



Department of  
**Education**

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AN RÓINN  
**Oideachais**

MÁNNYSTRIE D  
**Lear**

**Subject:**

**REGULATIONS ON THE USE OF MARK  
ENHANCEMENTS IN EXAMINATIONS, IN CASES  
WHERE STUDENTS WITH DISABILITIES HAVE  
BEEN GRANTED EXEMPTIONS FROM ONE OR  
MORE COMPONENTS OF AN EXAMINATION**

**Circular No:  
2009/03**

**Date of Issue:  
28 April 2009**

**Target Audience:**

- Principals and Boards of Governors of grant-aided post-primary schools and special schools with post-primary pupils;
- Education and Library Boards;
- Council for Catholic Maintained Schools;
- Council for the Curriculum, Examinations and Assessment;
- Northern Ireland Council for Integrated Education;
- Comhairle na Gaelscolaíochta

**Summary of Contents:**

This Circular advises that the Department of Education, in exercise of the powers conferred by the Special Educational Needs and Disability (Northern Ireland) Order 2005, has made a further set of regulations relating to general qualifications bodies.

**Enquiries:**

Any enquiries about the contents of this Circular should be addressed to:

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**Governor Awareness:**  
Essential

**Status of Contents:**  
Advice  
Information for schools

**Related Documents:**  
DE Circular 2008/07

**Superseded Documents:**  
None

**Expiry Date:**  
N/A

**DE Website:**  
<http://www.deni.gov.uk>

Tel: 028 9127 9361

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## **Purpose of this Circular**

1. This Circular provides information about a further set of regulations – **The Special Educational Needs and Disability (General Qualifications Bodies) (Relevant Qualifications, Reasonable Steps and Physical Features) (Amendment) Regulations (Northern Ireland) 2009** which the Department has made in exercise of powers conferred by the Special Educational Needs and Disability (Northern Ireland) Order 2005. The regulations cover the use of mark enhancements in cases where a candidate has been exempted from one or more components of an examination on the grounds of disability.

## **Background**

2. The Special Educational Needs and Disability (General Qualifications Bodies) (Relevant Qualifications, Reasonable Steps and Physical Features) Regulations (Northern Ireland) 2008, which came into operation on 1 April 2008, prescribed the relevant qualifications in respect of which it is unlawful for a general qualifications body to discriminate against a disabled person. The regulations also specified that the granting of an exemption from one or more components of an assessment or examination leading to the award of a relevant qualification, in certain circumstances, would always be a reasonable step for a general qualifications body to take.
3. However, general qualifications bodies raised concerns with the Department for Children, Schools and Families (DCSF) that the regulations covering England, Scotland and Wales did not give them sufficient legal protection to continue with the practice of using mark enhancements in cases where exemptions are granted. Therefore, the Department has made a further set of regulations to provide clarity on the use of mark enhancements in such cases and to maintain parity with arrangements in England, Scotland and Wales where similar regulations apply.

## **The Special Educational Needs and Disability (General Qualifications Bodies) (Relevant Qualifications, Reasonable Steps and Physical Features) (Amendment) Regulations (Northern Ireland) 2009**

4. These regulations amend the Special Educational Needs and Disability (General Qualifications Bodies) (Relevant Qualifications, Reasonable Steps and Physical Features) Regulations (Northern Ireland) 2008 to specify that it is always a reasonable step to assess a disabled candidate in relation to the components of an examination taken by him or her as if those components comprised the entire examination.
5. The regulations came into operation on 25 February 2009.
6. Schools are reminded that in cases where students require access arrangements or reasonable adjustments for examinations, it is the responsibility of examination centres to liaise with the relevant qualifications body or make an application for an access arrangement via the Access Arrangements Online System. Students

should not make direct contact with qualifications bodies and cannot make online applications for access arrangements themselves.

7. Schools are also reminded that the use of exemptions from component(s) of an examination and subsequent mark enhancements should only be applied as a last resort, after considering all reasonable adjustments to allow a disabled person to access the examination component(s) in question.

### **Further information**

8. The regulations are available at [www.opsi.gov.uk](http://www.opsi.gov.uk) and copies may also be purchased from TSO Bookshop, 16 Arthur Street, Belfast, BT1 4GD.
9. General qualifications bodies and others may obtain advice on their legal responsibilities under SENDO 2005 from the Equality Commission, which also offers independent disability conciliation services in relation to disputes under the regulations. Guidance on the regulations will shortly be published on the Equality Commission's website at [www.equalityni.org](http://www.equalityni.org)

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