

Analysis of responses to our consultation on specifications on reasonable adjustments



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Executive summary

Our consultation on *Specifications on Reasonable Adjustments* took place between 25 May and 31 July 2016. The consultation questions were available to complete online or download. A copy of the consultation is available at <https://www.gov.uk/government/consultations/ofquals-consultation-on-specifications-on-reasonable-adjustments>.

There were 36 responses to the consultation. 10 of these were from awarding organisations and 10 were personal responses. We received 9 responses from representative or interest groups, 3 from schools or colleges, 2 from unions and 1 each from a trade association and a local authority. 1 organisational response, from a union, did not respond directly to our consultation questions but provided a general response.

Respondents to the consultation supported the majority of our proposals. Respondents provided a number of comments in response to our proposals. In many instances, these were about refinements to the wording of our draft specifications to improve their clarity, as opposed to wholesale changes. In particular, respondents suggested improvements to the clarity of our specifications concerning readers and practical assistants. Respondents also suggested that we include guidance and examples alongside our specifications to help users understand them.

There were 2 areas in particular where views were split amongst respondents:

- oral language modifiers (OLMs) – we proposed not to specify to prohibit OLMs as a reasonable adjustment. We received strong views both for and against this proposal, with some awarding organisations suggesting OLMs should be prohibited, whilst many representative groups would like to see OLMs remain available
- access to texts and other materials – we proposed to specify to restrict access to texts and other materials (for example calculators) that are not normally available to students, as a reasonable adjustment. Views on this were mixed with some awarding organisations preferring an outright ban on provision of such materials, whilst other respondents supported our proposal to put in place restrictions that go short of a ban

We set out the responses in more detail below.

Introduction

The consultation on specifications on reasonable adjustments

This report is a summary of the views expressed by those who responded to our *Consultation on Specifications on Reasonable Adjustments*, which took place between 25 May and 31 July 2016.

Background

Awarding organisations have a duty, under the Equality Act 2010, to make reasonable adjustments for disabled students. The act gives Ofqual the power to limit the extent of this duty for specified general qualifications in England. We have been given this power so we can make sure that reasonable adjustments do not:

- prevent a qualification giving a reliable indication of a student's knowledge, skills and understanding
- damage public confidence in a qualification

We use this power by making 'specifications'. These prohibit or limit the extent to which awarding organisations must make or allow reasonable adjustments to some qualifications. We do not have the power to specify which reasonable adjustments awarding organisations must make. In making specifications, in addition to the points above, we must have regard to the need to minimise the extent to which disabled students are disadvantaged in attaining a qualification because of their disabilities.

Ministers decide to which qualifications our power to make such specifications applies.

This consultation was about amendments and additions to the specifications we made in 2011¹.

¹ <https://www.gov.uk/government/publications/specifications-in-relation-to-the-reasonable-adjustment-of-general-qualifications>

Who responded?

We received 36 responses to our consultation. 26 of these were from organisations and 10 were personal responses.

Table 1: Breakdown of consultation responses

Personal / organisation response	Respondent type	Number
Organisation response	Awarding organisation	10
Organisation response	Other representative or interest group	10
Personal response	Educational specialist	6
Organisation response	School or college	3
Personal response	Teacher	3
Organisation response	Union	2
Organisation response	Local authority	1
Personal response	Parent/carer	1

Table 2: Location of respondents

Location	Number
England	24
England/Wales/Northern Ireland/Scotland	5
England/Wales/Northern Ireland	2
England/Wales/Northern Ireland/Scotland/Other EU/Non-EU	2
Not specified	2
England/Wales	1

Approach to analysis

The consultation was published on our website. Respondents could choose to respond using an online form, by email, or by posting their answers to the consultation questions to us. The consultation included 25 questions.

This was a consultation on the views of those who wished to participate and while we tried to ensure that as many respondents as possible had the opportunity to reply, it cannot be considered as a representative sample of the general public or any specific group.

Data presentation

We present the responses to the consultation questions in the order in which they were asked. The consultation asked 25 questions and each had a different focus. Respondents could choose to answer all or just some of the questions.

For some of the questions, respondents could indicate the extent to which they agreed with our proposals using a 5-point scale (strongly agree, agree, neither agree nor disagree, disagree, or strongly disagree), as well as providing free-form narrative comments on our proposals. For these questions, we set out respondents' views using the 5-point scale. Where respondents provided further comments, we analyse these separately for respondents who agreed with our proposals, disagreed with our proposals, or expressed no preference.

Other questions allowed respondents to say whether they had any comments to make on a proposal, and if they said yes, allowed them to provide free-form narrative comments. For these questions we set out whether respondents replied 'yes' or 'no' and analyse any comments made.

During the analysis phase we reviewed every response to each question, and also the responses that did not follow the format of the consultation (though these responses are not included in the figures which set out the number of responses received to each question).

Views expressed – consultation response outcomes

In this section we report the views, in broad terms, of those who responded to the consultation document. We have structured this around the questions covered in the consultation document, and provide analysis of the data broken down by stakeholder type.

We do not detail each individual comment which was made, although we have read and considered all views which were provided.

