

# Ofqual's position on extra time for candidates taking timed examinations

October 2012



## Introduction

1. Ofqual is responsible for securing the integrity of, and confidence in, the qualifications system. We also have a duty to promote equality. Qualifications are designed to differentiate between candidates who do and do not reach the required standards; our approach to equality must reflect that fact.
2. Exam boards, schools and colleges all have an important part to play in making sure the qualifications system secures standards. Qualifications must give a reliable indication of a candidate's knowledge, skills and understanding, on which employers, universities and others can rely.
3. Disabled candidates have particular **entitlements** that must be fulfilled if the exam system is to be fair and accessible. An exam board that does not make reasonable adjustments for disabled candidates, as required by legislation<sup>1</sup>, is in breach of its regulatory obligations as well as its legal duties.
4. Many qualifications, including GCSEs and GCEs, are assessed using exams and other assessments which candidates have a fixed time to complete. Some disabled candidates may need extra time to complete their exams to remove or reduce a significant disadvantage that would otherwise be created by their disability.
5. For the main General Qualifications taken during 2010/11 117,169 requests for candidates to have extra time were approved. The figure for the previous year was 109,773<sup>2</sup>. Because the process for making, approving and recording such

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<sup>1</sup> The Equality Act 2010 in England and Wales and the Special Educational Needs and Disability Order 2005 in Northern Ireland

<sup>2</sup> [www.ofqual.gov.uk/files/2011-10-26-Access-Arrangements-for-GCSE-and-GCE-2010-11.pdf](http://www.ofqual.gov.uk/files/2011-10-26-Access-Arrangements-for-GCSE-and-GCE-2010-11.pdf) Our report shows how the number of requests for extra time has increased, including by 7% between 2009-2010 and 2010-2011. Data for 2011-2012 will be published on our website on 31<sup>st</sup> October 2012.

requests has changed over time we cannot make reliable comparisons with earlier years. However, feedback from schools, colleges and exam boards indicates a steady increase over recent years.

6. There may be many reasons for the increase in the number of candidates being given extra time, including better diagnosis of disability, and better understanding in centres of how to help create a level playing field for their disabled candidates. Where the increase reflects a levelling of the playing field, with disabled candidates becoming better able to show their abilities in assessments, this is a welcome development. But we are concerned that in some cases extra time is being given to candidates to help them improve their grades rather than to address a significant disadvantage.
7. The exam boards for General Qualifications work together, through their representative body, the Joint Council for Qualifications (JCQ), to adopt a common approach to extra time and to other adjustments. Last year JCQ clarified the evidence that a school or college (described as centres) giving a candidate extra time of up to 25% in which to complete an assessment must have in order to justify its decision to do so. A number of centres and their representative bodies, together with some disability organisations, objected to these evidence requirements. JCQ published in September 2012 the requirements for 2012-13. These expand further on the evidence requirements and, in response to the concerns, build in scope for additional evidence to be taken into account.
8. We have considered JCQ's position and the objections to it. We have discussed the issues with a wide range of stakeholders, including teachers and groups representing disabled learners. We set out our position in this report. This report does not set out all that we are doing to promote equality and fairness or to secure standards in the qualifications system. Nor does it address all reasonable adjustments that are available for disabled candidates. It covers only our position on extra time for candidates taking timed assessments in General Qualifications because of factors relating to their speed of reading, writing or cognitive processing.<sup>3</sup>

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<sup>3</sup> There are circumstances where a candidate might be given extra time because of a physical disability, a medical condition, a sensory impairment, a temporary injury or to use a bi-lingual dictionary. These circumstances are not covered by this report.

9. The qualification regulator in Wales (the Welsh Government) and the other qualifications regulator in Northern Ireland (CCEA) have worked closely with Ofqual on this issue and endorse our position.

