QUALIFICATIONS BODIES AND THE DISABILITY DISCRIMINATION ACT

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Qualifications Bodies and the Disability Discrimination Act

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Acknowledgements

Contents

1. Overview and Selected Key Findings

1.1 Scope of the report

In October 2004, Part 2 of the Disability Discrimination Act (DDA) 1995 will be extended to cover organisations which confer, renew or extend a professional or trade qualification. It will be then be unlawful for a qualifications body to discriminate against a disabled person when it is awarding, renewing, extending or withdrawing a professional or trade qualification. Furthermore, if a provision, criterion or practice of a qualifications body places a disabled person at a substantial disadvantage in getting or retaining a qualification, then the qualifications body will have a duty to make a "reasonable adjustment" for a disabled person.

This report presents the findings of a research project undertaken to examine the scope of these important new provisions; levels of awareness by qualifications bodies of the new duties; and to identify examples of action being taken to prepare for the implementation of the new provisions. The research was conducted between October 2003 and June 2004 by the Institute for Employment Studies, and was jointly funded by the European Social Fund (Objective 3 Programme), the Disability Rights Commission (DRC) and the Learning and Skills Council.

The main aims of the study are set out in detail in Section 2.2. In summary they were to:

- Map the number and types of qualifications bodies covered by the new provisions and to identify any 'grey areas' where there is a lack of clarity about the coverage of the provisions.

- Explore levels of awareness of the DDA provisions by the qualifications bodies and their perceptions of how the provisions will affect their current practices.

- Establish how the new duty to make reasonable adjustments is being interpreted and identify any examples of actions that are being considered or planned by different bodies.

- Identify examples of good practice to contribute to the development of guidance and support to assist qualifications bodies to comply with their duties under the DDA.

1.2 Key findings from the mapping study

The aim of the mapping study was to identify the number and type of qualifications bodies in Great Britain. There is currently no one definitive source of all qualification and awarding bodies in Great Britain. This led to difficulties in creating a comprehensive database. The principal data sources for qualification bodies and professional trade organisations used for this study were the *British Qualifications* and *British Vocational Qualification* directories[1]. Another key source was the Qualifications and Curriculum Authority (QCA) website for all qualifications approved for government funding.

For a qualification or professional body to be included on the database they had to be either an organisation that awards qualifications; or membership/registration of that organisation is a requirement to practice. The final total of organisations on the IES database comprised 289 organisations.

A number of issues arose in the process of creating the database. In particular, it was not always clear which sector was covered, particularly in the case of awarding bodies which span several sectors. In addition, it was not easy to identify from the published sources which body was

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[1] Kogan Page (2003) *British Qualifications* (33rd Ed), Kogan Page (2003) *British Vocational Qualifications* (6th Ed).

responsible for setting the qualification standards – ie. whether they were set internally or externally.

Membership organisations posed particular issues. It was difficult to distinguish from the available information in the directories between bodies that conferred membership to candidates possessing particular qualifications and those that awarded the qualifications as well.

The size (e.g. number of members or qualifications conferred) did not by itself necessarily reflect the level of influence of a qualifications body. Some professional bodies are very specialist and only have a small number of members. It was not, therefore, possible to classify qualifications bodies according to their influence or importance.

A full listing of the organisations on the IES database are contained in Appendix 3 of this report.

1.3 Key findings from the postal survey

A postal questionnaire was sent out to all organisations on the IES database. The response rate was 43 per cent. The subject areas covered by the questionnaire are set out in full in Section 4.1, and a copy of the questionnaire is in Appendix One. A key aim of the questionnaire was to establish whether these organisations were aware of the forthcoming extension of the DDA to qualifications bodies; whether they had already carried out, or were considering, any adjustments to any provisions, practices or premises that might otherwise place a disabled person at a disadvantage; and what advice or guidance they required to comply with the new duties on qualifications bodies.

The survey found that most organisations had heard of the DDA and were aware of the forthcoming changes to the Act in October 2004. However, more than a third of the organisations said that they did not know whether or not they would be covered by the new regulations. This was a surprising finding in view of the imminent introduction of the provisions and the high reported levels of awareness of the new duties. In contrast to those respondents who were unsure about their coverage

by the provisions, just under one quarter of the organisations had already reviewed what the changes would mean for them, and a further 39 per cent were planning a review.

Most organisations were setting their own competency standards, but only one fifth had reviewed their standards to assess the impact they might be having on disabled people.

Sixty per cent of organisations had been asked to make reasonable adjustments. One third felt that there were some impairment groups for which they would find it difficult to make adjustments, *e.g.* people with visual impairments, disabled people with mobility impairments, and a similar proportion felt that certain impairments would be incompatible with employment in the trades or professions for which they awarded qualifications.

