

SUMMARY OF RESPONSES TO THE CONSULTATION ON PROPOSED DRAFT REGULATIONS ON THE USE OF MARK ENHANCEMENTS IN EXAMINATIONS IN CASES WHERE DISABLED STUDENTS HAVE BEEN GRANTED EXEMPTIONS

INTRODUCTION

1. The Department of Education launched an eight week consultation on 6 October 2008 inviting comments on proposals for a further set of draft regulations being made under the Special Educational Needs and Disability (Northern Ireland) Order 2005 to ensure equality of access to qualifications for all. The regulations will specify that in cases where a candidate has been exempted from one or more components of an examination on the grounds of disability, it is always a reasonable step to assess a candidate in relation to the components of that examination taken by him or her as if those components comprised the entire examination.
2. The Department welcomes the contributions of all who participated in the consultation and this report summarises the responses.

RESPONDENTS

3. This was a web-based consultation with response forms available for downloading from the Department of Education's website. The Department wrote to a wide range of stakeholders, including charities, disability groups, general qualifications bodies and trade unions, informing them of the consultation. In addition, information on the consultation issued to Principals of all Post-Primary Schools and Principals of Special Schools with Post-Primary Pupils. In total, 6 responses were received by the end of the consultation period. A list of respondents is shown at Annex B to this summary.

KEY ISSUES

4. All respondents recognise the need for the Department to introduce a further set of regulations to ensure that in cases where exemptions are granted by General Qualifications Bodies, examinations will be enhanced accordingly.

Awarding of Exemptions

5. Both the Equality Commission and National Deaf Children's Society (NDCS) believe that exemptions should only be used as a last resort. The Department is content that general qualifications bodies are aware that reasonable adjustments must be given full consideration before a decision is taken to use exemptions.

Certificate Indications

6. The ECNI is concerned about the type of wording which is likely to appear on the certificate to indicate exemption. ECNI believes the certificate indication has the potential to place disabled pupils at a disadvantage in circumstances where they would otherwise have not disclosed their disability. NDCS is also strongly opposed to certificate indications, stating that they do not constitute a 'reasonable adjustment' and that they will 'stigmatise candidates in the eyes of future employers'. The current position is that certificate indications may be used in cases where exemptions are awarded. This issue is the subject of ongoing discussion between the Qualifications' Regulators and general qualifications' bodies.

Next Steps

7. The regulations will be subject to scrutiny by the Departmental Education Committee. Once cleared by the Committee, the regulations will be subject to negative resolution by the Assembly.
8. The regulations will be made and will come into operation unless a motion is passed in the Assembly to annul them.

9. Current plans are that the regulations will come into operation during February 2009.

**Qualifications and ICT Team
Department of Education**

December 2008

ANNEX B

List of Respondents:

Cookstown High School – Teacher

Equality Commission Northern Ireland (ECNI)

Lurgan College – Teacher

National Deaf Children's Society

St Dominic's High School, Belfast - Teacher

Ulster Teachers' Union