adjustments to be 'reasonable' for Apprentices in terms of giving access, and to organisations in terms of costs. CILEx must also consider the practicality and effectiveness of the reasonable adjustments or access arrangements. Other factors will be taken into account, such as the need to maintain academic standards, the assessment environment for other Apprentices and health and safety.

8. Reasonable adjustments and access arrangements are intended to assist Apprentices to demonstrate their attainment without affecting or circumventing the assessment requirements. Reasonable adjustments and access arrangements must not affect the validity or reliability of the assessment outcome. They may involve but are not limited to:
  - changing standard assessment arrangements, for example allowing extra time to complete the assessment;
  - providing access facilitators during the assessment, such as a sign language interpreter.
9. Reasonable adjustments and access arrangements are agreed **before** an assessment takes place allowing Apprentices to be fairly assessed.
10. The use of reasonable adjustments and access arrangements will not be taken into consideration in the marking of an Apprentice's assessment responses.
11. Reasonable adjustments and access arrangements should not give Apprentices an unfair advantage, neither should they mislead stakeholders regarding Apprentices' achievements.

### **CILEx Duties/Responsibilities**

12. CILEx as the End-Point Assessment Organisation (EPAO) is responsible for:
  - determining reasonable adjustments and access arrangements in relation to the defined needs of individual Apprentices.
  - considering the Apprentice's normal methods of studying and producing work, if appropriate, when making decisions on reasonable adjustments and access arrangements.
  - approving valid reasonable adjustments and access arrangements for assessments, on the basis of clear, documented evidence from a qualified professional.
  - ensuring that reasonable adjustments and access arrangements do not reduce the reliability or validity of the assessment so that credibility is maintained. The End-Point Assessment of Apprentices who had reasonable adjustments and access arrangements must have the same credibility as those of other Apprentices. Achievement of such End-Point Assessments must give a realistic indication to a potential Employer of what the holder of an Apprenticeship certificate can do.
  - ensuring that the provision for reasonable adjustments and access arrangements does not compromise the integrity of the assessments.

## **Eligibility for Reasonable Adjustments**

13. Apprentices will be eligible for reasonable adjustments if their performance during an assessment is likely to be substantially affected by a particular impairment as defined under the Equality Act 2010.
14. Some Apprentices with disabilities may not need reasonable adjustments for assessments. Apprentices may have developed coping mechanisms which minimise or remove the need for adjustments.
15. Apprentices will only be eligible for reasonable adjustments if supporting evidence accompanies the application in accordance with the requirements set out below.
16. Apprentices with a Statement of Special Educational Need do not automatically qualify for reasonable adjustments. The demands of the assessment are taken into account. The reasons for the statement may have only limited effect on achievement in the assessment.

## **Eligibility for Access Arrangements**

17. Apprentices will only be eligible for access arrangements if issues arising from their protected characteristic and/or temporary illness, temporary injury, other indisposition, places them at a substantial disadvantage in the assessment situation.
18. Apprentices (and Employers/Training Providers acting on an Apprentice's behalf) should first consider postponing the assessment to when issues arising from their temporary illness, temporary injury or indisposition provide less of a barrier to taking the assessment.
19. Apprentices will only be eligible for access arrangements if supporting evidence accompanies the application in accordance with the requirements set out below.

## **Supporting Evidence for Reasonable Adjustments and Access Arrangements Applications**

20. Supporting evidence must accompany all requests to CILEx for reasonable adjustments and access arrangements to ensure that CILEx is able to provide each Apprentice with the necessary support.
21. Supporting evidence must be sufficient, valid and reliable from an appropriately qualified professional.
22. Appropriate supporting evidence may include written evidence from an independent, external specialist (for example, medical, psychological, clinical, social care professional).

23. The written evidence must normally be recent and state the following:
  - The name, title and professional credentials of the person who carried out the assessment of the Apprentice and produced the evidence;
  - The barrier to taking the assessment;
  - The recommended reasonable adjustments or access arrangements required to reduce this barrier.
24. The supporting evidence will be used to assess the application. If the adjustments or arrangements requested are not reasonable, they will not be agreed. In some circumstances, alternative adjustments/arrangements will be suggested which are more practical for particular situations.