Nearly a quarter of respondents had sought advice on how to respond to the new DDA duties, with the DRC being most commonly consulted in this capacity. Over two thirds felt that they needed more advice, more information in general, and clearer guidelines.

1.4 Key findings from the case studies

Ten case study interviews were conducted face-to-face with senior representatives in a range of organisations which had participated in the survey. The aim was to provide an in-depth exploration of the issues covered in the survey**.** The full findings of these case studies are set out in Section 5 of the report.

There was a general consensus that disabled people were under-represented in the occupations or professions in the sector(s) their organisations represented. However, the majority of organisations did not collect evidence on the representation of disabled people being awarded qualifications, or employed in their sector(s). A major reason for the under-representation of disabled people was seen as related to the definition of core competences within the trade or profession, rather than as the result of disability discrimination. Examples were provided of

impairment groups – such as people with severe visual or hearing impairments — who might not be able to meet the core competence standards required in the occupation or profession.

Organisations understood the concept of reasonable adjustment but highlighted grey areas that were involved in interpreting the notion of 'reasonable'. Some of the case study organisations provided examples of reasonable adjustments that they had not found problematic to make. But they also gave examples of adjustments that had proved more difficult to make for a variety of reasons, including health and safety concerns and the impact of the adjustment on the assessment of the core skills required for the qualification.

All the case study organisations stressed that they believed that requests for reasonable adjustments should be dealt with on a case-by-case basis, rather than by setting out rules for provision for people with particular impairments.

All the case study organisations were aware of the new duties under Part 2 of the DDA and, where relevant, were taking steps to prepare for them. But many of the organisations considered that they required further guidance and support on issues including: reasonable adjustments and the relationship between qualifications and occupational standards.

1.5 Conclusions

The study has provided a baseline of data prior to the implementation of the changes to Part 2 of the DDA to cover qualifications bodies. The creation of the database of organisations is not intended to be a definitive list, but it has revealed the broad range of organisations that may be covered by the new provisions, and some "grey areas" where further clarification is required.

The postal survey highlighted a major gap between organisations that are well informed about the new provisions and are already taking proactive steps to ensure that they will comply with the new legislation,

and those that are not even clear whether or not they fall within the scope of the provisions.

The interviews with representatives from the case study organisations identified specific issues that they felt would need to be addressed in order for the new legislation to work effectively. These were organisations that had considered the implications of the legislation and uncovered areas that they felt needed further clarification, such as the notion of what is "reasonable"; and the relationship between the duties of qualifications bodies, and the requirements set out in the competence standards. Despite these concerns, however, the case study organisations showed a commitment to addressing requests for adjustments by disabled people on a flexible, case-by-case basis, in what they saw as the intention of the new legislation.

Both the survey respondents and the case study participants wanted further guidance on the forthcoming changes and in some cases tailor-made assistance specific to their circumstances.

Qualifications bodies have a crucial role as a gateway to employment for disabled people. Without professional or trade qualifications, disabled people are denied the prospect of obtaining or retaining a job, or of progression in work. Bringing qualifications bodies within the scope of the DDA may lead to greater transparency in the policies, practices and procedures of these organisations and, in doing so, help improve disabled people's access to the labour market.

2. Introduction

Disabled people face major barriers in the labour market. Estimates from the Labour Force Survey for Summer 2003 indicated that 49 per cent of all long-term disabled people were in work, compared with 81 per cent of non disabled people. Disabled people also have a much higher rate of unemployment.

A major barrier to obtaining employment is lack of qualifications. Disabled people are less likely than non-disabled people to have either vocational or academic qualifications. A Green Paper, *Pathways to Work*, published in 2002 by the Department for Work and Pensions, noted that at all ages disabled people were twice as likely as non disabled people to have no qualifications. According to the Labour Force Survey, Summer 2003, 27 per cent of long-term disabled people had no qualifications, compared with only 12 per cent of non disabled people.

In October 2004, Part 2 of the Disability Discrimination Act (DDA) 1995 is being extended so that all employers (except the Armed Forces) will have a duty not to discriminate against disabled people. In addition, the scope of Part 2 is being extended to cover all organisations that confer, renew or extend a professional or trade qualification will be covered by Part 2 of the DDA.

From October 2004 it will be unlawful for a qualifications body to discriminate against a disabled person when it is awarding, renewing, extending or withdrawing a professional or trade qualification. Furthermore, if a provision, criterion or practice of a qualifications body places a disabled person at a substantial disadvantage in getting or retaining a qualification, then the qualifications body will have a duty to make a "reasonable adjustment".

The Act says that qualifications bodies do not have a duty to make reasonable adjustments to their competence standards, but they must be able to show that the *process by which competence is assessed* does

not count as discrimination. Competence standards are defined in the DDA as "an academic, medical or other standard applied on or on behalf of a qualifications body to determine whether or not a person has a particular level of competence or ability." An example of a competence standard is the requirement to have a certain standard of eyesight for a pilot's qualification, or having a certain level of knowledge of the UK taxation system for an accountancy qualification.

