

# Annex 1

## Our proposals

Balancing the need to minimise disadvantage, ensure that qualifications give a reliable indication of knowledge, skills and understanding, and maintain public confidence in the qualification is challenging, because these requirements are not always mutually compatible.

Where reasonable adjustments are made, these should be based on evidence of need and should not compromise the assessment objectives of the qualification.

This document sets out the areas where we wish to make specifications and also sets out the draft specifications on which we are seeking your views. These are under the headings of:

- Exemptions
- Pass marks and grade boundaries
- Readers
- Scribes and voice recognition technologies
- British Sign Language
- Practical assistants
- The Welsh Baccalaureate Qualification

For each area, the current situation is outlined, followed by our proposals. The draft specifications are then set out, with examples to illustrate what they mean in practice.

We would like to have your views on our proposals. A response form is provided at Annex 2 to let you to tell us what you think.

We have worked closely with Ofqual to ensure that our proposals are aligned for qualifications that are available in Wales and England.

When qualifications are reviewed in future, specifications made under section 96 of the Equality Act 2010 will be reviewed in the light of any changes to ensure that they remain relevant and appropriate.

## **Exemptions**

### **Current situation**

An exemption is a reasonable adjustment used as a last resort. It is an agreement reached with an awarding body, in advance of an assessment, that a disabled candidate can be exempted from a component (or components) of a qualification. When an exemption is granted, the candidate's performance on the components actually taken is considered to be the performance on the whole qualification.

Exemptions are used as a last resort because they do not allow candidates to demonstrate fully what they can achieve. However, exemptions have been used for many years so that disabled candidates can take qualifications where parts are inaccessible to them, particularly in gateway qualifications such as GCSE English. Where an exemption is given, this is indicated on the candidate's certificate. This ensures that the qualification still gives a reliable indication of the candidate's skills, knowledge and understanding.

Approximately 100 exemptions are made each year across all general qualifications awarded by JCQ awarding bodies in Wales, England and Northern Ireland.

### **Proposals**

Our proposed specifications are closely aligned with current practice. We want exemptions to be used only where no other reasonable adjustments are appropriate. We want to limit the amount of a qualification that can be exempted. We also want exemptions to apply to whole components only (not parts of components), where a candidate cannot access any part of that component.

Allowing exemptions minimises disadvantage to disabled candidates. Imposing certain limitations on their use helps maintain public confidence and helps ensure that the qualifications provide a reliable indication of the knowledge, skills and experience of candidates.

We will review qualification criteria for accessibility and inclusion, in line with future planned reviews. We hope that by making qualifications more accessible, the need for exemptions will be reduced over time.

## Draft specifications

### Exemptions as a last resort

**An exemption must not be used as a reasonable adjustment, except where no other reasonable adjustment is appropriate.**

#### Example 1

A deaf candidate cannot access the listening component of an English examination. An exemption may be granted if there is no other reasonable adjustment that would allow the candidate to demonstrate the skills in question.

#### Example 2

An e-assessment process creates a barrier for a blind candidate. An exemption should not be required, because an alternative form of assessment could be provided, such as a Braille paper, which is accessible to the candidate.

### The amount that can be exempted

**An exemption must not be used as a reasonable adjustment where it would form more than 50% of the available (weighted) marks of a qualification.**

**At A level, at least one A2 unit should be completed.**

**For principal learning, 50% of the qualification relates to 50% of the guided learning hours.**

#### Example 1

A controlled assessment is weighted at 60% of a GCSE Design and Technology qualification. A candidate should not be exempted from the controlled assessment because this forms more than 50% of the qualification.

#### Example 2

A candidate cannot access a speaking component which forms 25% of a qualification, or a listening component which forms another 25% of the same qualification. If the candidate cannot access these components through any other form of reasonable adjustment, an exemption may be allowed from both components, because together they form 50% (but not more than 50%) of the qualification.

### **Exemption of whole component**

**An exemption for part of a component should not be used as a reasonable adjustment.**

**Exemptions should only be provided for whole components where a candidate cannot access any part of that component.**

#### **Example 1**

A deaf candidate cannot access any part of the listening component of an English examination. No other reasonable adjustment is appropriate, so an exemption may be allowed for the whole component.