### **Applying for Reasonable Adjustments or Access Arrangements**

25. CILEx will accept applications from the apprentice, the apprentice's employer or the apprentice's training provider. Employers/training providers making an application on behalf of an Apprentice must have the apprentice's explicit written permission. Employers/Training Providers must ensure that they retain a copy of the written consent for at least six months following the application. CILEx reserves the right to request to see a copy of the Apprentice's written consent.
26. The CILEx End-Point Assessment Reasonable Adjustment/Access Arrangements Application form should be completed to request reasonable adjustments or access arrangements. The form and supporting evidence should be sent to the Assessment Team at CILEx.
27. Applications received without the required supporting documentation may not be processed in time for the Apprentice to take the assessment or may be rejected.
28. Applications for reasonable adjustments must be submitted to CILEx at least 1 month prior to the scheduled assessment date.
29. Applications for access arrangements should be submitted to CILEx as soon as possible after the temporary illness, indisposition etc is identified. However, whilst CILEx will seek to support the Apprentice in putting in place the necessary arrangements, as defined in the supporting evidence, CILEx cannot guarantee this and it may be necessary for the Apprentice to postpone the assessment.

### **Reasonable Adjustments and Access Arrangements Appeals**

30. Information about appealing a decision in relation to a reasonable adjustments or access arrangements application is set out in the CILEx Appeals Policy and Procedures – CILEx End-Point Assessment.

## **Useful contacts**

31. For more information about reasonable adjustments or access arrangements contact the Membership Contact Team – [membership@cilex.org.uk](mailto:membership@cilex.org.uk)

## **Policy review arrangements**

32. This policy and procedure are subject to a three-year review cycle. However, the policy and procedure may be reviewed more frequently to address regulatory changes, operational feedback or concerns brought to the attention of CILEx to ensure the policy and procedure remain fit for purpose.
33. This policy and procedure are also reviewed as part of CILEx's ongoing quality improvement monitoring.

## **Appendix 1**

### **Range and Types of Reasonable Adjustments and Access Arrangements**

This section sets out examples of the range and type of reasonable adjustments and access arrangements which may be considered. CILEx will only approve reasonable adjustments or access arrangements for which there is supporting evidence in accordance with CILEx requirements. CILEx must be satisfied that the reasonable adjustments or access arrangements approved compensate for the barrier caused by an Apprentice's disability temporary illness, temporary injury or other indisposition without modifying or invalidating the End-Point Assessment requirements or reducing the integrity of End-Point Assessment.

#### **Changes to assessment conditions**

##### **Extra time**

Subject to the supporting evidence, Apprentices for whom supervised rest breaks ('clock stopping') are not appropriate may be allowed extra time during an assessment, for example, if they have disabilities which affect speed of cognitive processing.

The amount of additional time granted will be based on the supporting evidence. Normally, an additional allowance of up to 25% of the total assessment time will be considered.

##### **Supervised rest breaks ('clock stopping')**

Subject to the supporting evidence, an Apprentice may be allowed supervised rest breaks during an assessment. Supervised rest breaks may be taken either inside or outside the assessment room. The duration of the breaks will not be deducted from the assessment time.

##### **Change in the organisation of the assessment room**

Subject to the supporting evidence, minor changes to the organisation of the assessment room may benefit some Apprentices with particular disabilities, for example, visually impaired Apprentices may benefit from sitting near a window for good lighting; hearing impaired Apprentices may benefit from being seated near the front of the room; autistic Apprentices may benefit from having visual/noise stimuli, such as a ticking clock, removed from the room.

##### **Separate accommodation within the assessment centres**

Subject to the supporting evidence, Apprentices will be accommodated separately if the adjustments or arrangements put in place may disturb other Apprentices.

## **Alternative ways of presenting Apprentice responses**

Subject to the supporting evidence, Apprentices wherever possible will be provided with the means to present their responses by the method that is most appropriate and being normally used by them during their Apprenticeship.

## **Use of access facilitators**

### **Sign Language Interpreter (British Sign Language)**

Subject to the supporting evidence, where sign language is the primary means of verbal and aural communication for deaf or hearing-impaired Apprentices, these Apprentices may have the support of a Sign Language interpreter when instructions or questioning takes place aurally.