A consultation is not the same as a survey and the responses only reflect the views of those who chose to respond. Typically, these will be those with strong views and/or particular experience or interest in a topic. What follows is a reflection of the views expressed by respondents to the consultation.

A list of the organisations that responded to the consultation is included in Appendix A.

Question 1: To what extent do you agree or disagree that we should recommend to DfE that our specifications apply to the qualifications listed on page 12?

Responses from those who responded to this question were as follows:

Strongly agree	7
Agree	19
Neither agree nor disagree	7
Disagree	1
Strongly disagree	0

Of those who agreed or strongly agreed with our proposals, we received comments on the following:

- Respondents felt that a consistent approach across qualifications makes the requirements clearer for all concerned.
- 2 respondents (both organisations) welcomed the proposal to recommend to the Department for Education (DfE) that ESOL qualifications are included on the updated list as these qualifications are increasingly being used by schools and colleges.

- 2 respondents (both organisations) welcomed the proposal to recommend to DfE that it includes in the list of qualifications covered by the specifications, Cambridge IGCSE² and International GCSEs (level 1/2 certificates). They commented that this would improve consistency with similar qualifications and reduce the burden on centres who sometimes have to follow different requirements for different qualifications.

The single respondent (an organisation) who disagreed made the following comment:

- They commented on the impact of applying our specifications to qualifications that are offered internationally as well as in England. Our General Conditions include the following in their definition of Equalities Law: “...*any legislation in a jurisdiction other than England which has an equivalent purpose and effect.*” The respondent commented that the impact of this should be considered as some qualifications offered outside England as well as in England may need revising to ensure they comply with the proposed specifications. The respondent also commented that for qualifications offered in England, changes may be necessary to ensure they comply with the requirement to limit the amount of a qualification that can be exempted to 40%. In addition, they commented that time needed to be allowed to implement any changes required as a result of changes to the list.

Question 2: Are there any changes to the list that you would recommend and, if so, why?

Responses from those who responded to this question were as follows:

Yes	6
No	26

Respondents that commented on this question provided comments on the following:

- There are some qualifications on the updated list that, whilst currently available, are not expected to continue to be available. The example given was Adult Literacy and Numeracy Qualifications.
- 1 organisation recommended the addition of a number of other specific qualifications that it offers.

² IGCSE is the registered trademark of Cambridge International Examinations

- One organisation repeated concerns raised in the previous question about the inclusion of qualifications that are offered internationally as well as in England, and the possible impact of doing so.

Question 3: To what extent do you agree or disagree that exemptions should only be allowed where no other reasonable adjustment is available?

Responses from those who responded to this question were as follows:

Strongly agree	17
Agree	11
Neither agree nor disagree	4
Disagree	2
Strongly disagree	0

Of those who agreed or strongly agreed with our proposals, we received comments on the following:

- A number of respondents commented that they agreed that exemptions should only be used as a last resort and that other reasonable adjustments should always be used, where possible, to allow a student to demonstrate their knowledge, skills and understanding. They commented that due to the number of other reasonable adjustments available, in many cases this should be possible.
- Respondents felt it was important that an exemption should remain available to enable students to access qualifications who might, without an exemption, not otherwise be able to access them.
- 1 respondent (an organisation) commented on the availability of other reasonable adjustments and said that budgets in schools and colleges meant that some other reasonable adjustments, which may be used as alternatives to exemptions, were not affordable.

Respondents who disagreed provided the following comment:

- Whilst they agreed that exemptions should only be permitted as a last resort, they felt the wording of the specification could be changed to make this clearer.

Question 4: To what extent do you agree or disagree that exemptions should not be permitted where they would form more than 40% of the total (weighted) marks for the qualification?

Responses from those who responded to this question were as follows:

Strongly agree	12
Agree	14
Neither agree nor disagree	4
Disagree	2
Strongly disagree	2

Of those who agreed or strongly agreed with our proposals, we received comments on the following:

- 2 respondents (individuals) commented that 40% is already a high proportion of a qualification from which a student could be exempted and that they would not want the limit to be increased.
- A number of respondents commented that allowing exemptions from more than 40% of a qualification could compromise the integrity of the qualification, and would prevent it providing a reliable indication of the student's knowledge, skills and understanding.
- Respondents commented that maintaining the limit at 40% would protect the integrity of the qualification and help maintain public confidence, whilst still allowing disabled students to access qualifications as far as is possible.

Of those who disagreed or strongly disagreed with our proposals, we received comments on the following:

- 1 respondent (an individual) commented that exemptions should apply to the entire exam.
- 2 respondents (both organisations) commented that in some instances, 40% may not be sufficient to allow a student to access a qualification, for example where a student cannot complete speaking or listening assessments and these make up more than 40% of the qualification. They commented that these students may therefore be prevented from obtaining the qualification.

Question 5: To what extent do you agree or disagree that for GCSE (9-1) English language, where an exemption applies for the spoken language component, no other exemption may apply?

