



Policy	Reasonable Adjustment and Fair Access Policy
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Owned by	NEBDN Executive
Monitored by	NEBDN Governance and Education Standards Committees
Approved by	NEBDN Governance Committee on behalf of the Board of Trustees on 28 th April 2023

Purpose

The purpose of this policy is to ensure that:

1. NEBDN complies with its duty under the Equality Act 2010 to make reasonable adjustments for individuals with a disability.
2. NEBDN has a clear procedure in place for learners to follow, should they wish to apply for an adjustment to their assessment.
3. all applications for reasonable adjustments are received, processed, and considered in a consistent, fair, and timely manner.
4. in considering applications, a fair and standardised approach is taken to decision-making.

The policy sets out:

- NEBDN's arrangements for making reasonable adjustments for learners sitting NEBDN qualifications, apprenticeships, and End Point Assessment, without being advantaged or disadvantaged by any processes instigated by NEBDN during assessment.
- how learners qualify for reasonable adjustments
- what reasonable adjustments will be made and the timescales in which applications need to be submitted so that reasonable adjustments can be agreed and put in place for assessments.

Scope

This policy applies to any learner who is registered for a qualification or apprenticeship with NEBDN, or who is going through the registration process to sit an assessment and who:

- has a disability as defined by the Equality Act 2010 (see definition section) and wishes to apply for an adjustment to their Assessment(s)
- wishes to apply for an adjustment to their Assessment date based on religious grounds or any other reasons including maternity.
- requires an extension of their registration period when they are suffering from a long-term, critical or life-threatening illness.



Fair Access to assessment and potential reasonable adjustments should be considered by EPA contributors engaged by the NEBDN for its EPA provision and EPA administrators and other NEBDN staff that may be involved in the development and delivery of the EPA and any related advisory services provided by NEBDN.

Policy statement

NEBDN is committed to protecting the rights of individuals and advancing equality of opportunity for all consistent with the Equality Act 2010. NEBDN believe that assessment should be a fair test of a learner's knowledge, skills, and behaviour but that for some learners the usual format of assessment may not be suitable. NEBDN seek to ensure that the ways in which assessments are carried out do not exclude learners from taking NEBDN qualifications, apprenticeships and End Point Assessment. NEBDN make reasonable adjustments to ensure that learners receive recognition of their achievement as long as the equity, validity and reliability of our assessment can be assured.

Reasonable adjustments for NEBDN awarded qualifications and apprenticeships.

An individual who makes an application for a reasonable adjustment to their assessment will be treated respectfully and fairly in accordance with this policy. The process for applying for reasonable adjustments is set out in Appendix 1.

All applications for reasonable adjustments will be dealt with in a confidential manner. Everyone involved in the process has a duty to maintain confidentiality and only share the necessary information with others involved in the decision-making process or putting reasonable adjustments in place. This may include: NEBDN staff members, examiners, personnel with Providers, and anyone else directly involved in the organisation of assessments.

NEBDN may also need to contact the applicant's provider and may need to provide the relevant parties noted above with a copy of the application and any evidence relating to it.

NEBDN do not grant exemptions from any NEBDN assessments, in whole or in part. This is because the assessments offered relate to the knowledge, skills and competence to act in different aspects of dental nursing in a clinical environment and exemptions from different aspects could ultimately put patients at risk.

Reasonable adjustments are approved or set in place before an assessment takes place and a response to the learner and provider is reached within 21 working days from the date of reasonable adjustment submitted to NEBDN. Adjustments are an arrangement to give the learner fair access to the assessment. The use of a reasonable adjustment is not taken into consideration when the assessment is being marked.

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



- the individual needs of the learner
- the effectiveness of an adjustment in enabling the individual to be fully involved in the assessment process whilst not giving them an unfair advantage.
- the cost of the adjustment
- the extent to which the adjustment reflects the normal practice of a person working within the occupational area.
- the likely impact of the adjustment upon the applicant and other learners.

NEBDN will review the reasonable adjustment request and compare this to the fair access framework to make a reasonable adjustment. NEBDN will use the Reasonable adjustment matrix detailed in Appendix 1.