### **The legal position in England and Wales<sup>4</sup>**

10. The Equality Act 2010 (the Act) places a duty on each exam board to make reasonable adjustments for a disabled candidate. A person is disabled – according to the Act and non-statutory guidance published by the Office for Disability Issues (ODI)<sup>5</sup>- if:

- The person has a physical or mental impairment, and
- The impairment has a substantial and long-term effect on the person's ability to carry out normal day-to-day activities.

Certain medical conditions - including cancer, HIV infection and multiple sclerosis – are also disabilities.

11. The duty to make a reasonable adjustment applies where a provision, criterion or practice puts a disabled person at a substantial disadvantage in comparison with people who are not disabled. Substantial is defined as being 'more than minor or trivial'.

12. The ODI guidance confirms that study and education related activities are included in the meaning of 'day-to-day' activities. The guidance states, in the appendix, that:

- The requirement that an adverse effect on normal day-to-day activities should be a substantial one reflects the general understanding of disability as a limitation going beyond the normal differences in ability which may exist among people.
- The time taken by a person with impairment to carry out a normal day-to-day activity should be considered when assessing whether the effect of that impairment is substantial. It should be compared with the time it might take a person who did not have the impairment to complete the activity.

13. The implication of the latter point is that a candidate who takes longer to complete a day-to-day activity because of a disability is not automatically

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<sup>4</sup> Different legislation applies in Northern Ireland

<sup>5</sup> <http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf>

entitled to a reasonable adjustment. In assessing whether a candidate with a slow reading, writing or processing speed because of a disability is eligible for a reasonable adjustment, one has to look at how their speed compares with other candidates' speed.

14. The guidance explains that environmental factors may exacerbate the effect of impairment – for example factors that cause stress.
15. The guidance illustrates the factors which would and would not reasonably be regarded as having a substantial adverse effect on normal day-to-day activities. Some of the guidance is relevant to exams, for example:

Factors that might reasonably 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, or learning disability, or a visual impairment*
- *Persistent distractability or difficulty concentrating*
- *Difficulty understanding or following simple verbal instructions*
- *Factors that might reasonably be expected not to have a substantial adverse effect include:*
  - *Minor problems with writing or spelling*
  - *Inability to fill in a long, detailed, technical document, which is in the person's native language without assistance*
  - *Inability to concentrate on a task requiring application over several hours.*

### **Which candidates are entitled to extra time?**

16. A disabled candidate, who would be at a substantial disadvantage when compared with other candidates when taking a timed assessment, is entitled to a reasonable adjustment to remove (or if that is not possible reduce) the disadvantage. Exam boards and centres all have duties to make sure reasonable adjustments are made<sup>6</sup>. Extra time will be the most appropriate

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<sup>6</sup> Ofqual can limit which reasonable adjustments an exam board must make, but we have not put any limits on the use of extra time as a reasonable adjustment

reasonable adjustment for some disabled candidates, although other adjustments, such as supervised rest breaks, will be better for others.

### **Applying for extra time**

17. Most candidates take qualifications with a number of different exam boards. To simplify the system, and to secure consistency between exam boards, the JCQ maintains an online system (*Access arrangements online*) which allows a centre to make a single application on behalf of a candidate. This then applies to most qualifications<sup>7</sup> the candidate is taking.
18. The centre decides whether a candidate meets the provisions for extra time of up to 25% that are set out in the JCQ publication *Access Arrangements, Reasonable Adjustments and Special Consideration*. The centre then processes any application using *Access arrangements online*.

### **Evidence to support the use of extra time**

19. JCQ clarified in 2010 that in order for a candidate with learning difficulties to be given extra time of up to 25% the centre must have evidence that shows that the candidate met the provisions set out by the JCQ. These provisions included the requirement that a candidate should have a 'low' processing speed.
20. In 2011 JCQ provided further clarification after becoming concerned that some centres were giving extra time to candidates on the basis of privately commissioned educational psychologists' reports alone, which do not always include reference to processing speeds. JCQ confirmed that the evidence held by a centre should normally include, among other things, standardised test scores showing below average (for the national cohort) speeds in reading and/or writing and/or cognitive processing. Scores below average are defined as being those of 84 or less, that is at least one standard deviation from the mean. The centre should also be able to show that a candidate is normally given and uses extra time to complete other learning activities, including for exams and other assessments.