Responses from those who responded to this question were as follows:

Strongly agree	3
Agree	16
Neither agree nor disagree	11
Disagree	3
Strongly disagree	1

Respondents who agreed or strongly agreed with our proposals made the following comments:

- 3 respondents (1 individual and 2 organisations) commented that if a student was allowed to be exempted from any other part of the qualification in addition to the spoken language component, the qualification would not provide a true reflection of their ability.
- 4 respondents (all organisations) commented that the nature of the qualification means that it is unlikely an exemption would be required for the written parts of the qualification as other reasonable adjustments are available which would be likely to enable students to access these assessments.

Respondents who disagreed or strongly disagreed with our proposals commented on the following:

- 1 respondent (an organisation) commented that for some complex disabilities, greater flexibility towards what can be exempted should be allowed.
- 1 respondent (an individual) commented that as the spoken language assessment is separately reported and does not affect the overall grade, then an exemption should also be allowed from some of the written assessment.

Respondents who neither agreed nor disagreed with our proposal commented generally on the structure of the qualification, specifically in relation to the spoken language component being reported separately. This was not within the scope of this consultation.

Question 6: To what extent do you agree or disagree that for A level science subjects and A level geology, where an exemption applies for the practical component, no other exemption may apply?

Responses from those who responded to this question were as follows:

Strongly agree	3
Agree	16
Neither agree nor disagree	11
Disagree	3
Strongly disagree	1

Respondents who agreed or strongly agreed with this proposal made similar comments to those made in relation to the previous question. These related to the need to maintain the integrity of the qualification and the likelihood that students would not require exemptions from the written assessments due to the availability of other reasonable adjustments.

Similarly, those who disagreed or strongly disagreed made similar comments to those in the previous question. These were that additional flexibility may be required for complex disabilities and that exemptions from part of the written assessments should also be allowed, being as the practical components do not contribute towards calculation of the overall grade.

Question 7: Are there any other subjects for which we should make specific provisions?

Responses from those who responded to this question were as follows:

Yes	5
No	26

Respondents who suggested there were additional subjects for which we should make specific provisions made the following comments:

- It would be useful to have similar specific provisions to those we propose, for other qualifications – for example Functional Skills English or ESOL Skills for Life – covering whether students can be exempted from more than one component.

- 2 organisations commented that for modern foreign language qualifications where speaking and listening assessments contribute towards more than 40% of the overall mark, it should still be possible for deaf students who have difficulties in speaking and lip-reading to request an exemption so that they are able to complete these qualifications, based on the reading and writing aspects alone.

Question 8: Are there any factors we have not set out here that we should consider to ensure that students are not unfairly advantaged or disadvantaged by our proposed approach to exemptions in qualifications with separately reported results?

Responses from those who responded to this question were as follows:

Yes	5
No	25

Respondents made the following comments:

- It is important to ensure that there is a level playing field between those students who do not require reasonable adjustments and those who do.
- 1 respondent (an organisation) pointed towards the range of guidance that is available from representative groups and awarding organisations about reasonable adjustments, which can help students to access exams without the need to request an exemption.

Question 9: To what extent do you agree or disagree that exemptions should only be permitted for a whole component and only where a student can access no part of that component?

Responses from those who responded to this question were as follows:

Strongly agree	8
Agree	14
Neither agree nor disagree	4
Disagree	6
Strongly disagree	1

Respondents who agreed or strongly agreed with this proposal made the following comments:

- 2 individuals commented that allowing exemptions from parts of components would make qualifications unmanageable and that partial exemptions would be very hard to monitor if they were allowed.
- 3 respondents (all organisations) commented that allowing exemptions to parts of components would cause difficulties for organisations offering the qualifications, in terms of how they are delivered and the systems that would be required for doing so.
- 1 organisation commented that only allowing exemptions from whole components helps to ensure fairness and consistency of approach across different students and different awarding organisations.

Respondents who disagreed or strongly disagreed with this proposal made the following comments:

- 2 respondents (organisations) commented that where a student can access a part of a component, an exemption could not apply. But a student could be disadvantaged, by getting a lower mark for a component as they are only able to complete part of the component, but cannot be exempted from the parts they cannot complete.
- 1 respondent commented that this specification, when combined with others, could disadvantage some disabled students. They suggested that where the use of other reasonable adjustments was restricted (for example a reader or scribe) due to the nature of what is being assessed, the student would have to be exempted from a whole component, even if they could complete part of it. This could prevent the student from being able to demonstrate the knowledge, skills and understanding that they are able to demonstrate.
- 2 organisations commented that only allowing exemptions from whole components could mean that a student who could access a very small part of a component is at a greater disadvantage than one who can access none of a component. This is because the former would be marked on what they can demonstrate, whilst the latter would be exempted from the whole component. This could also be the case where a reasonable adjustment is available, but is not sufficient to address the disadvantage the student faces.

Question 10: To what extent do you agree or disagree with our proposal that changes to grade boundaries or marks should not be permitted as a reasonable adjustment?