#### **Example 2**

A dyslexic candidate has difficulty accessing marks for spelling and punctuation which forms a small part of a writing component. An exemption for that component should not be granted. This does not prevent other reasonable adjustments being considered.

## Pass marks and grade boundaries

### Current situation

Grade boundaries and pass marks are the same for disabled candidates and non-disabled candidates.

Where exemptions are allowed, candidates are marked out of 100% for the components they have completed. They are then still subject to the same grade boundaries and pass marks.

### Proposal

We propose no change to the current arrangements.

Specifying that awarding bodies are not subject to a duty to make reasonable adjustments to grade boundaries and/or pass marks will help maintain public confidence and ensure that qualifications provide a reliable indication of the knowledge, skills and experience of the candidate. This approach does not disadvantage or advantage disabled candidates.

### Draft specification

<b>Grade boundaries or pass marks</b>
<b>Awarding bodies should not be subject to a duty to make reasonable adjustments to grade boundaries and/or pass marks for disabled candidates.</b>
<b>Example</b> The mark range for a grade C in GCSE Mathematics is 50-59%. A disabled candidate and a non-disabled candidate achieving 59% will both be awarded a grade C.

## **Readers**

### **Current situation**

Readers are used where visually impaired candidates cannot access Braille or modified/enlarged papers. Readers may be human readers or computer/screen readers, all of which read out written assessment materials.

Human and computer/screen readers can be used as a reasonable adjustment where the candidate's ability to read is not being assessed.

However, where the ability to read is being assessed – for example in GCSE English reading components – readers are not allowed. This means that where visually impaired candidates cannot access Braille, enlarged print or modified enlarged print, exemptions are used for reading components of qualifications such as GCSE English, Welsh and modern foreign languages.

We would like to make these qualifications more inclusive which will reduce the need for exemptions.

### **Proposals**

In an everyday working and classroom environment, visually impaired learners may use assistive technologies such as screen readers to access written text. We want assessments to be consistent with the 'real world' provided this does not undermine the assessment objectives.

At present, human readers and assistive technologies are treated in the same way. There are important differences between them, however.

1. Assistive technologies and human readers do not interpret text in the same way. Human readers can add a layer of vocal interpretation (nuance and meaning), which could affect a candidate's response and therefore compromise the reliability of the qualification.
2. Assistive technologies allow for independence, whereas a human reader does not.

Our proposed specification takes account of these differences. We want to allow the use of assistive technologies such as computer/screen readers in reading assessments - a change from the present situation - but continue with the current practice of not allowing the use of human readers in such assessments.

By not allowing the use of human readers in reading assessments, our proposal seeks to ensure that the qualifications continue to provide a reliable indication of candidates' knowledge, skills and understanding. Allowing the use of assistive technologies will reduce the extent to which disabled candidates are disadvantaged. For example, visually impaired candidates who cannot access modified or Braille papers will be able to use a computer/screen reader to demonstrate their skills, rather than having to apply for an exemption from the reading component.

Any computer/screen readers or reading pens would have to use the language being assessed.

## Draft specification

### Readers

**Human readers should not be used as a reasonable adjustment where a candidate's reading ability is being assessed.**

### Example

In a GCSE Welsh or English reading examination designed to test the candidate's reading ability, a human reader should not be used. In this case, alternative reasonable adjustments such as the use of a computer/screen reader could be considered.

## **Scribes and voice recognition technologies**

### **Current situation**

Scribes and assistive technologies, such as voice recognition systems, are used where candidates cannot write or type using a word-processor. Scribes are people who write or word-process a candidate's dictated answers. Voice recognition systems produce a hard copy when the candidate dictates into a computer.

For most qualifications, the use of scribes and voice recognition systems is an appropriate reasonable adjustment. However, where qualifications explicitly assess the ability to write, such as GCSE Welsh, English and modern foreign language qualifications, the use of scribes or voice recognition systems can have a direct impact on the assessment objectives.

The use of these reasonable adjustments could undermine the spelling and punctuation-related assessment objectives of written English, Welsh and modern foreign language components, and also accuracy of language assessment objectives within modern foreign language written components.