Adjustments must not:

- put in jeopardy the health and well-being of the learner or any other person in the setting – where necessary, a risk assessment will be carried out related to the provider and the individual's particular circumstances and related adjustments.
- compensate the learner for any lack of knowledge and skills.
- invalidate the assessment requirements of the qualification or the requirements of the assessment strategy and should not alter the required competence standards.
- give the learner an unfair advantage over other learners.

Definitions

Disability

Section 6 of the Equality Act 2010 defines disability as a 'physical or mental impairment which has a substantial and long-term adverse effect on someone's ability to carry out normal daily activities. It covers a wide variety of conditions, encompassing long-term illness as well as physical or psychological problems.

Some impairments are automatically treated as a disability. These are covered in Schedule 1, Part 1 of the Equality Act 2010 and in Regulation 7 of the Equality Act 2010 (Disability) Regulations 2010.

A long-term effect means something that has affected a learner, or is likely to affect a learner, for at least a year. An impairment will still be long term if the effects are likely to come and go. These are known as 'fluctuating or recurring' effects.

Some long-term adverse effects will not be considered as applicable under reasonable adjustments or fair access.

Reasonable Adjustments

The Equality Act 2010 requires organisations, such as awarding organisations, to make reasonable adjustments for disabled learners (within the meaning of the Equality Act 2010).



That is, learners who would be at a substantial disadvantage in comparison to someone who is not disabled. The purpose of the reasonable adjustments is to take reasonable steps to overcome the disadvantage the individual is experiencing in the Assessment and to allow them to do their best in the assessment situation.

However, the adjustments must not affect the competence standards (see definition below) against which assessment is made – in the case of NEBDN Assessments, the standards that a learner has to achieve to demonstrate their competence. Adjustments can however affect how the assessment of that standard is carried out.

Reasonable adjustments during Assessments must not affect the integrity of what needs to be assessed and should be equivalent to the adjustments that can be made in the working environment to enable an individual to work effectively as a dental nurse.

Anyone who wishes to appeal against NEBDN's decision to decline a request for reasonable adjustments, should refer to the NEBDN Appeals Policy.

Some examples of reasonable adjustments are:

- changing usual assessment arrangements, for example allowing a learner extra time to complete the assessment activity.
- adapting assessment materials or methods, such as reading the materials to the learner rather than expecting them to read them themselves.
- providing assistance during assessment, such as a sign language interpreter or a reader
- re-organising the assessment room, such as removing visual stimuli which may adversely affect someone with autism.
- using assistive technology, such as screen reading, or voice activated software
- providing and allowing different coloured transparencies with which to view assessment papers.

Responsibilities

Responsibility of Providers

The Provider holds the responsibility to identify the Learner needs and normal way of working during the on-programme phase of the qualification or apprenticeship. Details of this must be stored in the Pebble Pad portfolio system under: '*Onboarding- Learner Qualifications- Additional Needs*'.

Please see 'Fair Access and Reasonable Adjustments in End Point Assessment' from the IfATE guidance for Employers, Learners and Apprenticeship providers when supporting Learners through gateway.



Regulatory responsibilities

When a learner undertakes any form of dental training, they enter a complex regulatory framework designed to ensure the safety of patients and the public and these, by necessity, may preclude the admission of learners with some severe disabilities. Health and conduct are governed by Fitness to Practice (GDC 2016).

Regarding the dental team there are legitimate exceptions listed within the Equality Act which may allow for lawful discrimination:

- Section 53(7) states that 'The application by a qualifications body of a competence standard to a disabled person is not disability discrimination unless it is discrimination by virtue of section 19 (the obligation to demonstrate that the provision must be a proportionate means for achieving a legitimate aim).
- Where a competence standard is a proportionate means for achieving a legitimate aim, then the application of that standard is not discriminatory.
- Section 96 states that a qualifications body (regulator) does not need to make reasonable adjustments in so far as it must ensure that the "qualification gives a reliable indication of the knowledge, skills and understanding of a person" (subsection 8b) and the need to "maintain public confidence in the qualification" (subsection 8c).