Responses from those who responded to this question were as follows:

Strongly agree	15
Agree	13
Neither agree nor disagree	4
Disagree	1
Strongly disagree	1

Respondents who agreed or strongly agreed made the following comments:

- 4 individuals commented that it is important that reasonable adjustments are used to ensure there is a level playing field for all students. They commented that allowing adjustments to grade boundaries could impact on the validity of the qualification, and give some students an advantage over others.
- 1 organisation commented that if changes to grade boundaries were allowed, it could lead to a perception that there is an 'easier' version of the exam for disabled students.
- 4 organisations commented that it is important that the award of all qualifications is fair and consistent. They commented that allowing changes to grade boundaries could threaten the validity of the qualification and would not enable it to provide an accurate indication of all students' knowledge, skills and understanding.
- 1 organisation commented that the emphasis should be on identifying an appropriate reasonable adjustment to enable a student to access the assessment, rather than making changes to the grade boundary after they have taken it.
- 1 organisation, although agreeing with the proposal, suggested the specification itself could be more clearly worded.

The 2 respondents who disagreed or strongly disagreed with our proposal made the following comments:

- As a disabled student and a non-disabled student's normal way of working are different, it would be appropriate to apply different grade boundaries as a reasonable adjustment. They commented that it is not possible with other reasonable adjustments to achieve absolute parity, therefore an adjustment to grade boundaries should be permitted.

Question 11: To what extent do you agree or disagree that we should continue to prohibit the use of readers where a student's reading ability is being assessed?

Responses from those who responded to this question were as follows:

Strongly agree	12
Agree	13
Neither agree nor disagree	2
Disagree	5
Strongly disagree	1

Many respondents, whilst agreeing with the proposal overall, suggested that the wording could be clearer. Respondents who agreed or strongly agreed with this proposal made the following comments:

- 11 respondents commented on the removal from the proposed new specification, of the distinction between human readers and electronic readers, compared with the current specification. Respondents felt that the distinction in the current wording should be retained, due to differences in the way these different types of reader are used by students.
- Although the changes to the wording would still appear to allow electronic readers, respondents were concerned that removing this distinction could lead to confusion amongst centres and awarding organisations as to exactly what is allowed and lead to inconsistent approaches being taken.
- 2 respondents commented that deaf students who rely on lip-reading to support listening could be disadvantaged over those who can use electronic readers, or those who don't require a reader, due to human readers not being permitted in an exam testing reading.

- 3 respondents (2 organisations and 1 individual) commented that where reading is being assessed, a student should not be permitted access to a third party, as this could result in the third party's ability to read being assessed as opposed to that of the student.

Respondents who disagreed or strongly disagreed with our proposal made the following comments:

- 1 respondent (an individual) commented that a well trained human reader should provide no more visual clues to a student than an electronic reader, therefore there was no need for a distinction between the two.
- 1 respondent (an organisation) commented on the removal of the distinction between human and electronic readers. They commented that there is a difference between the passive reception of information conveyed by a human reader and the independent management of information via a computer reader. They believed therefore that retaining the distinction is necessary and that its removal could lead to inconsistency of approach between awarding organisations. They commented that the new specification would require a definition of 'reading ability' in order to attempt to apply it consistently.
- 1 respondent (an organisation) also commented that there was a potential for a large number of students to be disadvantaged by this proposed specification, unless it is clearly stated that computer readers should be treated differently from human readers when reading ability was being assessed.

Respondents who neither agreed nor disagreed with this proposal also made similar comments in relation to the removal of the distinction between human and computer readers. They commented that it should be clear in the specification that electronic readers may still be permitted in circumstances where human readers are not.

Question 12: To what extent do you agree or disagree that we should prohibit the use of a human scribe, speech recognition system or other writing aid where a student's writing ability is being assessed and where this would prevent the student demonstrating that ability?

Responses from those who responded to this question were as follows:

Strongly agree	7
Agree	14
Neither agree nor disagree	5

Disagree	5
Strongly disagree	3

Respondents who agreed or strongly agreed with this proposal made the following comments:

- 1 respondent (an organisation) commented that it is important that where a scribe is used, they are suitably trained. They commented that where this is not the case, students can potentially be disadvantaged.
- 4 respondents (all organisations), whilst agreeing with the proposal, suggested possible changes to the wording of the specification. 3 suggested that “*speech recognition system*” could be reworded as “*speech recognition technology*”. One respondent suggested that the specification should use the phrase “*where a student’s writing ability is being assessed*” instead of the proposed text “*in relation to any aspect of written communication*”.
- 1 respondent (an organisation) commented that unless a student’s actual handwriting or typing skills are being assessed, scribes should be permitted.

Respondents who disagreed or strongly disagreed with our proposals made the following comments:

- 1 respondent (an individual) commented that as long as the student dictates their response, a human scribe or an electronic system should be allowed.
- 1 respondent (an organisation) commented that the proposed approach could automatically preclude a disabled student from achieving the same level of attainment as their peers. They commented that when combined with our other specifications, in particular that which prohibits adjustments to grade boundaries, disabled students could be unfairly disadvantaged.
- 2 respondents (1 organisation and 1 individual) commented that although marks for skills such as spelling, punctuation and grammar could still be available where a student spells out words letter by letter, this was unlikely to be practical given the amount of additional time that would be required to do this. Respondents also commented that this approach was unlikely to be of benefit to the student if there are no specific marks allocated for spelling, punctuation and grammar.
- 1 organisation commented that a human scribe is not equivalent to a speech recognition system or other writing aid. They commented that a student should not get marks for something someone else had done. They proposed that

human scribes should not be permitted, but that electronic systems should, as these would help the student to demonstrate skills independently.