The Disability Rights Commission has recently issued two new employment Codes of Practice to provide practical guidance on the operation of Part 2 of the Act from October 2004. One Code relates to discrimination in employment and occupation[1]. The second Code relates to discrimination by trade organisations and qualifications bodies[2]. Additional guidance in non-legal language aimed specifically at qualifications bodies and trade organisations (or disabled people who want to know what their rights are in relation to qualifications bodies) has also been issued by the DRC[3].

Both the Code of Practice and the shorter Guidance provide definitions and examples of some of the key terms such as "reasonable adjustments" and "competence standards". These definitions are set out in full in the Glossary in Appendix 3.

2.1 Definition of qualifications bodies

The DDA defines a qualifications body as an authority or body which can confer, renew or extend a professional or trade qualification. A professional or trade qualification is "an authorisation, qualification, recognition, registration, enrolment, approval or certification which is needed for, or which facilitates engagement in, a particular profession or trade."

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[1] DRC (2004), *Code of Practice on Employment and Occupation.* Available to download on the DRC website, www.drc-gb.org

[2] DRC (2004), *Code of Practice on Trade Organisations and Qualifications Bodies*, Available to download on the DRC website, www.drc-gb.org

[3] *Qualifications Bodies and the Disability Discrimination Act.* Available on the DRC website, op.cit.

The DRC Guidance provides examples of different types of qualifications bodies including:

- Examination boards, such as City & Guilds, which offer vocational qualifications.

- Professional organisations which hold registers of people who are qualified to practice, such as the General Medical Council.

The term 'professional or trade qualification' covers:

- Qualifications obtained by passing a test or exam in a vocational subject, such as a BTEC in Nursery Nursing.

- Registration to practice in a profession or trade such as a social worker, nurse or gas fitter.

- Membership or fellowship of a professional or trade organisations, where belonging to the organisation facilitates working in that field and membership requirements are applied.

2.2 Aims of the research project

This report sets out the findings of a research project conducted by the Institute for Employment Studies, jointly funded by the European Social Fund (Objective 3 Programme), the Disability Rights Commission (DRC) and the Learning and Skills Council.

The main aims of the study were:

- To map the number and types of qualifications bodies covered by the new provisions and to identify any 'grey areas' where there is a lack of clarity about the coverage of the provisions.

- To explore levels of awareness of the DDA provisions by the qualifications bodies and their perceptions of how the provisions will affect their current practices.

- To establish how the new duty to make reasonable adjustments is being interpreted and any examples of actions that are being considered or planned by different bodies.

- To identify examples of good practice to contribute to the development of guidance and support to assist qualifications bodies to comply with their duties under the DDA.

2.3 Research methodology

The research methodology consisted of three main stages:

- A scoping exercise to map the number and range of qualifications bodies covered by the new provisions, and create a database of these bodies.

- A postal questionnaire survey to all organisations on the database.

- Ten case studies to explore in greater depth the issues raised in the questionnaire survey and to identify examples of good practice.

This report documents the results from the three phases of the research: the mapping study which was completed by January 2004; the postal questionnaire survey, which took place during January to March 2004; and the follow-up case studies carried out between April and June 2004.

A Steering Group was set up to oversee the project and provide expert input at each stage. The group included representatives from the DRC, the Learning and Skills Council, and SKILL, the National Bureau for Students with Disabilities.

3. Mapping Exercise

In Section 2.1, the DDA definition of qualifications bodies and qualifications was set out, with examples. The aim of the mapping exercise was to provide an estimate of the total number of qualifications bodies in Britain and identify any areas where there was a lack of clarification about the coverage of the provisions.

3.1 Creating the database

The principal data sources for qualification bodies and professional trade organisations were the *British Qualifications* and *British Vocational Qualification* directories[1]. For a qualification or professional body to be included on the database they had to be either an organisation that awards qualifications; or membership/registration of that organisation is a requirement to practice.

Short telephone interviews were conducted with experts in several sectors (hairdressing and beauty, construction, health, social care and teaching). The interviews provided verification that our data sources provided a comprehensive list of qualifications bodies involved in that particular sector. The interviews also highlighted further key data sources, for example, the Qualifications and Curriculum Authority (QCA).

The database was set up with fields to record the following information: sector; membership/registration requirements; whether membership/registration is statutory; type of qualifications awarded; geographical coverage; and contact details.

The research for the database found the following categories of qualifications bodies:

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[1] Kogan Page (2003) *British Qualifications* (33rd Ed), Kogan Page (2003) *British Vocational Qualifications* (6th Ed).

- Statutory regulation committees controlling professional standards, e.g. General Medical Council.

- General examination bodies, e.g. City & Guilds.

