

FAQ - HELP IN EXAMS

“My son is in Year 9 and will be starting GCSE courses next year. He is dyslexic and reads very slowly and often inaccurately. He performs much better in tests if he has help with reading, which then allows him to show his full potential. He sometimes gets this type of support in some lessons and classroom tests, but I’ve been told that he won’t get this help for GCSE exams because the school has too many requests of this type and doesn’t have the necessary resources. How can I make sure that he gets this help?”

Pupils who have learning difficulties and/or disabilities may qualify for help (called ‘access arrangements’) in public examinations. The most common arrangements are extra time, or provision of a word processor, computer reader, reader and/or a scribe (except for exams that specifically test these skills, such as English). There is a range of other possible arrangements for pupils with visual or hearing impairments, or other difficulties. The school decides whether this support is needed by reference to rules laid down by the Joint Council for Qualifications (JCQ) on behalf of the exam boards, overseen by Ofqual. For each type of access arrangement, JCQ sets evidence requirements which must be met for the pupil to qualify. JCQ inspects schools to check that the evidence requirements are strictly followed.

The JCQ rules are updated every year and can be accessed on the JCQ website [here](#).

When a school is on notice that a pupil may need access arrangements, it should gather the necessary evidence of need from class teachers and others (such as parents, the pupil and any other staff and external professionals involved). The school may need to carry out assessment tests (e.g. of reading, spelling, comprehension, writing or processing speed) unless the necessary information is already available, for example, from a statement of SEN or a report from a recent report from an educational psychologist. It applies for permission to put the access arrangements in place for all assessed parts of the course (not just the final exam). It is best if the school applies before the pupil begins the exam course. Some access arrangements (usually those for children with visual or hearing impairments, but also the arrangement to use a word processor) can be made by the school without applying for permission, if this is the pupil’s normal way of working. Other arrangements, including extra time or a reader/scribe, should also reflect the pupil’s normal way of working, but the school must still apply for permission.

The Equality Act 2010 places a duty on both schools and awarding (examination) bodies to make a reasonable adjustment where a disabled person would be at a substantial disadvantage in comparison to someone who is not disabled. In such circumstances, the school and the awarding body are required to take reasonable steps to avoid that disadvantage.

The first step

The first step is to speak to your son’s class teacher and SENCO. If you have already done this, approach the head teacher or other relevant member of the

senior management team for a meeting about the kind and amount of help which you believe is necessary for your son. Be prepared to show evidence that the help is needed. The best evidence will be the fact that your son has needed, and received, help of this kind in the past. So, for example, if he needs help reading exam papers, or extra time because he is slow at reading exam papers, then point out that he has had this help in the past with internal exams.

If your son has a statement of special educational need then this may strengthen your request, particularly for extra time, but also a computer reader, reader or scribe, but it doesn't create a legal obligation on the school to arrange this extra help with exams unless the statement specifies a need for particular access arrangements.

However, if the statement specifies help with reading texts and provides for this help (for example, in the form of support from a teaching assistant) then this will be important evidence that he is going to need the same kind of support in order to do his best in public exams. So take the statement along to your meeting with the head.

Similarly, if your son has an individual education plan (IEP) that sets out his difficulty with reading (or spelling, or writing) and provides for him to have help in class or with tests, this is important supporting evidence.

It may be that there is not enough evidence that an access arrangement is the child's 'normal way of working', perhaps because he has only recently arrived at the school, or because this need has only recently become apparent. But if your experience (and your child's) is that he is only able to show his full potential when given the necessary support, you should insist that the school carries out the relevant assessment tests so that they can make an application for the access arrangement.

If that doesn't work

If the head refuses to agree to arrange support for your son with public exams, or even to agree to assess him for support, then you will need to put your request in writing and send it to the school governors. Again, if your son has a statement it is important to mention it, but most important is that you make clear that he has had some help of this kind in the past, and that he still needs it to be able to show his potential. Provide the governors with the evidence you have put before the head teacher.

Your letter could say something like this:

To the Chair of the Governors,

Dear Sir or Madam,

I am writing as the mother of, who will be starting examination courses in Year 10 next year has dyslexia and during the whole of his time in your school has needed support with his reading in lessons and in tests. He clearly performs better when he has this support. I believe that unless he receives this kind of help within the public exams he will be disadvantaged. It will take him too long to read the examination papers for him then to have time to show his true potential when answering them.

I met with the Head Teacher on to request that arrangements be put in place for to receive help with reading the exam papers, but unfortunately the Head would not agree to this.

I am writing now to ask you, as Chair of Governors, to discuss the matter with the Head. I understand that under the Equality Act 2010 the Governors have a legal duty to make reasonable adjustments in their arrangements for the education of a child with a disability and I believe that this duty is relevant to the decision which the school has to make with regard to arranging support for my son with the forthcoming public exams. I look forward to hearing from you.

Yours,

You may need to emphasise that you need a speedy response to your letter if time is short, for instance if your son is about to start, or has started, his exam courses. If the governors will not take action then you may have to consider making a claim of disability discrimination against them on the basis of the failure to make 'reasonable adjustments' for your son. But the aim of your action should be to persuade the school that it should (if necessary) assess for, and put in place, the necessary access arrangements.

Because this duty also applies to awarding exam bodies, you could also consider writing to them, reminding them of the duty.

You can get further advice about these issues by contacting IPSEA's telephone Advice Line on 0800 018 4016, or (if you think that you will have to bring a claim of disability discrimination) the Tribunal Helpline on 0845 602 9579.

What the law says

Section 6 of the Equality Act 2010 says:

6 Disability

- (1) A person (P) has a disability if—
 - (a) P has a physical or mental impairment, and
 - (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

Section 2(1) and (3) of the Equality Act 2010 say:

20 Duty to make adjustments

- (1) Where this Act imposes a duty to make reasonable adjustments on a person, this section, sections 21 and 22 and the applicable Schedule apply; and for those purposes, a person on whom the duty is imposed is referred to as A.
- (3) The first requirement is a requirement, where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

Section 85(2) of the Equality Act 2010 says:

- (2) The responsible body of such a school must not discriminate against a pupil—
- (a) in the way it provides education for the pupil;
 - (b) in the way it affords the pupil access to a benefit, facility or service;
 - (c) by not providing education for the pupil;
 - (d) by not affording the pupil access to a benefit, facility or service;
 - (e) by excluding the pupil from the school;
 - (f) by subjecting the pupil to any other detriment.

Section 96(6) of the Equality Act 2010 says:

- (6) A duty to make reasonable adjustments applies to a qualifications body.

What regulations and guidance say

Section 7.2 of the Joint Council for Qualifications Regulations and Guidance – Access Arrangements, Reasonable Adjustments and Special Consideration (to August 2013) says:

7.2 Duty to make a reasonable adjustment

The duty for an awarding body to make a reasonable adjustment (s20) will apply where a disabled person would be at a substantial disadvantage in comparison to someone who is not disabled. In such circumstances, the awarding body is required to take reasonable steps to avoid that disadvantage.

Postscript

Certain access arrangements are very labour-intensive for the school: if a pupil is supported by a reader or scribe, there must also be an invigilator present, i.e. two adults in the room with one child. So there may be some reluctance to offer this arrangement.

Clearly, the outcome you are seeking is for the school to agree to put the arrangements in place (or make the necessary assessments and application for permission), rather than you having to bring a complaint of disability discrimination (which can take five months to complete).