### **Views on the use of extra time**

21. Certain centres and some disability groups objected to JCQ's position. They are concerned that high performing dyslexic candidates who do not typically have below average speeds of reading, writing and/or cognitive processing will not satisfy the evidence requirements. As a result, these candidates will have to

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<sup>7</sup> The facility applies to the majority of qualifications taken in schools, but there are some exceptions and different arrangements may be appropriate for different types of qualification and assessment.

complete their exams in the allocated time. They believe this might not allow them to demonstrate their full potential and achieve the grades they might be awarded if they had extra time.

22. Another view is that some centres, in part in response to parental pressure, apply for extra time for candidates for whom there is no evidence that paints a picture of need and whose results in standardised tests of reading, writing and processing speeds show they work faster than average for a person of their age.

### **Ofqual's view**

23. Disabled candidates must be given the reasonable adjustments to which they are entitled. Exam boards and centres must understand and fulfil their duties to disabled candidates.
24. Candidates who are not entitled to a reasonable adjustment should not be given extra time to help them achieve a higher grade. Many candidates might improve their performance if they had more time to complete their exams. But if they are not both disabled and at a substantial disadvantage because of the time restrictions when compared with others, they are not entitled to, and should not be given, more time.
25. Our interpretation of the legal position is that candidates are only entitled to a reasonable adjustment **if they are disabled, within the meaning of the Act and at a substantial disadvantage** in comparison to the general population when taking an exam under timed conditions **because** of the time constraints under which the exam is taken.
26. It is appropriate for exam boards to require centres to use standardised test scores as evidence of a candidate's substantial disadvantage in comparison to the national cohort. Such tests might not be perfect and the typical cut-off score, below which some 16% of the cohort might be expected to fall, might be regarded as too high. But it provides a reasonable approach to identifying those candidates who are disabled and at a substantial disadvantage relative to others when taking timed examinations.
27. Other evidence that a candidate is disabled and at a substantial disadvantage, when compared with the national cohort, when taking timed exams may also be taken into account. Only exceptionally, however, should extra time be given to a candidate, because of a learning difficulty, where his or her standardised scores do not indicate substantial disadvantage. JCQ's 2012-2013 provisions allow for this.

28. As noted above, although extra time is the most widely used reasonable adjustment it is not the only adjustment that can be used, nor is it necessarily the most appropriate for a candidate. For example, where it is candidates' normal way of working to use a word processor rather than handwrite they can do so in an exam – whether or not they are disabled. The disadvantage experienced by some disabled candidates might best be addressed by a supervised rest break during an exam, or by use of a prompter.
29. There is a risk to standards if candidates who are not disabled are allowed extra time to complete an exam that has been designed to assess performance in time constrained conditions.

## **Actions**

30. We will ask exam boards to:
- Review their approach to extra time and ensure that from 2013-14 it is consistent with the approach set out in the report.
  - Make sure the information given to schools and other centres about reasonable adjustments is clear, whether this is provided by them directly or by JCQ on their behalf.
  - Take steps to identify and challenge centres which are failing to request or make provision for reasonable adjustments for disabled candidates taking their exams or other forms of assessment.
  - Take steps to identify and challenge centres which are requesting and making provision for adjustments for candidates who are not disabled taking their exams or other assessments.
  - Improve the collection of information on the use of extra time (and other forms of reasonable adjustments) so that they can share with us a clearer picture of the use of reasonable adjustments.
31. We will:
- Use our regulatory powers to address shortcomings where appropriate.
  - Consider further the implications of this report for the use of extra time in regulated general qualifications not covered by the JCQ guidance.
  - Consider other commonly used adjustments and their appropriateness when, in line with our existing commitment, we review our first specification published under s96 of the Equality Act 2010 (relating to our

role in making sure reasonable adjustments to not undermine the integrity of assessments).