- Awarding bodies/professional bodies in specific sectors, such as Amalgamated Chimney Engineers.

- Awarding bodies/professional bodies spanning more than one sector.

- Chartership bodies that awarded a professional development qualification, e.g. The Chartered Institute of Management Accountants and The Chartered Institute of Public Finance and Accountancy.

- Individual companies that award their own qualifications, e.g. Wella hair salon.

It was decided to exclude from the database the individual companies that award their own qualifications. This was primarily due to the large numbers involved. For example, in the hair and beauty industry, individual salons awarding certificates are not approved by the QCA, are numerous and are not as important to the industry in terms of their influence as other awarding bodies (e.g. Guild of Hairdressers, City & Guilds etc.) which were included on the database.

The final total on the IES database comprised 289 organisations. A full list of these organisations is contained in Appendix One.

3.2 Database issues

The process of identifying qualifications bodies was not straightforward. The reasons for the complexity of this process included the following:

- There is no one definitive source of all qualification and awarding bodies in Great Britain.

- Several different sources were used including: the QCA website (comprehensive for all qualifications approved for government

funding); the directories (not as comprehensive as had been anticipated); and expert knowledge.

- Identifying which sector was covered was not always clear, particularly in the case of awarding bodies which span several sectors.

- It was not easy to identify from the sources who set the qualification standards – ie. whether they were set internally or externally.

- Membership organisations posed particular issues. It was difficult to distinguish from the information in the directories between bodies that conferred membership to candidates possessing particular qualifications and those that awarded the qualifications as well.

- Professional bodies awarding chartership are a grey area. If they provided a professional development qualification they were included on the database.

- The size (e.g. number of members or qualifications conferred) did not by itself necessarily reflect the level of influence of a qualifications body. Some professional bodies are very specialist and only have a small number of members. It was not, therefore, possible to classify qualifications bodies according to their relative influence.

4. Survey Findings

4.1 The questionnaire

A short questionnaire was designed, which covered:

- Awareness of the new Part 2 DDA provisions, and whether the organisation is covered and has duties under the new provisions.

- Information on the number of people attaining responding organisations' qualifications each year, and the extent to which the organisations monitor the number of disabled people awarded qualifications.

- Whether they have already carried out, or are considering introducing, any adjustments to any provisions or practices or physical premises which might otherwise place the disabled person at a disadvantage.

- Whether the qualifications body has carried out any review of the impact of its requirements and competence standards on disabled people with regard to the forthcoming changes to the DDA.

- Sources of information or advice on how to comply with the new duties under the DDA sought or required by responding organisations.

A copy of the survey questionnaire is provided in Appendix One.

4.2 The survey

A postal questionnaire was sent out to the 289 qualifications bodies on the database compiled by IES at the end of January 2004.

Named contacts were collected for 176 of the total 289 organisations, to whom the questionnaires were sent, and the remainder were sent out to

the Chief Executive. The addressee was asked to pass the questionnaire on to the most relevant person in the organisation if they considered a colleague would be better able to answer the questions. All respondents were assured of the confidentiality of the survey, and hence none are named in this report.

A reminder letter and questionnaire was sent to all non-respondents two weeks after the initial mailout. An intensive chase by telephone and email of non-respondents took place in the last week of February, and the first week of March. The survey closed on the 8th March.

4.2.1 The response

Twenty of the 289 questionnaires mailed out were non-participants (three considered themselves to be inappropriate for this survey and seventeen were post office returns). They were excluded from the final sample. Of the remaining 269 in the valid sample, 116 were completed and returned to us. This gave a response rate of 43 per cent.

All data was entered into SPSS for analysis. Several more questionnaires were returned to us after the close of the survey, and although they arrived too late to be included in the dataset, we were able to consider them as possible case studies.

4.3 The structure of this chapter

The remainder of this chapter looks at the results of the questionnaire survey of qualifications bodies.

Section 4.4 considers the respondents, the type of organisation, and their sector, and their knowledge of the DDA 1995.

Section 4.5 looks in more detail at the qualifications awarded by the responding organisations, and the competency standards which they set.

Section 4.6 turns to reasonable adjustments, considering the adjustments asked for and made, and respondents' views on any impairment groups that they felt it might be difficult to accommodate.

Section 4.7 examines the advice and information sought by responding organisations to help them comply with the DDA and the forthcoming changes to it, and looks at any further help organisations feel that they need.

Section 4.8 draws out some of the key themes from the survey.

4.4 The Respondents

4.4.1 Type of organisation

The questionnaire asked respondents which of the following five categories best described their organisation: sector specific trade or professional organisation; sector specific awarding body; generic awarding body; statutory standard-setting organisation; or non-statutory standard-setting organisation.

