

Access arrangements for entrance test applicants who have special educational needs, disabilities or temporary conditions

Introduction

Some pupils who apply to sit the entrance tests may be considered to be at a disadvantage due to the testing arrangements that would normally apply.

The Equality Act 2010 places a duty upon schools not to discriminate against disabled people or pupils in their access to education. Selection for admission for a grammar school education by way of academic testing is a “permitted form of selection” under the Equality Act 2010. Schools do, however, have a duty to make reasonable adjustments for disabled pupils in operating a selection process. Such adjustments may include making access arrangements.

The purpose of an access arrangement is to ensure, where possible, that barriers to assessment are removed for an applicant preventing him/her from being placed at a **substantial disadvantage** as a consequence of persistent and significant difficulties or a temporary injury. The integrity of the assessment is maintained, whilst at the same time providing access to assessments for the applicant.

The arrangement(s) put in place must reflect the support given to the applicant in his/her current school, e.g. in the classroom or in internal school tests. This is commonly referred to as ‘normal way of working’. The only exception to this is where an arrangement is put in place as a consequence of a temporary injury or impairment.

Applicants with disabilities, learning difficulties and/or temporary conditions are likely to have a number of the needs and may require a range of access arrangements, and may include:

- supervised rest breaks
- a prompter
- separate invigilation
- alternative accommodation arrangements
- extra time
- a reader
- a scribe
- coloured overlays
- coloured/enlarged papers

(Note that the examples given are illustrative only and not exhaustive)

Access arrangements that offer candidates an unfair advantage over others or that give rise to misleading test outcomes will not be made.

Consideration will always be given to the individual needs of pupils. The consortium of schools will also determine whether the test papers and their method of administration constitute a suitable form of assessment for the disadvantaged pupil. In certain circumstances, it may be decided that a test is wholly inappropriate for a particular pupil.

For the sake of clarity, and to avoid any misunderstanding, the following terms are clearly defined in the Appendix (page 5 onwards):

- Access arrangements
- Reasonable adjustments
- Disability
- Special Educational Needs

The Process

Applications for access arrangements must be received by the deadline set. The application must be accompanied by the supporting evidence. This will allow the schools to consider each application and evidence in detail, and to make provision for any access arrangements from the perspective of timetabling, logistics, accommodation and staffing.

A panel comprising staff from all four schools will sit to consider all applications for access arrangements received by the deadline. They will carefully review all of the evidence presented and determine the access arrangements that will be put in place.

Parents will be advised of the outcome of their application for access arrangements shortly after the meeting.

The Evidence

The panel must be convinced that without the access arrangement the applicant would be at a substantial disadvantage (when compared with other, non-disabled candidates undertaking the assessment.)

The panel will expect parents at the time of application for access arrangements to:

- be specific about the access arrangements that they are requesting;
- provide relevant information/evidence of the nature and extent of the disability or difficulty; i.e. the applicant has an impairment which has a substantial and long term adverse effect on his/her speed of processing (the candidate is disabled within the meaning of the Equality Act 2010.), **or** provide evidence of the extent of a temporary injury;
- confirm that the candidate has persistent and significant difficulties when accessing and processing information, **or** that their temporary injury necessitates access arrangements being made;
- provide evidence of how the disability/difficulty has impacted on teaching and learning and that confirm that access arrangement requested is the applicants normal way of working in their current school as a direct consequence of their need (The only exception to this is where an arrangement is put in place as a consequence of a temporary injury or impairment)

The evidence provided may include, for example:

- a letter from CAMHS, a clinical psychologist, a hospital consultant, or a psychiatrist;
- a letter from the Local Authority Educational Psychology Service, Local Authority Sensory Impairment Service or Occupational Health Service;

- a letter from a Speech and Language Therapist (SaLT);
- a specialist assessment completed **no earlier than the start of Year 4** showing standardised scores in relation to:
 - speed of reading; or
 - speed of reading comprehension; or
 - speed of writing; or
 - cognitive processing measures which have a substantial and long term adverse effect on speed of working
- a Statement of Special Educational Needs or an Education, Health and Care Plan, which confirms the candidate's disability;
- Information from the applicant's current school to evidence their "normal way of working".

Extra Time

For the award of extra time, parents **must** provide:

- a Statement of Special Educational Needs, or an Education, Health and Care Plan, which confirms the candidate's disability
or
- an assessment carried out no earlier than the start of Year 4 by a specialist assessor confirming a learning difficulty
and
- Information from the applicant's current school to evidence their "normal way of working".

So as not to give an unfair advantage, the specialist assessor's report must also confirm that the candidate has two low average standardised scores (85-89) or one below average standardised score of 84 or less which relates to an assessment of:

- speed of reading; or
- speed of reading comprehension; or
- speed of writing; or
- cognitive processing measures which have a substantial and long term adverse effect on speed of working

In exceptional circumstances 25% extra time may be awarded to a candidate where the assessment confirms that the candidate has at least two low average standardised scores (85-89) relating to speed of processing (as above).

The provision of supervised rest breaks will always be considered before awarding extra time, since they may be more appropriate for candidates with a medical condition, a physical disability or a psychological condition. Where extra testing time is allowed 25% extra time will be awarded.

The panel must be convinced that without the application of 25% extra time the candidate would be at **a substantial disadvantage (when compared with other, non-disabled candidates undertaking the assessment.)**

Alternative Accommodation

In some circumstances, the schools may decide that an applicant should sit the entrance tests in a specific room and/or on a day other than the main testing day. Such decisions will be based upon the evidence provided. Only in very exceptional circumstances will an applicant be allowed to sit the entrance tests at a venue other than one of the four schools in the consortium.