- 1 respondent (an organisation) commented that it would be important to define what is meant by 'other writing aid'. They commented that this could include a wide range of things and it would need to be defined to ensure a consistent approach.
- 1 respondent (an organisation) commented that there should be a specific reference to situations where the use of scribes may differ between qualifications. They commented that in practice, scribes may be used differently in GCSE English exams to how they are used in Functional Skills English exams and that this should be set out in the specification.
- 1 respondent commented that where an electronic system is used, a student would still be required to demonstrate their skills in spelling, punctuation and grammar, through the editing process, after the words had been initially transcribed. They believed that as a result, students using electronic systems or other aids should still be able to access these marks.
- 1 respondent (an organisation) commented that the reasonable adjustments referred to in the specification are all means of writing down a student's answer. They commented that students who find these skills physically demanding may also be affected in their fluency of expression, so could still be disadvantaged were this specification to be applied.

Respondents who neither agreed nor disagreed made the following comments:

- 2 respondents (both organisations) commented that the proposed specification is more open to interpretation than the one that is currently in place. They commented that the use of the term 'writing aids' requires guidance as to what it covers.

Question 13: To what extent do you agree or disagree that the use of another language (such as British Sign Language) should not be permitted as a reasonable adjustment where this would prevent a student demonstrating their understanding and use of the particular language that is being assessed?

Responses from those who responded to this question were as follows:

Strongly agree	6
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Agree	17
Neither agree nor disagree	7
Disagree	3
Strongly disagree	0

Respondents who agreed or strongly agreed with this proposal made the following comments:

- 4 respondents (three organisations and one individual) commented that this specification was appropriate, as British Sign Language (BSL) is a separate language to English, with its own syntax and grammar. It is not appropriate as an alternative to English, where skills in English are being assessed.
- 1 respondent (an organisation) commented that greater clarity is required regarding the use of Sign-Supported English (SSE). They commented that many deaf students use a combination of BSL and SSE and it is not always easy to distinguish between the two. Therefore, they believe greater clarity on when SSE can be used is needed.
- 2 respondents (both organisations) commented that they supported the proposal to allow SSE, whilst prohibiting the use of BSL, in the circumstances set out in the specification.

Respondents who disagreed with our proposal made the following comments:

- 1 respondent (an organisation) commented on the removal from the existing specification of the explicit reference to speaking and listening. They commented that the way in which BSL is used in a written exam could differ to how it is used in a speaking or listening exam. They commented that the specification should set out exactly what type of assessments it covers.

Question 14: To what extent do you agree or disagree that practical assistants should be permitted, but that students should not be rewarded for skills that they have not themselves demonstrated?

Responses from those who responded to this question were as follows:

Strongly agree	8
Agree	11

Neither agree nor disagree	11
Disagree	1
Strongly disagree	2

Respondents who agreed or strongly agreed with this proposal made the following comments:

- 1 respondent (an individual) commented that allowing students to receive marks for a skill they have not themselves demonstrated may undermine the qualification. They commented that if used correctly, however, it is appropriate for a practical assistant to perform minor tasks on behalf of the student.
- 2 respondents (both organisations) commented that where a student has not themselves demonstrated a skill, they should not be awarded marks for that skill.
- 1 respondent commented that whilst agreeing with the proposal, the wording of the specification was ambiguous and could be interpreted either as meaning practical assistants are not allowed, or that they are allowed but that marks for skills that the assistant has performed should be unavailable to the student.

A number of respondents commented that they neither agreed nor disagreed with this proposal. In the main, this was because they agreed in principle with what we proposed but felt the wording of the specification could be improved. These respondents made the following comments:

- 5 respondents (all organisations) commented that the wording of the specification was ambiguous and it was not clear whether the intention was that practical assistants should not be used at all in practical assessments, or whether they could be, but with some marks being unavailable to the student. Respondents commented that a student must carry out practical activities themselves in order to be awarded marks for them.
- 1 respondent (an organisation) commented that the use of the terms 'physical tasks' and 'physical abilities' was too narrow. They commented that, in some instances, the support provided could relate, for example, to a colour change in an experiment. They suggested that 'practical' may be a more appropriate term to use in the specification.

Respondents who disagreed made the following comment:

- 1 organisation commented that in practical assessments, students with a physical impairment should direct, through explicit verbal instructions, exactly what a practical assistant should do which could allow them to demonstrate the required skills and knowledge and access the component.

Question 15: To what extent do you agree or disagree that we should restrict the provision of materials to students as a reasonable adjustment where these are not generally provided to other students?