The 116 organisations that responded to the survey classified themselves as shown in Table 4.1. Although the database comprised primarily qualifications bodies, some organisations identified themselves as standard-setting bodies, and of these standard-setting bodies, four subsequently said that they also awarded qualifications (see Section 2.2).

Table 4.1: Type of organisation

	N	%
Sector specific trade or professional body	59	51
Sector specific awarding body	39	34
Generic awarding body	13	11
Statutory standard-setting organisation	7	6
Non-statutory standard-setting organisation	4	4

Base N = 116
Percentages add up to more than 100, as some organisations described themselves using more than one category

Source: IES

Sector specific trade or professional bodies, and sector specific awarding bodies accounted for the majority of our respondents. In order to be able to examine some of the data presented later in this report by organisation type, these five types of organisation were then grouped into two main categories; qualification awarding bodies and standard-setting bodies (Table 4.2), with the former accounting for 90 per cent of the respondents. Throughout this report, caution should be taken with regard to all analyses by organisation type, due to the small numbers of standard-setting bodies in the respondent sample.

Table 4.2: Organisation — grouped

	N	%
Qualification awarding bodies	105	90
Standard-setting bodies	11	10
Total	116	100

Source: IES

4.4.2 Qualifications awarded

Overall, 95 organisations (83 per cent) reported that they awarded qualifications, other than conferring membership. Unsurprisingly, there were differences by organisations type, with 93 (98 per cent) qualifications bodies, but only four (36 per cent) of the standard-setting bodies awarding qualifications.

Of those organisations that did award qualifications, there was some variation in terms of the numbers awarded, and these are shown in Table 4.3. Organisations were most commonly awarding between three and five different qualifications (the four standard-setting bodies fell within this category) although ten per cent of responding organisations were awarding more than 50 different qualifications.

Table 4.3: Numbers of different qualifications awarded

No. of qualifications	N	%
1-2	22	24
3-5	30	32
6-10	19	20
11-50	13	14
51 & over	9	10
Total	93	100

Source: IES

4.4.3 Sector

Ninety six of the 116 responding organisations reported that they were sector specific, and the sectors in which they operate are shown in Table 4.4. Business activities (which included for example, legal, accounting, advertising and market research activities), real estate and renting accounted for more than one quarter (28 per cent) of respondents, with health and social work, and other community, social and personal services also well represented (at 12 and 16 per cent respectively).

4.4.4 Knowledge of the DDA 1995

Responding organisations were asked a series of questions about their knowledge of, and obligations under, Part 2 of the Disability Discrimination Act (DDA) 1995. Prior to this survey, 90 per cent (104 organisations) said that they had heard of Part 2 of the Act, which introduced rights for disabled employees and job applicants. There was little difference between awarding bodies and standard-setting bodies.

From October 2004, Part 2 of the DDA will be extended to cover all qualifications bodies that confer, renew or extend professional or trade qualifications. However, bodies which only set competence standards and do not confer, renew or extend qualifications may not come within the scope of the DDA. However, as set out in Section 2.2, some organisations in our survey that define themselves as standard-setting

bodies also award qualifications and are therefore likely to fall within its scope.

Table 4.4: Sector of responding organisation (SIC 92[1])

	N	%
Manufacturing*	5	5
Electricity, gas & water supply	4	4
Construction	9	9
Wholesale & retail trade	4	4
Transport, storage & communication	6	6
Financial intermediation**	4	4
Business activities, real estate & renting	27	28
Education	6	6
Health & social work	11	12
Other community, social & personal services	15	16
Other	5	5
Total	96	100

Manufacturing includes e.g. food products and beverages, textiles, chemicals and metals, electrical and office equipment.
*** Finance sector excluding insurance and pension funding.*

Source: IES

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[1] SIC 92 is the UK Standard Industrial Classification of Economic Activities 1992. It is used in classifying business establishments and other statistical units by the type of economic activity in which they are engaged. The classification provides a framework for the collection, tabulation, presentation and analysis of data and its use promotes uniformity. It is used for administrative purposes and by non-government bodies as a convenient way of classifying industrial activities into a common structure. There are 17 main Divisions in the 1992 SIC, of which ten are shown in Table 2.4. The 'Other' category comprises the reminder of the Divisions, which are: Agriculture, hunting and forestry; Fishing; Mining and quarrying; Hotels and restaurants; Public administration and defence: compulsory social security; Private households with employed persons; Extra-terrestrial organisations and bodies.

Only sixty two per cent (72 organisations) said that they were aware of these forthcoming changes. Amongst qualifications bodies, the figure was 63 per cent, but it was slightly lower for standard-setting bodies, at 55 per cent (caution is needed due to small numbers in the latter category). Awareness by sector was considered, although numbers in most categories were very small. Nonetheless, it was notable that there was a high level of awareness about the forthcoming changes to the Act amongst organisations in the category of 'Other community, social, and personal services', where 12 of the 15 organisations said that they were aware of the changes. There were slightly greater levels of awareness in the Education and Construction sectors than in most other sectors (again, caution is needed due to small numbers).