The current arrangements are:

Scribes and voice recognition systems are allowed only where a candidate cannot use another reasonable adjustment which would allow them to demonstrate their written skills more completely, such as typing or Braille input.

Scribes are allowed in assessments in English and Welsh writing, however marks awarded for spelling and punctuation are not available to candidates where text is produced by the scribe.

Scribes are allowed in qualifications where a candidate's ability to write in a modern foreign language is being assessed, but only where the candidate can spell each word letter by letter. This ensures it is the candidate's language accuracy skills, not the scribe's, which are assessed.

Voice recognition technology is currently not allowed for use with assessments in GCSE English or GCSE Welsh writing due to the difficulty of spelling out words via technology which automatically generates words.



## Proposals

Unrestricted use of scribes (or their technological equivalent) can impact on a candidate's ability to demonstrate their skills with regard to accuracy of language, spelling and punctuation. Where a skill is not demonstrated by a candidate, to award marks for that skill could undermine public confidence in the qualification.

We therefore propose a specification to the effect that scribes and voice activated software should not be used in a way that undermines assessment objectives. This would not restrict how scribes or voice recognition technology are used in qualifications that do not assess a candidate's ability to write.

## Draft specification

### Scribes and voice recognition

**Scribes and voice recognition systems should not be used as a reasonable adjustment where a candidate's writing ability is being assessed.**

#### Example 1

In a Geography assessment, a voice recognition system or scribe may be used as a reasonable adjustment as the candidate's ability to write does not form part of the assessment objectives.

#### Example 2

In a GCSE French writing assessment, a voice recognition system should not be used as it would generate words and not allow the candidate to demonstrate their own ability to write accurately in French. As an alternative reasonable adjustment, a candidate could dictate answers into a recording during the assessment. They could then re-run the recording, spelling individual words to a scribe.

## British Sign Language

### Current situation

The use of British Sign Language (BSL) is not available as a reasonable adjustment in speaking and listening components of most English, Welsh and modern foreign language qualifications.

The main reasons are:

- (a) BSL is recognised as a language in its own right. Many groups feel it is not appropriate to include BSL in an examination called 'English', 'Welsh', or 'French'.
- (b) Current GCSE qualification criteria in English, Welsh and modern foreign languages specifically reference the ability to *speak* and *listen*, and do not reference non-written communication in a wider sense.

Where candidates cannot access alternative forms of communication such as lip reading, live voice or sign-supported English, exemptions may be requested for speaking and listening components.

BSL is available as a reasonable adjustment for the speaking, listening and communication component of Functional Skills English because the Functional Skills qualification criteria define speaking, listening and communication in a more inclusive way.

### Proposals

In the longer term, we would like to develop a more consistent approach to the use of BSL across all English, Welsh and modern foreign language qualifications. However, there are clear reasons for adopting different approaches which relate directly to existing assessment objectives. As these remain in place, our proposed specification has to take account of these differences.

Candidates who cannot access the speaking and listening components of qualifications in English/Welsh/modern foreign languages may continue to request other reasonable adjustments, including exemptions from these components.

Our proposed specification may be amended when the relevant qualification criteria are next reviewed.

## Draft specification

### British Sign Language

**British Sign Language should not be used as a reasonable adjustment where candidates are required to demonstrate their ability to speak or listen.**

#### **Example**

In a GCSE German listening assessment, the use of BSL should not be allowed. To allow it would mean the candidate was not demonstrating their ability to understand spoken German, which is one of the assessment objectives. Other reasonable adjustments such as a cued speech interpreter may be allowed, or where these are not appropriate, an exemption may be requested.

## Practical assistants

### Current situation

Practical assistants are not allowed to demonstrate physical skills on behalf of a candidate where those physical skills are part of the assessment objectives of a qualification.

### Proposals

Our proposed specification reflects current arrangements, as significant change could undermine the ability of qualifications to provide a reliable indication of the candidate's skills, and also undermine public confidence. Additionally, allowing practical assistants to demonstrate physical skills on behalf of a disabled candidate would not necessarily minimise disadvantage because the candidate would not be assessed on their own abilities.