Responses from those who responded to this question were as follows:

Strongly agree	4
Agree	13
Neither agree nor disagree	9
Disagree	4
Strongly disagree	3

Respondents who agreed or strongly agreed with this proposal made the following comments:

- 1 respondent (an individual) commented that they would not like to see a reasonable adjustment available for disabled students that would also benefit, if it was available to them, non-disabled students.
- 2 respondents (both individuals) commented that if recalling information is a requirement of the subject, then such an adjustment should not be allowed; if this is not the case, materials should be available to everyone.
- 1 respondent (an organisation) commented that for students with recall/memory issues, then such an adjustment should be available if recall/memory is not specifically being tested. They also commented that if recalling information is not a requirement, materials should be available to everyone.
- 2 organisations agreed that additional texts and support materials which may advantage a student should not be provided.
- 1 organisation agreed with this proposal, but would like the approach to be prescribed in more detail than in our proposed specification. However, another

organisation, that also agreed with the proposal, commented that the detail should be left for awarding organisations to determine, based on each individual case.

Respondents who disagreed or strongly disagreed with our proposals made the following comments:

- 1 individual commented that everyone should be treated the same. They commented that nothing should be given in advance to a student as a reasonable adjustment, as this is an unfair advantage.
- 2 organisations commented that they would not support a blanket prohibition, as this could disadvantage students with memory impairments and prevent them from completing assessments. Respondents commented that the restriction of the provision of materials should only be applied to marks which cannot be assessed if a student has access to the materials.

One respondent who neither agreed nor disagreed with our proposal commented:

- Whether or not the provision of materials should be allowed as a reasonable adjustment depends on whether the student's ability to perform without these materials is part of the assessment. The respondent commented that if having access to these materials would invalidate the assessment and the reasons for this are specific to that assessment, it would be more logical and useful to specify this in the qualification specific requirements published by Ofqual.

Question 16: Do you have any comments on any of the approaches set out in relation to the provision of materials to students as a reasonable adjustment? Which is your preferred approach and why?

Responses from those who responded to this question were as follows:

Yes	16
No	20

Respondents who commented on this question provided the following comments:

- 1 individual commented that if recall is part of the test construct, then allowing some students access to materials compromises the test. If it isn't, then everyone should be allowed access to these materials.
- 3 organisations commented that they agreed that the approach proposed (to restrict but not completely prohibit access to materials) was the most viable and fair approach. They supported the specification put forward in the consultation,

to specify the circumstances in which materials should not be provided, rather than listing specific qualifications and subjects. They commented that a blanket ban could lead to some disabled students being unable to access qualifications and demonstrate their skills and understanding

- 6 respondents (all organisations) commented that they would prefer the prohibition of materials in all cases. They commented that doing so would ensure consistency of approach across awarding organisations and ensure the security and integrity of the assessment. These respondents commented that allowing a student to take something into the exam that is relevant to the subject, but which is prohibited to all other students, will almost certainly confer an advantage on that student and compromise the assessment. Respondents also commented that allowing access to anything other than examination materials during an exam significantly increases the potential for malpractice. These respondents commented that a blanket ban would be the simpler approach to implement. Respondents commented that where provision of materials would not compromise the assessment, then these could be provided to all students in any case.

Question 17: To what extent do you agree or disagree with our proposal not to prohibit the use of Oral Language Modifiers (OLMs) as a reasonable adjustment?

Responses from those who responded to this question were as follows:

Strongly agree	7
Agree	9
Neither agree nor disagree	7
Disagree	2
Strongly disagree	8

Responses to this question were fairly evenly split between respondents in terms of numbers. There was, however, a noticeable split between awarding organisations and other respondents. Awarding organisations were typically against OLMs being permitted as a reasonable adjustment and would prefer us to specify to prohibit them. Other respondents, including those representing the interests of disabled students, typically favour the availability of OLMs as a reasonable adjustment and were against any specification that would prohibit this.

Respondents who agreed or strongly agreed with our proposal not to specify against the use of OLMs made the following comments:

- 2 respondents (both individuals) commented that OLMs are a vital provision to ensure that deaf students with severely delayed language skills are not unfairly disadvantaged in exams. An OLM allows such a student to fully access the question and to therefore have the opportunity to demonstrate their skills and knowledge. In such cases, without an OLM, a student may well misunderstand the thrust of the question and miss out on the opportunity to achieve a grade that reflects their true knowledge and ability. They commented that an OLM reflects many deaf students' normal way of working. They commented that prohibiting OLMs as a reasonable adjustment would significantly disadvantage those students who require them.
- 1 respondent (an individual) supported the use of OLMs, but recognised it as a high-risk reasonable adjustment. They commented that OLMs should be required to pass accredited training to mitigate this.
- 4 respondents (all organisations) commented that OLMs should not be prohibited as they are a necessary reasonable adjustment for hearing-impaired students to enable them to understand the carrier language and access the examination question. They commented that if students can't access the question due to the carrier language, the assessment will not be testing what it is intended to test.
- 1 respondent (an organisation) commented that it will not be possible to fully remove the need for an OLM from all assessments, however the need can be minimised through effective modification of language at source. They commented that whilst this happens to some extent, there is still a need for OLMs based on current assessments. The respondent also commented that whilst OLMs do undertake accredited training, this training indicates an understanding of the role, and that OLM skills themselves must be developed through practice both in classrooms and in exams. They indicated that further research in the form of an analysis of OLM coversheets would be helpful to identify differences in practice between OLMs who have completed accredited training and those that have not.
- 1 organisation commented that it believes that where an OLM is the most appropriate adjustment for a student, awarding organisations should have the opportunity to offer such an arrangement, providing they are assured that those individuals who act in such roles are trained to a sufficient standard and do not operate in a way that results in students benefitting from an unfair advantage.

