

A practical briefing guide for examinations officers in the further and higher education sectors.

Please note that this briefing guide is not a complete and authoritative statement of the law and does not provide definitive guidance on the practical implications of SENDO.

Introduction

The Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO) applies to schools, universities and colleges, including teacher training and agricultural colleges. For the purposes of this guide all of these bodies shall be referred to as the '**institution**'.

Throughout this guide the term '**disabled student(s)**' is used to cover all disabled students including; full time, part time, international, adult learners, outreach and prospective disabled student(s). The term '**all staff**' includes full time, part time, temporary, permanent, contract, agency and outreach staff either directly or indirectly employed by the institution.

What is disability discrimination under SENDO?

SENDO places new duties not to discriminate against **all staff** and bodies responsible for the provision of education and associated services, admissions and expulsions/suspensions. The new duties can be summarised as follows:

- Not to treat disabled students and prospective disabled students **less favourably** (for a reason relating to their disability) than it treats, or would treat, a person to whom that reason does not or would not apply (without justification). **Victimisation** is also covered.
- To make '**reasonable adjustments**' to ensure that disabled students are not placed at a substantial disadvantage compared to students who are not disabled.

How will SENDO impact on examinations officers?

Examinations officers will often receive requests for adjustments to be made for assessments and examinations. SENDO means that you have a duty to make reasonable adjustments for disabled students when arranging examinations and assessments if the request is related to the student's disability.

What responsibilities do qualifications bodies have?

Qualifications bodies have a duty under SENDO and under Part II of the Disability Discrimination Act 1995 not to discriminate against a candidate who has a disability, without justification. Contact the Equality Commission for Northern Ireland for further information.

Examinations officers should work closely with qualifications bodies when making reasonable adjustments to ensure that both are meeting their duties under SENDO.

Case Study 1

A student at a further education college is studying for GCSEs. Modifications to the delivery of the examination have to be agreed by the examination board. The college has responsibility for finding out what modifications the disabled student may need, for requesting these of the examination board and for making any adjustment needed to the administration of the examination in the college.

The college is not responsible for deciding whether modifications are acceptable nor for any changes to the examinations themselves.

Case Study 1 highlights the role that examinations officers should play when working with qualifications bodies. Although the college does **not** have the authority to make modifications to the examination it still has a responsibility to **request** appropriate modifications from the qualifications body and ensuring that where appropriate, the adjustments are **implemented**.

Anticipating and making reasonable adjustments

The duty to make reasonable adjustments is both an **anticipatory duty** and a **reactive duty**. In relation to examinations and assessments, staff can meet the anticipatory duty in a number of ways such as:

- Ensuring that examination halls are accessible to wheelchair users and to those with visual impairments or who are deaf or hard of hearing.
- Providing a room for rest-breaks should they be required.
- Making examination timetables available in accessible formats.
- Carrying out regular risk assessments on areas which pose difficult for disabled students.
- Providing a separate room for disabled students who have support assistants (if requested by the disabled student). This could also be beneficial to other students as it may cause less disruption in examination halls.
- Communicating to disabled students that extended time for assessments and examinations may be available. Opportunities for students to request additional support or extra time should be publicised well in advance of the examination period.
- Having knowledge of and communicating the procedures for making reasonable adjustments when the institution is not the awarding body.

- Liaising with other staff, in particular disability and learning support services, to develop an action plan to make assessments more accessible.
- Working closely with staff and disabled students when making reasonable adjustments in order to anticipate likely reasonable adjustments that may be needed.

Case Study 2

A college of further and higher education gives a disabled student a poor mark on his exam. The student experiences fatigue and cannot concentrate for long periods. The college is aware of this. The reason why he has performed badly in this examination is related to his disability and so he has been treated less favourably.

The college tries to justify treating the disabled student less favourably by arguing that it is necessary for maintaining academic standards. However, the college failed to make any reasonable adjustments for the disabled student, such as, allowing him short rest breaks. The college cannot justify their actions, because they could have made an appropriate reasonable adjustment.

Case Study 3

At a university in Northern Ireland, a profoundly deaf student whose first language is British Sign Language is following an art degree. Most of the course is practically based. However, students are expected to give an oral presentation of their work.

It is likely to be reasonable to facilitate the deaf student to present her work by booking the services of a British Sign Language interpreter.

Both Case Studies 2 and 3 highlight the **reactive** adjustments that institutions can make. In Case Study 2, the college was aware of the student's disability but failed to make reasonable adjustments. Thus, they cannot justify less favourable treatment. However, in Case Study 3, the university can ensure that the disabled student is not treated less favourably by booking the services of an interpreter. In doing so they have ensured that they meet the reactive duty to make reasonable adjustments.

Is it appropriate to ask for medical evidence?

Yes. In many cases qualifications bodies will require medical evidence before they approve making modifications to assessments and examinations.

However, it is essential that examinations officers develop appropriate policies, practices and procedures for seeking medical evidence. Policies should assist staff in knowing how to ask about a student's disability in a supportive manner and how to identify any relevant information that may be required.

Examinations officers can ask for medical evidence if adjustments are required but should only use this evidence to assist in the process of making reasonable adjustments.

If a disabled student requests adjustments from the examinations officer then the institution is deemed to know about the student's disability. Thus, it is essential to discuss with the disabled student if adjustments can be made in their access to education other than in examinations arrangements.

It is possible that many disabled students will **not** declare that they have a disability whilst studying at the institution. Some students may have their own coping mechanisms while others will be afraid that by disclosing their disability they could be putting their place on the course in jeopardy.

To ensure that the institution is complying with SENDO examinations officers should adopt a **proactive approach** to encourage disabled students to disclose their disability.

If a disabled student has disclosed a disability on his/her enrolment form, then the examination officer is responsible for ensuring that reasonable adjustments are made for assessments and examinations. However, the institution and **all** staff should provide on-going opportunities for students to disclose their disability throughout the academic year.

Examinations officers should work closely with admissions, marketing, facilities, teaching as well as disability and learning support services staff to create an environment within the institution in which students will feel confident to disclose their disability.

Examinations officers should actively promote opportunities for students to disclose their disability in advance of the examination period. This can be achieved by:

- Asking **all** students if they require additional support in assessments and examinations.
- Providing information in the institution's prospectus or student induction pack. Such information could include positive examples of the reasonable adjustments made in the past for disabled students who disclosed their disability.
- Raising general awareness through a poster campaign.
- Making teaching staff and students aware of the adjustments that can be made in assessments and examinations.
- Working with disabled students to develop good practice methods of encouraging disclosure.

Where can I get more advice and information?

It is essential that **all staff** are aware of their duties under SENDO. Contact the **staff development officer**, the **learning support** or **disability services** at the institution for advice and support.

You may also contact the following organisations for advice and support:

Equality Commission for Northern Ireland

Equality House
7 – 9 Shaftesbury Square
Belfast
BT2 7DP
Telephone: 028 90 500 600
Textphone: 028 90 500 589
Fax: 028 90 248 687
Email: information@equalityni.org
Website: www.equalityni.org



Skill NI National Bureau for Students with Disabilities

Unit 2
Jennymount Court
North Derby Street
Belfast
BT15 3HN
Telephone/ Textphone: 028 90 287 000
Fax: 028 90 287 002
Email: info@skillni.org.uk
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