Examples of Regulatory Requirements include (but not limited to):

- The achievement of outcomes and competences within the GDC's *'Preparing for Practice'* (2012, 2016) and the associated required skills, behaviours and attitudes outlined in the GDC's *'Standards for the Dental Team'* (GDC 2013) must be demonstrated independently by each learner by the end of the relevant training.
- Proof of the learner's ability to consistently function appropriately as a safe, consistent, competent, and professional dental nurse who is safe to work within the clinical environment as a fully functional member of the dental team to the highest standards.

Governance Responsibilities

The Education and Standards Committee (ESC) will:

1. ensure that the NEBDN staff team apply the policy by gathering and analysing timely information on the requests made for reasonable adjustments and the responses made and compare them with the extant policy
2. review the policy annually as part of NEBDN's self-evaluation arrangements taking into account provider and learner feedback, changes in practice, actions of the regulatory authorities or other relevant external agencies, or changes in legislation
3. make recommendations for revisions to the policy and advise the Governance Committee and the Board of these necessary revisions.



The Trustees of the Board are accountable for the for the consistent, fair and legal implementation of this policy in the organisation.

The Chief Executive Officer is responsible to the Board, for the consistent, fair and legal implementation of this policy in the organisation.

The Director of Education and Regulation will ensure that operations receive, process, communicate and implement any requests for reasonable adjustments in line with the policy.

Providers must understand the policy, advise any learners appropriately and ensure that they have their own reasonable adjustments policy in place to comply with the Equality Act.

Learners will need to understand the policy, evaluate whether they have a requirement for any reasonable adjustments in line with the policy and liaise with their provider to provide the relevant data and evidence to the provider so the reasonable adjustment can be applied for in line with stated timescales.

Reference Materials

NEBDN Appeals Policy

NEBDN Bullying and Harassment Policy

NEBDN Learner Conduct Policy

NEBDN Extenuating Circumstances Policy

NEBDN Equality and Diversity Policy

NEBDN Health and Safety Policy

NEBDN Student Fitness to Practise Policy

The Equality Act 2010

General Dental Council Preparing for Practice (effective 2012, revised 2015)

General Dental Council Standards for the Dental Team (effective 2013, revised 2019)

Questions

If you have any questions about this policy, please email NEBDN at info@nebdn.org and your enquiry will be directed to an appropriate employee or committee.



Appendix 1: Procedure for applying for reasonable adjustments for learners.

Who should apply?

If you are a learner sitting an assessment and have a disability, you are advised to discuss and liaise with your Provider to make an application for reasonable adjustments on your behalf. You can also use this procedure to seek.

- a different Assessment date for religious reasons
- an extension of your registration period as a learner if you are suffering from a long-term, critical or life-threatening illness.
- inform us of adjustments which you need because you are pregnant.

Seek the advice and support of your provider having read this policy. Applications should be made to NEBDN via your Provider who will enter the relevant data and any evidence onto an online booking form in our database, TheHub, on your behalf.

What we can do

We will consider every application for reasonable adjustments to an assessment on a case-by-case basis. The evidence you provide will be reviewed and is a very important part of the process. Your application may not be considered if appropriate evidence is not provided. For further information on appropriate evidence, please contact NEBDN.

The adjustments we make will be designed to meet the needs of the individual concerned and may be unique to them. The reasonable adjustments provided are in line with the Institute for Apprenticeships and Technical Education (IfATE) Reasonable Adjustment Matrix below.

All applications for reasonable adjustments, will be responded to within 21 working days.

Reasonable Adjustment Matrix

Below is a range of 8 defined disabilities and/ or conditions defined within the Equality Act, where the IfATE recognise a reasonable adjustment may be appropriate for fair access to integrated assessments delivered by NEBDN.

