

## Introduction

ORCA EPA is committed to ensuring that all assessments are a fair test of an individual's knowledge, skills and behaviours, and we recognise that in agreed and specified instances certain apprentices may require alternative arrangements for aspects of their end-point assessments so that they are not disadvantaged by the assessment format itself. This is known as fair access, and it encompasses reasonable adjustments of end-point assessment delivery, and special considerations, on the day of, or post end-point assessment.

## Legislation

The Equality Act 2010 defines disability as a physical or mental impairment which has substantial and long-term adverse effect on a person's ability to perform normal day to day activities. ORCA EPA, as an end-point assessment organisation, therefore, must make reasonable adjustments to ensure an apprentice who is disabled as defined in the Act are not placed at a substantial disadvantage in comparison to apprentices who are not disabled. What is reasonable will depend on the individual circumstances, cost implications and the practicality and effectiveness of the adjustment. Other factors, such as the requirements of the apprenticeship standard, and health and safety, will also be taken into consideration.

## Definitions

- **Reasonable adjustments** are adjustments made to an end-point assessment so as to enable an apprentice to demonstrate his/her knowledge, skills and behaviours to the levels of attainment required by the apprenticeship end-point assessment plan. A reasonable adjustment is any action that helps to reduce the effect of a disability or difficulty that places an apprentice at a substantial disadvantage in the assessment situation.
- **Special Considerations** are when an apprentice may have been disadvantaged during their assessment for reasons beyond their control. This may or may not relate to disability.

## Responsibilities

This policy applies to ORCA EPA End-point Assessment, and its purpose is to ensure that no apprentice is advantaged or disadvantaged by an end-point assessment process or activity. The responsibility for the fair access policy rests with the EPA Director of ORCA EPA. In some cases, external independent advice may need to be sought to resolve a request.

## Reasonable Adjustments - Scope

Assessment must be a fair test of an apprentice's knowledge and what they are able to do; however, for some apprentices, the usual format of assessment may not be suitable. Therefore, some apprentices may require reasonable adjustments to allow them to access assessments fairly.

Reasonable adjustments must not give the apprentice an unfair advantage. The apprentice's result must reflect their achievement in the assessment. Adjustments must not affect the integrity of what is being assessed, and at all times the validity and reliability of the assessments must be assured.

### **End-point Assessment examples of reasonable adjustments to ensure fair access**

For the delivery of end-point assessment services the types of assessment will depend on the requirements of the apprenticeship end-point assessment plan, and may include:

## Portfolios

ORCA EPA cannot mandate the structure or content of the apprentice portfolio, beyond the requirements detailed in the assessment plan. This is because it forms part of apprenticeship training, which ORCA EPA is not allowed to be involved in or influence. However, ORCA EPA will produce guidance on portfolio development. In the guidance references will be made to fair access and reasonable adjustments, for example:

- The use of photos and/or videos to complement portfolio development where an apprentice may struggle with job write ups. Taking account of:
  - GDPR if recordings are being made on customer premises
  - Health and safety, whereby the holding of a record may impact the ability to carry out the job safely
- The use of manager, colleague and customer / witness testimonies

### **Professional Discussions, Presentations, and Interviews**

Subject to the requirements of the assessment plan, apprentices will be permitted to use visual aids to support their presentations and discussions, whether that be presentation slides, videos, photos, reports. Apprentices will be provided with guidance on the interview/presentation/professional discussion and we request that employers and providers allow the apprentice an opportunity to have a practice of an interview/professional discussion prior to their gateway to end-point assessment. ORCA EPA will encourage the following:

- Adoption of a flexible approach in the method of questioning and permitting follow up questions for clarification.
- Allow the apprentice to present and answer questions in a way that reflects an apprentice's normal way of working.
- Allow apprentices to present their answers or evidence in any format as long as it enables them to demonstrate that they have met the assessment criteria.

### **Examinations (synoptic / Knowledge tests)**

Assessment plans often provide a variety of delivery options, which therefore support the reasonable adjustments in delivery, for example the option for on-line or paper-based assessments. To ensure fair access other adjustments could include:

- Extra time
- Scribes
- Alternative locations/times

Irrespective of the method of presentation or delivery, all assessment methods must still meet the requirements of the apprenticeship assessment plan, and all apprentices, regardless of their reasonable adjustment, must still meet the minimum requirements to achieve their apprenticeship.