- 4 organisations observed that the criteria for being granted an OLM as a reasonable adjustment are being increasingly tightened by awarding organisations. They believed that that whilst our specification would not prohibit their use, the stricter criteria being applied by awarding organisations makes them increasingly more difficult to access and means that some students, who they believe would benefit from having an OLM, are not able to do so.

Respondents who neither agreed nor disagreed with this proposal made the following comments:

- 1 respondent commented that the numbers of OLMs used are very low and there is limited data available to properly assess their use. They commented that further research should be undertaken to identify the extent to which OLMs are used and, where they are, whether this threatens the integrity of assessments.

Respondents who disagreed or strongly disagreed with this proposal made the following comments:

- 1 respondent (an individual) commented that instead of allowing OLMs, there should be increased investment in improving the quality of question paper modifications at source, to minimise the likelihood of an OLM being required.
- 8 respondents (all organisations) suggested that an OLM is a high-risk reasonable adjustment. They commented that it has the potential, if used inappropriately, to significantly undermine an assessment. Respondents commented that as modifications are done live at the time of the assessment, it is particularly difficult to monitor the quality of the modifications being made. The nature of the adjustment means that human error is also a factor and this is almost impossible for awarding organisations to prevent. Respondents also commented that whilst OLMs are supposed to be trained, this is not always the case, and that training does not necessarily indicate that they are an effective modifier, only that they have been trained in what an OLM should do.
- Some organisations commented that to mitigate the risk of OLMs either advantaging or disadvantaging students, the controls around them have been strengthened. They commented that there is little more that they are able to do in terms of the controls in place to manage this.
- Some respondents to this question commented that the number of OLMs actually used is very low and that there are alternative adjustments in place that can be used by students instead of an OLM, either at the point of the assessment, or through improved modifications at source when the question

paper is being devised. Respondents also commented that, in addition, the use of a reading pen could allow some students a way of working independently.

Question 18: Are there any other specifications not covered in this consultation that we should make?

Responses from those who responded to this question were as follows:

Yes	4
No	27

2 individuals and 2 organisations provided comments. All of these comments related to the way that reasonable adjustments are currently applied by awarding organisations, or about specific adjustments they would like to see routinely available as reasonable adjustments, such as for students that require emotional or psychological support.

There were no proposals for any further specifications beyond those proposed in the consultation.

Question 19: To what extent do you agree or disagree that where an exemption is granted, this should be indicated on the student's certificate?

Responses from those who responded to this question were as follows:

Strongly agree	14
Agree	10
Neither agree nor disagree	2
Disagree	5
Strongly disagree	2

Respondents who agreed or strongly agreed with this proposal made the following comments:

- 1 individual agreed that exemptions should be indicated on certificates and it should be very clear this is the case.
- 1 individual said that not indicating exemptions on certificates could be misleading for employers. They also believed the overall mark for the

qualification should only reflect the parts that have been completed and that there should be no adjustment to the student's mark to account for the exemption.

- 8 respondents (two individuals and eight organisations) commented that indicating exemptions on certificates would improve openness and clarity for those using the certificates. One individual made the point that it should be clear exactly what hasn't been completed and also indicate where other reasonable adjustments have been used to complete an assessment.
- 1 organisation commented that certificates should reflect a student's achievement and should not state that the student has a disability; instead of indicating an exemption, a certificate could omit components from which the student had been exempted.
- 1 individual commented that the words used on the certificate should indicate that the assessment was not accessible to the student, rather than that the student is disabled. They commented that the choice of words used to indicate the exemption is important.

Respondents who disagreed or strongly disagreed with this proposal made the following comments:

- 1 individual commented that it is important there is a balance struck, between it being clear that an exemption has been applied on the one hand, and the need to ensure the student is not singled out on the other. They suggested that in striking that balance, the latter should outweigh the former.
- 1 organisation commented that all certificates should specify the components that have been completed in all qualifications, so that employers could see which ones hadn't, without the need to indicate exemptions.
- 2 organisations said that it is unfair to specify that an exemption has been applied, as this could be unfair on the student if they were treated differently as a result of this being known. It is unfair that a student has an exemption indicated on their certificate as it is not their fault that the exam was not accessible to them in the first place. They suggested that it should be for the student to decide whether to disclose information about their disability or not.
- 1 organisation commented that for awarding organisations that offer qualifications internationally, they would need to ensure that such a requirement did not conflict with local requirements.

Question 20: To what extent do you agree or disagree that we should not specify the form of any indication that is placed on the student’s certificate?

Responses from those who responded to this question were as follows:

Strongly agree	2
Agree	15
Neither agree nor disagree	5
Disagree	8
Strongly disagree	3

Respondents who agreed or strongly agreed with this proposal provided the following comments:

- 3 organisations commented that it would be important to allow some flexibility in how exemptions are indicated, to allow for different certificate designs and the different systems in place at awarding organisations for producing certificates and for capturing this information.