1. No known disability
2. Cognitive processing needs such as dyslexia, and dyspraxia, a need in executive function, visual processing speed, visual perception, literacy, numeracy, verbal reasoning, verbal memory, and nonverbal memory
3. Social/ communication needs such as autistic spectrum condition
4. Long-standing illness such as cancer, epilepsy, Crohn's, IBS, Chronic Fatigue
5. Mental health conditions
6. A physical need such as crutches or wheelchair user, arthritis, paraplegia, quadriplegia, cerebral palsy
7. Hearing needs
8. Visual needs



Reasonable adjustments including the following would be decided on the case by case basis only. The reasonable adjustment would only be applied, if this was a reasonable adjustment with the provider and did not compromise the validity of the assessment:

Fair Access to Reasonable Adjustment Offered	Assessment Method		
	MCQ/EMQ Assessment	Professional Discussion Stations	Outcome for NEBDN
Permission to bring notes		2,4,5	Case by case decision only
Individual testing (completing in relation to flexibility of time and assessment method, not based on individual diet due to ratification)	3,4,5		Case by case decision only
Paper based option	2,4		Case by case decision only
Scribe	2,6,8		Case by case decision only

NEBDN can apply reasonable adjustments to offer fair access to assessment, considering the above 8 points against the appropriate reasonable adjustments below.

Fair Access to Reasonable Adjustment Offered	Assessment Method			
	Workbook	MCQ/EMQ Assessment	Professional Discussion Stations	Outcome for NEBDN
Extra Time Allowance	2,3,4,5,6,7,8	2,3,4,5,6,7,8	2,3,4,5,6,7,8	Decision made as a result of the evidence uploaded to Assessment and Awards team via forms within The Hub.
Reader/ verbal explanation/ verbal explanation to support written	2,8	2,8	2,8	Case reviewed by Assessment and Awards team via forms within The Hub. Reader to be provided by NEBDN.
Personal Support worker in attendance	2,5,6,8	2,5,8	2,5,8	Provider to provide personnel for reasonable adjustment and must be agreed with by Assessment and Awards team via forms within The Hub. Personnel for reasonable adjustment must not have any



				conflict of interest in assessment or personal interest.
Timed Rest Breaks	2,4,5,6,7,8	2,4,5,6,7,8	2,4,5,6,7,8	Decision made because of the evidence uploaded to Assessment and Awards team via forms within The Hub. Assessment and Awards team would add extra time to support reasonable adjustment. Maxexam software would support invigilation for MCQ/EMQ. Facilitator may have to complete additional room sweep.
Bathroom breaks	4,6	4,6	4,6	
BSL interpreter and extra time	7	7	7	Provider to provide personnel for reasonable adjustment and must be agreed with by Assessment and Awards team via forms within The Hub. Personnel for reasonable adjustment must not have any conflict of interest in assessment or personal interest.
Flexibility with time of assessment	4	4	4	Flexibility available on times of exam and diets. Reasonable adjustments must be agreed with by Assessment and Awards team via forms within The Hub.
Flexibility in method of assessment	6	3,4,5,6	3,4,5,6	Reasonable adjustment must be agreed with by Assessment and Awards team via forms within The Hub.
Info presented in required format-colour, size, style, font		2,8		Reasonable Adjustment must be agreed with by Assessment and Awards team via forms within The Hub. Personnel for reasonable adjustment must not have any conflict of interest in assessment or personal interest.



If you apply for reasonable adjustments to more than one Assessment, the same adjustment may not be applicable or reasonable for each as different qualifications and different methods of assessments can create different demands.

Limitations

NEBDN is a charity and receives its funding from assessment fees. Whilst every effort will be made to consider an adjustment, consideration will also be given to the overall cost of it to the organisation and the impact it would have on the costs to other learners.

An adjustment cannot be granted when:

- it will affect the competence standards against which assessment is made, or
- it will compromise the integrity of the Assessment, or
- when it will put the health, safety and security of the learner or other learners at risk, or
- when the cost of making the adjustment compromises the running of Assessments for other learners.

As an awarding body for dental nurses and other members of the dental team, we need to be aware of the standards set by the General Dental Council. Its 'Standards for the Dental Team' states:

"You must be sufficiently fluent in written and spoken English to communicate effectively with patients, their relatives, the dental team and other healthcare professionals in the United Kingdom." (2.1.2)

We are not therefore able to adjust on the basis that English is not a learner's first language.