Although the survey did not ask about the size of responding organisations, in order to examine whether awareness might vary by organisation size, the number of people awarded qualifications in 2003 was used as a proxy for this. The numbers in the resulting cells of the analysis were very small, but it was interesting to note that of the 13 'smallest' organisations (*ie* those who had awarded qualifications to 1-100 people in 2003) only four were aware, and nine were not aware of the forthcoming changes. Of the 17 'largest' organisations (*ie* those awarding more than 10,000 qualifications in 2003), 15 were aware, and only two were not aware of the changes. However, for organisations in between these two extremes, there was less distinction in terms of awareness.

Responding organisations were asked whether they would be covered by the changes to Part 2 of the DDA coming into force in October 2004. Fifty four per cent of all organisations (60 organisations) reported that they would be covered, and eight per cent (nine organisations) said that they would not.

This is an important and surprising finding, given that introduction of these regulations is imminent. It also raises questions about the extent to which such organisations, if they are in fact covered, will be in a position to comply with the regulations when they come into force in October. Of the qualifications bodies, 56 per cent reported that they would be

covered, six per cent said they would not be covered, and 38 per cent were not sure.

These findings are in part linked to awareness. More than one third (38 per cent; 42 organisations) said that they did not know whether they would be covered by the new regulations. Two thirds of these organisations were unaware that any changes were due to take place. Again this raises questions about the extent to which organisations will be complying with the regulations from October 2004.

Some organisations had already reviewed whether or not they needed to make changes as a result of the new provisions under the DDA; 26 organisations in total (24 per cent), 25 of which were qualifications bodies. A further 26 organisations (24 per cent) had not yet reviewed whether changes were needed. In terms of organisation type, the proportion that had not yet reviewed whether changes would be necessary was higher amongst the standard-setting bodies; four (50 per cent) compared to 22 (22 per cent) of the qualifications bodies. A further thirty nine per cent of organisations (42 in total) said that they had not yet reviewed whether changes would be needed, but they planned to do this. Thirteen per cent of all responding organisations reported that they did not know whether a review had taken, or would take place, within their organisation.

4.5 Qualifications and Standards

4.5.1 Numbers of people attaining qualifications

Responding organisations were asked how many people they awarded qualifications to in 2003. Eleven of the qualifications bodies reported that they did not know, but none of the standard-setting bodies gave this response. Twelve of the qualifications bodies, and six of the standard-setting bodies said that this question was not applicable to them. This is particularly surprising in the case of the qualifications bodies, and it is difficult to discern a reason for this response. However, they may have felt this question was not applicable to them simply because they did not collect and monitor this information as a matter of course. Hence 87

responding organisations (75 per cent) gave information about the numbers of people to whom they had awarded qualifications in 2003.

Eighty four organisations gave details of the numbers to whom they had awarded qualifications in 2003 (Table 4.5). Numbers of qualifications awarded ranged from 1 to 100 (16 per cent) to more than 10,000 (20 per cent). The most common range of qualifications awarded was 101-500. Four standard-setting bodies gave information about the numbers of people to whom they had awarded qualifications. None had awarded qualifications to more than 2,000 people during 2003.

Table 4.5: Numbers of people awarded qualifications in 2003

	N	%
1-100	13	16
101-500	23	27
501-2,000	17	20
2,001-10,000	14	17
10,001 & above	17	20
Total	84	100

Source: IES

Responding organisations were asked whether they monitored the number of disabled people to whom they awarded qualifications each year. The results for qualification bodies are presented in Table 4.6 below. Twenty three (22 per cent) of qualifications bodies reported monitoring the number of disabled people to whom they awarded qualifications, although 65 per cent did not carry out monitoring.

Table 4.6: Whether the numbers of disabled people awarded qualifications are monitored

	Qualifications bodies	
	N	**%**
Yes	23	22
No	68	65
Don't know	1	1
Not applicable	12	12
Total	104	100

Source: IES

Sixteen qualifications bodies provided some information on how many disabled people were awarded qualifications in 2003. As with qualifications awarded more generally, there was a good deal of variation, ranging from just one or two qualifications obtained by disabled people, to more than 500. Of the 23 organisations who said that they monitored the numbers of disabled people awarded qualifications, only 11 gave enough data to look at disabled people awarded qualifications as a proportion of all those awarded qualifications. Three of these 11 organisations had not awarded any qualifications to disabled people in 2003. Amongst the other eight organisations, the proportions ranged from one quarter of a per cent, to just over two and a half per cent of all those awarded qualifications in that year. Overall, the number of disabled people awarded qualifications as a proportion of all those awarded qualifications is one per cent, however, caution should be taken with this figure, as it is based on a very small number of responses. A key point to note here is that very small proportions of organisations are monitoring the numbers of disabled people to whom they award qualifications, and even fewer were able to give us enough information to enable any systematic analysis.