Parents should only request such an alternative when an applicant has:

- an impairment which has a substantial and long term adverse effect giving rise to persistent and significant difficulties; or
- a temporary illness or injury at the time of the examination(s).

A candidate may be allowed to sit his/her examination(s) at a residential address, at a hospital, or another school due to, for example:

- Behavioural, Emotional and Social Development Needs (BESD); or
- a medical condition or a psychological condition which prevents the applicant from taking examinations in one of the schools.

In all such cases, the test papers will be taken under strictly controlled conditions and under the direct supervision of a suitably qualified employee of one of the four schools at a time agreed by the school.

[Applicants residing some distance from the schools (including overseas) must make arrangements for the entrance tests to be sat at one of the schools to ensure the security of the papers and preserve the integrity of the selection process.]

An example of reasonable adjustments for a disabled candidate

A candidate with Dyslexia needs to use a coloured overlay, and requires 25% extra time. The use of a yellow coloured overlay is a reasonable adjustment for the candidate since it helps him to improve his reading accuracy. The parent provides evidence that the candidate has been assessed by a specialist assessor using an up to date nationally standardised test. **The assessment shows that the candidate has a substantial and long term impairment as his working memory score is in the below average range. The candidate has a standardised score of 79.** The parent provides evidence from the child's current school showing 25% extra time as his normal way of working. The application of 25% extra time is a reasonable adjustment.

Responsibilities

It is the parent's responsibility to:

- submit the application for access arrangements and **all** supporting evidence on time (by the published deadline);
- specify the nature of the access arrangements requested;

- liaise with other parties (such as the applicant's current school and educational psychologists) to ensure that the necessary evidence is submitted with the application;
- provide any materials (such as coloured overlays) that may be reasonably required following the outcome of the panel's deliberations.

It is the consortium of school's responsibility to:

- review the application and supporting evidence in detail;
- determine any access arrangements that will be made ensuring that without such an arrangement the applicant would be at a substantial disadvantage;
- communicate the outcome of the assessment of the application and evidence in a timely manner following the meeting of the Consortium school staff.

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Appendix

Definitions

Access Arrangements

Access arrangements must be agreed before the assessments. They allow candidates/learners with special educational needs, disabilities or temporary conditions to:

- access the assessment;
- show what they know and can do without changing the demands of the assessment.

The intention behind an access arrangement is to meet the particular needs of an individual candidate without affecting the integrity of the assessment. Access arrangements are the principal way in which the schools comply with the duty under the Equality Act 2010 to make 'reasonable adjustments'.

Reasonable Adjustments

The Equality Act 2010 requires the schools to make reasonable adjustments where a candidate, who is disabled within the meaning of the Equality Act 2010, would be at a **substantial disadvantage** in comparison to someone who is not disabled. The schools are required to take reasonable steps to overcome that disadvantage.

Whether an adjustment will be considered reasonable will depend on a number of factors which will include, but are not limited to:

- the needs of the disabled candidate/learner;
- the effectiveness of the adjustment;
- the cost of the adjustment; **and**
- the likely impact of the adjustment upon the candidate and other candidates.

An adjustment will not be approved if it:

- involves unreasonable costs;
- involves unreasonable timeframes; or
- affects the security and integrity of the assessment.

This is because the adjustment is not "reasonable".

Disability

Generally, impairments have to meet the statutory requirements set out in section 6 and Schedule 1 to the Equality Act 2010 and associated regulations.

The Equality Act 2010 definition of disability is usually considered cumulatively in terms of:

- identifying a physical or mental impairment;
- looking into adverse effects and assessing which are substantial;
- considering if substantial adverse effects are long term;
- judging the impact of long term adverse effects on normal day to day activities.

Statutory guidance on the Equality Act 2010 definition of disability has been produced by the Office for Disability Issues (within the Department for Work and Pensions) to help better understand and apply this definition.

The clear starting point in the statutory guidance is that disability means *'limitations going beyond the normal differences in ability which may exist among people'*.

'Substantial' means 'more than minor or trivial'. Substantial adverse effects can be determined by looking at the effects on a person with the impairment, comparing those to a person without the impairment, to judge if the difference between the two is more than minor or trivial.

'Long term' means the impairment has existed for at least 12 months, or is likely to do so.

'Normal day to day activities' could be determined by reference to the illustrative, non-exhaustive list of factors in pages 47 to 51 of the statutory guidance relating to the Equality Act 2010.

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 cognitive impairment, a learning difficulty or a sensory or multi-sensory impairment;
- persistent distractibility 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.

Special educational needs

A candidate has "special educational needs" as defined in the Education Act 1996 if he/she has a learning difficulty which calls for special educational provision to be made for him/her.

A candidate has a "learning difficulty" if:

- he/she has a significantly greater difficulty in learning than the majority of children of his/her age; **or**
- he/she has a disability which either prevents or hinders him/her from making use of educational facilities of a kind generally provided for children of his/her age in schools within the area of the local authority.

The existence of a medical diagnosis or a physical disability in itself does not imply that the candidate in question has special educational needs.

The candidate must have an impairment in their first language which has a substantial and long term adverse effect. A candidate **does not** have a learning difficulty simply because

their first language is not English. As two components of the entrance tests examine aspects of English language, dictionaries (of any type) may not be used.