Applying for an adjustment

Please discuss your requirements with your provider along with this policy. The provider will be able to upload all data and evidence on your behalf. Requests for reasonable adjustments need to be made no later than 25 working days before the Assessment date for them to be acted on appropriately.

NEBDN Assessment & Awards will give each application received due consideration and:

- approve it in full
- approve it in part
- not approve it (i.e. insufficient supporting evidence)

The NEBDN Assessment and Awards team will aim to confirm in writing (email or letter) the receipt of a request within 21 working days of receipt and provide an estimated time for a full response.



When should I apply?

Applications for Reasonable Adjustments can be submitted to NEBDN Head Office at any point from when the learner registers with NEBDN. However, it is strongly advised that applications are submitted to NEBDN at the earliest opportunity so that learners can be reassured of an outcome well in advance of their assessment and certainly no later than 25 working days before the assessment(s).

Where it is known from the outset that a learner will need an adjustment for their assessment, the application can be submitted with the learner registration form or booking form. For example, where a medical condition already exists or where a specific learning disability has already been diagnosed or if the application is based on religious grounds – in these cases there is likely to be little reason to delay the application for an adjustment.

In all cases, providers are strongly advised to submit their applications before the exam entry closing date. This is to allow sufficient time for NEBDN to consider applications and to make arrangements for the required adjustments.

If disability or impairment occurs between exam entry closing date and exam day

We understand that in some situations it is not possible for a learner to apply for an adjustment before the relevant exam entry closing date. For example, you are diagnosed with a health condition after the exam entry closing date.

In these circumstances, you can still apply for an adjustment and NEBDN will make every effort to consider your request and make reasonable adjustments. If we are unable to make the adjustment, we will inform you of this as soon as possible and let you know any other course of action available to you (e.g. sitting your assessment at a later date).

If you are unwell or have a health condition or impairment on exam day, you should check the Extenuating Circumstances Policy as this may apply.

What evidence do I need to provide?

Any application for an adjustment to assessment must be supported by evidence which is valid, sufficient, and reliable using the form available via TheHub – evidence can be uploaded as needed.

Learners should provide supporting additional evidence of the effect of the impairment on their performance in the assessment. Any of the following types of evidence would be acceptable – it does not need to rely only on a formal medical or clinical diagnosis.

1) History of provision made by the provider for tuition and or assessment of learner.

This should include information about the support received by the learner during the learning or training programme and during formative assessments. Evidence of the way in which the learner's needs are being met during the learning programme should be documented. The written evidence of provision of the reasonable adjustment must be



included with the history of the provision. Any link to additional learning support must also be included.

2) *Written evidence produced by independent, authoritative, specialists e.g. medical doctor or Educational psychologist etc*

This could take the form of medical, psychological or professional reports or assessments. These reports should state the name, title and professional credentials of the person who carried out the assessments and wrote the report. The report should set out the nature of the difficulty and extent to which the learner is affected by the difficulty, including the effects of any medication that they may be taking. In cases where it might be expected that there could be changes in the way the individual is affected by the difficulty, there will have to be recent and relevant evidence of assessments and consultations carried out by an independent expert.

A statement from a medical professional or a copy of a MATB1 form is required as supporting evidence for individuals who are pregnant at the time of an Assessment.

A learner with a Statement of Special Educational Need does not automatically qualify for reasonable adjustments. The demands of the qualification should be taken into account. The reasons for the statement may have only limited effect on achievement in the assessment.

It is NEBDN's responsibility to ensure that all applications for reasonable adjustments are based on the individual need of the learner and that the evidence in support of the application is sufficient, reliable and valid. NEBDN will maintain records of all cases for audit purposes and monitor the effectiveness of the reasonable adjustments that have been made.

CHECKLIST – Application for Reasonable Adjustments

If you are submitting an application for an assessment adjustment, please check that you have:

1. Discussed your requirement with your provider and read this policy
2. Gathered and provided all evidence and data for the provider to upload to our database (TheHub)
3. Confirm that the provider has submitted your request and whether the adjustment has been granted or if any further information is needed.
4. Applied, normally before the relevant exam entry closing date. Closing dates are available on our website at www.nebdn.org