## **Reasonable Adjustments Application**

It is the responsibility of the employer and provider to notify ORCA EPA of any reasonable adjustments that need to be made to ensure fair access during end-point assessment for an apprentice.

Reasonable adjustments must be notified in advance of end-point assessment, using the application form contained in the **appendix A**:

- In advance of is considered to be no less than 3 months before the apprentice gateway to end-point assessment. This timeline is in line with the ESFA funding rules requirement for "No less than 3 months' notice that the apprentice will be ready for the EPA should be given to the EPAO"

Any request for reasonable adjustment to ensure fair access must be the result of a disability, medical condition or for religious reasons. Apprentices should be fully involved in any decisions about adjustments /

adaptations. This will ensure that individual needs can be met, whilst still bearing in mind the specified assessment criteria for a particular apprenticeship end-point assessment. This is also critical in ensuring that the requests and decisions are compliant with data protection and sharing regulations.

All requests will be considered on the information received. 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 apprentice;
- the effectiveness of the adjustment;
- the cost of the adjustment; and
- the likely impact of the adjustment upon the candidate and other candidates.

Some adjustments may not be considered reasonable if they:

- Do not meet the published criteria;
- Involve unreasonable costs to ORCA EPA;
- Involve unreasonable timeframes;
- Affect the security and integrity of the apprenticeship itself;
- Put in jeopardy the health and well-being of the apprentice.

The review of the request and agreed reasonable adjustment will be made within 10 days and will be subject to strict guidelines that will be written on the reasonable adjustment report. For example, the apprentice will not be allowed to talk with third parties during rest breaks and readers will not be able to provide advice or suggestions to the apprentice.

An apprentice's information will only be made available to those on a 'need to know' basis based on the Equality Act 2010. This will include ORCA EPA end-point assessment administrative staff and the assessor, as well as people who may be required to assist the apprentice during the assessment.

All decisions can be appealed, on the basis that the applicant believes our policy and processes have not been followed, as detailed within our appeals policy.

## Special Considerations

Special Considerations apply if there is a reason an apprentice may have been disadvantaged during their assessment for reasons beyond their control. Each and every request for special consideration will be unique to the apprentice or assessment and will depend on the circumstances at the time of the assessment and will reflect the difficulty faced by the apprentice.

Special considerations may be considered if:

- performance in an assessment is affected, or part of an assessment is missed, due to circumstances beyond the control of the apprentice. For example:
  - personal illness, accident, bereavement
  - serious disturbance during the assessment, such as a fire alarm (pre-planning will have ensured that no fire drills are scheduled during an assessment)
  - public transport failure meaning that the apprentice is late or unable to attend
- alternative assessment arrangements (reasonable adjustments) which were agreed in advance of the assessment proved inappropriate or inadequate

If the circumstances beyond the apprentice's control are the result of the staffing or equipment of ORCA EPA, such as equipment failure on the day of, or during, an assessment, or assessor's illness preventing attendance, a request for special consideration is not required, and the assessment will be re-arranged. In such circumstances the apprentice has the right to complain under ORCA EPA Complaints policy.

Requests for special consideration will not be permissible under the following circumstances:

- if the request is solely on the grounds of disability or learning difficulty. In these circumstances, the request must have been made and agreed in advance of the assessment through the ORCA EPA Fair access and Reasonable Adjustment Policy
- if the assessment is missed due to pre-planned arrangements such as holiday, and hospital appointments
- if the apprentice does not provide supporting evidence, such as a medical certificate, where consideration is requested for a medical condition.
- Minor disturbances during the assessment, such as a phone ringing, or an apprentice leaving the room to use the toilet

ORCA EPA will ensure that any special arrangements claimed:

- Do not result in an unfair advantage over other apprentices
- Do not mislead customers (apprentices, and employers) about level and extent of attainment
- Do not compromise the integrity or credibility of the assessment, for the apprentice concerned or for other apprentices.
- Are clearly tracked for audit purposes, with all supporting documentation where appropriate.

## Applying for Special Considerations

Apprentices must inform ORCA EPA, within 48 hours of becoming aware of the adverse circumstances occurring, of any requests for special consideration, using the template in **appendix B**. ORCA EPA will consider each case on its merits and inform the apprentice, employer and provider of the decision.