4.5.2 Competency standards

The DDA defines competency standards as an academic, medical, or other standard applied by, or on behalf of, a qualification body for the purpose of determining whether or not a person has a particular level of competence or ability.

Responding organisations were asked about how the competency standards were set for their organisation, and the results are shown in Table 4.7. There were clear differences according to whether the organisation was a qualifications body or a standard-setting body. Standard-setting bodies were, unsurprisingly, most frequently setting competency standards themselves (90 per cent), but an interesting finding was that some 69 per cent of qualifications bodies also reported that they set some or all of their competency standards. One third of qualifications bodies said that at least some of their standards were set by another organisation. Other organisations involved in standard-setting included: The Sector Skills Council, the Qualifications and Curriculum Authority (QCA), City & Guilds, Higher Education Institutions (HEIs), National Training Organisations (NTOs), and industry-specific bodies.

Table 4.7: How competency standards are set

	Qualifications body		Standard-setting body		Total	
	N	**%**	**N**	**%**	**N**	**%**
Competency standards set by own organisation	70	69	9	90	79	71
Competency standards set by another organisation	34	33	0	0	34	30
Don't know how competency standards are set	1	1	0	0	1	1
Not applicable	6	6	1	10	7	6

Base N = 112
Percentages add up to more than 100, as some organisations described themselves using more than one category

Source: IES

Responding organisations were asked whether their competency standards had been reviewed to assess their impact on disabled people. The results are given in Table 4.8. Sixteen per cent of qualifications bodies have reviewed their competency standards, but a far higher proportion of standard-setting bodies had done so (44 per cent). Sixty one and 56 per cent of qualifications bodies and standard-setting bodies respectively had not reviewed their standards. Twenty two per cent of qualifications bodies did not know whether such a review had been carried out.

Table 4.8: Whether competency standards have been reviewed

	Qualifications body		Standard-setting body		Total	
	N	**%**	**N**	**%**	**N**	**%**
Yes	16	16	4	44	20	19
No	60	61	5	56	65	61
Don't know	22	22	0	0	22	21
Total	98	100	9	100	107	100

Source: IES

Of those qualifications bodies which had reviewed their standards to assess their impact on disabled people, ten had carried out the review themselves, and a further six reported that another organisation had carried out the review. For standard-setting organisations, three reported that they had undertaken the review themselves; none reported using another organisation. Organisations used to carry out the review included City & Guilds, HEIs, and training centres or consultancies.

4.6 Reasonable adjustments

From October 2004, changes to Part 2 of the DDA will place a duty on qualification bodies to make 'reasonable adjustments' to the way they confer, renew or extend professional or trade qualifications. This could mean, *e.g.* providing test papers in large print or Braille, allowing extra

time for an exam, allowing someone to take a written test orally, or making physical changes to a test centre (*e.g.* a ramp for a wheelchair user). The term 'test centre' refers to the place where assessments are carried out, which includes colleges and universities.

The survey asked organisations about their views and experiences of making reasonable adjustments. Both qualifications bodies and standard-setting bodies had most commonly been asked to make reasonable adjustments by a disabled person or their representative (53 per cent and 63 per cent respectively). Forty five per cent of qualifications bodies (46 respondents) reported that they had been asked to make reasonable adjustments by a test centre. Twenty nine per cent of qualifications bodies said that they had not been asked to make reasonable adjustments, compared to 50 per cent of standard-setting bodies (Table 4.9).

Table 4.9: Whether asked to make reasonable adjustments

	Qualifications body		Standard-setting body		Total	
	N	**%**	**N**	**%**	**N**	**%**
Yes, by a test centre	46	45	1	13	47	42
Yes, by a disabled person	55	53	5	63	60	54
No	30	29	4	50	34	31
Don't know	4	4	0	0	4	4

Base N = 111
Percentages add up to more than 100, as question was multiple response

Source: IES

Although numbers were too small to conduct formal analyses by industry sector, the highest proportions of requests for adjustments (from test centres and/or a disabled person or their representative) were found in the wholesale and retail trade, financial intermediation, and health and social work sectors. Organisations in the electricity, gas and water supply, and transport, storage and communication sectors were least likely to have been asked to make adjustments. (N.B. caution is needed

when interpreting these observations by industry sector as they are based on small numbers).

Respondents were asked about the types of adjustments that they had been requested to make, and a range of detailed answers were given. For ease of analysis, they were grouped, and the results by organisation type are shown in Table 4.10.