### Draft specification

<b>Practical assistants</b>
<b>Practical assistants should not be used as a reasonable adjustment where candidates are required to carry out physical tasks or demonstrate physical skills that form part of the qualification's assessment objectives.</b>
<b>Example 1</b> A candidate is being assessed on her ability to play a musical instrument in a Music qualification. A practical assistant is not allowed to demonstrate those skills on behalf of the candidate.
<b>Example 2</b> A mobility-impaired candidate requires a practical assistant to turn pages in a written examination, or to move equipment in a scientific practical assessment. A practical assistant may perform these tasks because these physical skills are not part of any of the assessment objectives.

## The Welsh Baccalaureate Qualification (WBQ)

The WBQ comprises a Core, which all learners complete, and Options, which are chosen from the range of relevant qualifications that are approved for use in Wales.

### Current situation

#### Options

For the Options, reasonable adjustments, including exemptions, apply as determined for the individual qualifications concerned. No exemption from the Option requirement of the WBQ can be granted. Considerable flexibility already exists as learners can choose their Options from the full range of relevant qualifications that are approved for use in Wales.

#### Exemptions for elements of the Core of the WBQ

The Core of the WBQ has the following components:

- Key Skills qualifications (KS)/Essential Skills Wales qualifications (ESW)
- Wales Europe and the World (WEW), including a language module
- Personal and Social Education (PSE), including a community participation element
- Work Related Education (WRE), including working with an employer and contributing to a team enterprise activity
- an Individual Investigation.

#### KS/ESW

KS and ESW are single-unit, competency based qualifications and therefore no exemptions apply to the individual qualifications. However, there is flexibility inherent in the WBQ model as shown below.

##### *Level 1 (Foundation)*

The **minimum** requirement is to achieve four KS/ESW and to show evidence of having pursued all six. Learners may, therefore, choose to be assessed on those KS/ESW which are most accessible to them.

##### *Level 2 (Intermediate)*

The **minimum** requirement is to achieve four KS/ESW; two at Level 2 and two at Level 1. *Communication, Application of Number and ICT* must be included in these four KS/ESW. Whilst the minimum requirement to achieve four KS/ESW remains (two at Level 2 and two at Level 1), disabled learners may be exempted from the requirement to achieve all three of *Communication, Application of Number and ICT*: any two of these is acceptable.

There must be evidence that the learner has pursued the remaining two KS/ESW qualifications as part of their learning programme.

### *Level 3 (Advanced)*

Achievement of all six KS/ESW is required. The **minimum** requirement is that at least three of these must be achieved at Level 3 (and at least one of those three must be *Communication, Application of Number or ICT*). The remaining three KS/ESW may be at Level 2.

Disabled learners may be exempted from elements of this minimum requirement provided they achieve at least three KS/ESW at Level 3 (one of which must be from *Communication, Application of Number or ICT*), together with two KS/ESW at Level 2 or above.

There must be evidence that the learner has pursued the remaining KS/ESW as part of their learning programme.

## **WEW, PSE and WRE**

The WEW, PSE and WRE components of the WBQ Core must be completed. These components do not have specific assessment criteria and the WBQ specifications provide for considerable flexibility in the ways in which the WEW, PSE and WRE components can be completed. Whilst no exemption is allowed from these components of the WBQ Core, other reasonable adjustments are allowed as appropriate.

## **Individual Investigation**

The assessment criteria for this element of the Core are drawn up in a way that allows considerable scope for flexibility. Learners may present the Individual Investigation in either written or oral form. Whilst no exemption is allowed from this element of the WBQ Core, other reasonable adjustments are allowed as appropriate.

## **Proposals**

Our proposed specification reflects current arrangements because they have proved effective and to change these could undermine public confidence in the WBQ.

The specification is limited to the restriction on exemptions noted above.

## Draft specification

### The Welsh Bacculaureate Qualification

Within the Welsh Bacculaureate Qualification, awarding bodies should not be subject to a duty to exempt candidates from:

- (a) the *option* requirement;
- (b) the **Key Skills/Essential Skills Wales; Wales, Europe and the World; Personal and Social Education; Work Related Education and Individual Investigation elements of the core.**

#### Example

A disabled candidate for Level 2 (intermediate) WBQ should not be exempted from the requirement to achieve four KS/ESW qualifications. However, the requirement to achieve all three of Communication, Application of Number and ICT may be waived: any two of these is acceptable.