Respondents who disagreed or strongly disagreed with this proposal made the following comments:

- 8 respondents (six organisations and two individuals) commented that it would be important to have guidance on what these indications should look like, to ensure consistency of approach across awarding organisations.

Question 21: We have identified a number of ways our proposals may impact (positively or negatively) on persons who share a protected characteristic. Are there any other potential impacts we have not identified? If so, what are they?

Responses from those who responded to this question were as follows:

Yes	6
No	23

Respondents provided the following comments:

- 1 individual commented that students with purely physical disabilities not affecting their academic abilities may be affected unfairly.
- 1 organisation commented that there is a risk that, where the specifications allow awarding organisations to interpret them for individual cases, this could lead to inconsistent approaches being taken across awarding organisations, which could disadvantage disabled students.

Question 22: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic? If so, please comment on the additional steps we could take to mitigate negative impacts.

Responses from those who responded to this question were as follows:

Yes	10
No	20

Respondents provided the following comments:

- 5 respondents (all organisations) commented that the specifications should be as clear as possible and should be accompanied by detailed guidance and examples. They commented that this would help ensure a consistent approach is taken across awarding organisations, particularly where an element of judgement is required.
- 1 organisation commented that it should not be for the awarding organisation to determine when a reasonable adjustment would prevent a student from demonstrating the required knowledge or skills, but that this should be decided by Ofqual and set out in the specifications.
- 2 respondents provided comments relating to specific reasonable adjustments that awarding organisations make available, but which are not prohibited by our specifications, so are outside the scope of this consultation.

Question 23: Have you any other comments on the impacts of the proposals on persons who share a protected characteristic?

Responses from those who responded to this question were as follows:

Yes	5
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No	24
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Respondents told us the following:

- 3 respondents (all organisations) commented that they believed OLMs should be available to all deaf students for whom this is their normal way of working. They commented that the criteria for being granted an OLM should not be based on the current method of a student’s standardised test score³.
- 2 organisations commented that the qualifications system should assess disabled students in a positive way, giving them credit for the knowledge, skills and understanding they possess, and not penalising them for doing things differently from non-disabled students. They noted that training in equality awareness for awarding organisations and those who actually apply the reasonable adjustments in individual circumstances, could help ensure the specifications are applied consistently.

Question 24: We have not identified any ways in which the proposed specifications will unduly increase the regulatory burden of our proposals. To what extent do you agree or disagree with this assessment?

Responses from those who responded to this question were as follows:

Strongly agree	0
Agree	14
Neither agree nor disagree	10
Disagree	7
Strongly disagree	2

Respondents who disagreed or strongly disagreed with this statement made the following comments:

³ Standardised tests are a measure of a student’s speed of reading, speed of reading comprehension, speed of writing and/or cognitive processing measures

- 1 individual commented that the impact on school staff of providing for reasonable adjustments is severely underestimated given the need to provide evidence of the need for a reasonable adjustment.
- 5 respondents (all organisations) commented that the additional controls awarding organisations would need to continue to put in place if OLMs are not prohibited would place an additional burden on both awarding organisations and centres.
- 2 respondents (both organisations) commented that by allowing the specifications to be interpreted by awarding organisations, this could lead to additional burden on awarding organisations, in terms of having to interpret and apply them to individual cases, and on centres in having to provide evidence to meet an awarding organisation’s requirements.

Question 25: Are there any additional steps we could take to reduce the regulatory burden of our proposals?

Responses from those who responded to this question were as follows:

Yes	13
No	18

The majority of comments that were received in response to this question repeated those made elsewhere in the consultation.

- 2 respondents (one individual and one organisation) commented on the reasonable adjustments themselves that are available, not those we prohibit. They commented on the cost of implementing them and the criteria for them being granted.
- 4 organisations repeated comments about their preference for Ofqual to specify to prohibit OLMs as a reasonable adjustment.
- 2 organisations commented on the need for consistency across different qualifications and where possible, the regulators in different parts of the UK. They also commented on the need for guidance to support the specifications.

Appendix A: List of organisational consultation respondents

When completing the questionnaire, we asked respondents to indicate whether they were responding as an individual or on behalf of an organisation.

Below we list those organisations that submitted a response to the consultation. We have not included a list of those responding as an individual; however all responses have been reflected equally in the analysis.

AQA

ASCL

ATL

British Association of Teachers of the Deaf (BATOD)

British Dyslexia Association

Durham Local Authority

Driver Youth Trust

Epilepsy Action

FAB

Joint Council for Qualifications (JCQ)

Longridge Towers School

National Autistic Society

National Deaf Children's Society

NOCN

OCR

Pearson

Professional Association of Vision Impairment Education Workforce (VIEW)

Royal National Institute of Blind People (RNIB)

Trinity College London

WJEC

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Any enquiries regarding this publication should be sent to us at:

Office of Qualifications and Examinations Regulation
Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB

Telephone 0300 303 3344

Textphone 0300 303 3345

Helpline 0300 303 3346