## Document retention

ORCA EPA will keep on record all reasonable adjustment requests and evidence for a period of 6 years after the assessment in line with the document retention period specified within the conditions for acceptance for end-point assessment organisations.

Information about an apprentice's disability is deemed 'sensitive personal data' and therefore ORCA EPA, the employer and / or the training provider, if appropriate, are required by law (under the Data Protection Act) to process the information 'fairly and lawfully'.

ORCA EPA will keep in confidence all correspondence and documentation received in accordance with the Data Protection Act.

An apprentice can request that information be destroyed once an assessment has been passed, if preferred.

## Version Control, Ownership and Review

Policy Owner	Managing Director ORCA EPA	
Review date	n/a first version	Scheduled for review in July 2021
Version Number	1.0	
Record of changes since previous version	None – first version	

This policy will be reviewed, as minimum, once a year. Reviews will also take place when there are changes, updates, information and advice from the ESFA, the IfATE and the EQA provider, and/or as part of business continuity. For example, reviews of the apprenticeship standard or assessment plan, annual updates to the ESFA Funding Rules or funding bands, changes to legislation, and any exceptional circumstances, such as 2020 Covid-19. It will also be reviewed as our EPAO service evolves, for example, a growth to our service and therefore staffing and delivery levels.

## Appendix A - Reasonable adjustment application

Name of the apprentice:				
Unique Learner Number (ULN) of apprentice:				
Name of the Employer:				
Name of the Training Provider:				
Contact Details				
Title and Level of the Apprenticeship:				
Date of end-point assessment:				
End-point Assessment Component (e.g., professional discussion)	Disability Learning Difficulty	or	Reasonable Adjustment(s) Requested *	Supporting Evidence**
* for example: wheelchair access/adapted equipment, printed materials in accessible format, specialist software, reader, scribe, coloured overlays, extra time, rest breaks				
** copy of diagnosis, expert supplying the diagnosis and date				
<b>Declaration</b>				
I confirm that the above apprentice(s) have been assessed as requiring reasonable adjustments, that the apprentice(s) have been fully involved in any discussion about requests for adjustments / adaptations.				
Role and Signature of employer representative				
Signature of training provider representative				
Date				
Please submit this form to <a href="mailto:compliance@orca-epa.co.uk">compliance@orca-epa.co.uk</a>				

### ORCA EPA Approval

End-point Assessment Component (e.g., professional discussion)	Disability Learning Difficulty	or	Reasonable Adjustment(s) Approved	Provider of Reasonable Adjustment
<b>Declaration</b>				
This is to confirm that the above named apprentice(s) have been approved by ORCA EPA to have reasonable adjustments applied to the end-point assessment and that the approaches deployed are in line with those expected of industry standards and health and safety requirements and the adjustment will not impact upon the integrity of the assessment.				
Name of ORCA EPA Signatory				
Signature				
Date				

## Appendix B – special consideration request

This form must be used to apply for special consideration on behalf of an individual apprentice. Applications must be made on a case-by-case basis.

Applications must be submitted to ORCA EPA supported by the apprentice line manager and/or provider and made within 48 hours of the assessment.

ORCA EPA End-point Assessment Special Consideration Request Form		
<b>Apprentice details</b>		
Name of the apprentice:		
Unique Learner Number (ULN) of apprentice:		
Name of the Employer:		
Name of the Training Provider:		
Contact Details		
Title and Level of the Apprenticeship:		
<b>Details of the special consideration request</b>		
Assessment Activity subject to the request for special consideration (e.g., interview, exam, observation)		
Date of the assessment		
Time of the assessment		
What is the reason for the request?	Apprentice non-attendance	
	Apprentice late arrival	
	Disruption during the assessment	
	other	
Please provide details		
Was ORCA EPA and the employer notified on the day of the assessment?	yes	
	no	
<b>Declaration and Signatures</b>		
I confirm that this is an accurate representation of what happened, and that the decision on whether to accept the request sits with ORCA EPA. This does not affect an apprentice's right to complain or appeal		
Apprentice signature		
Employer and /or provider signature		
Date		
Please submit this form to <a href="mailto:compliance@orca-epa.co.uk">compliance@orca-epa.co.uk</a>		