Table 4.10: Types of adjustments requested

	Qualifications body		Standard-setting body		Total	
	N	**%**	**N**	**%**	**N**	**%**
Extra time	41	57	1	17	42	54
Format of assessment	39	54	2	33	41	53
Use & provision of IT equipment	15	21	3	50	18	23
Physical access	12	17	2	33	14	18
Facilities	6	8	3	50	9	12
Standards	6	8	0	0	6	8
Rest breaks	3	4	0	0	3	4
Other	12	17	1	17	13	17

Base N = 78
Percentages add up to more than 100, as question was multiple use of response

Source: IES

Extra time, and changes to the format of assessment, were the most commonly requested type of adjustment (54 and 53 per cent of all respondents respectively). Examples of changes requested to the format of assessment included providing Braille, large print, amanuensis or a reader. Twenty three per cent of respondents had been asked to make adjustments to the use and provision of IT equipment, *e.g.* use of a computer for a candidate with a shoulder injury, or a computer for a candidate with a visual impairment. Eighteen per cent had been asked to

make adjustments around physical access, *e.g.* wheelchair access. Seventeen per cent of all respondents had been asked for 'other' adjustments. Examples of these adjustments included assistance to people with dyslexia to take written tests, journals and articles put onto tape, and a small number of respondents who said they had too many or too varied requests to list. Twelve per cent of respondents had been asked to make adjustments to facilities, for example, adaptations to toilets, washroom facilities, lighting and signage, and seating. Eight per cent had been asked to make adjustments which could be considered to be concerned with standards, for example, exemptions from components of the assessments, or exemptions from the assessments themselves, or the flagging up of written assessments of dyslexic students so that the examiner is aware that the candidate has dyslexia and does not judge the candidate on their spelling or writing style.

Ninety three per cent of respondents had been able to make the adjustments requested, five per cent did not know whether this had been possible, and only two per cent reported that they had not been able to make an adjustment. Several respondents pointed out that they had been able to make some, but not all adjustments requested[1]. Reasons given for not being able to make the requested adjustments were that it had been felt that, in certain instances, competency standards would be compromised. One organisation said "occasionally a request for an adjustment is inappropriate, as it would affect the competency standard, e.g. a request for additional time for an assessment where speed is integral to the competency standard. An alternative qualification is suggested where available or a different adjustment." Another organisation said "we have felt able to make adjustments to the ways in which assessments are undertaken, but are not able to exempt [candidates] from demonstrating competence". One organisation pointed to the high costs of making an adjustment where there is only a very small demand: "the practical issues are challenging, and the costs are potentially very high for a small demand."

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[1] Hence the figure of two per cent — those unable to make adjustments — may actually be higher than this, as organisations would clearly find it easier to make some adjustments than others.

4.6.1 Adjustments & types of impairment

Organisations were asked about whether they felt there were any disabled people with particular types of impairment for whom they had found or would find it difficult to make adjustments. Overall, 26 per cent felt that this was the case. Twenty eight per cent of qualifications bodies (27 respondents) said that there were some impairment groups for which they thought adjustments would be difficult, although none of the standard-setting bodies gave this response. Thirty three per cent of qualifications bodies (32 responding organisations) said that they would not find adjustments difficult for impairment group, as did five of the standard-setting bodies (71 per cent). Significant proportions of both types of organisations did not know whether making adjustments for different impairment groups had been or would be difficult (39 per cent of qualifications bodies and 29 per cent of standard-setting bodies).

Where applicable, organisations were asked to specify the impairment groups for whom they felt it would be difficult to make adjustments. The results, based on a total of 35 responses, all from qualification awarding bodies, are shown in Table 4.11. Visual impairment was the most common response (46 per cent), followed by mobility impairments (35 per cent). Just under one fifth (19 per cent) reported that they would find

Table 4.11: Type of impairment groups it would be difficult to make adjustments for

	N	%
Visual impairments	12	46
Disabilities connected with mobility	9	35
Hearing impairments	5	19
Learning difficulties/disabilities	2	8
Speech impairments	1	4
Other	6	23

Base N = 26
Percentages add up to more than 100, as question was multiple response

Source: IES

it difficult to adjust for people with hearing impairments, with smaller proportions reporting learning difficulties or speech impairments.

Organisations were divided in their responses to the question of whether any impairments were incompatible with their particular trade or profession. Thirty four per cent of responding organisations felt that some impairments were incompatible with their particular trade or profession; 35 per cent responded that there were not, and the remaining 31 per cent did not know. Health and Safety concerns were often raised here, for example, 'Health and Safety factors that put candidate or others at risk', and 'anything that prevented using machinery safely.' However, some responding organisations felt that there was not always a clear cut answer to this question. One organisation commented that there were 'no particular impairments [that would be difficult to accommodate]. Training providers have to make assessments about an individual's fitness [to do the job], and potential reasonable adjustments'. Another said: 'People are not all the same! Within any impairment, some people can and some people cannot do what is required'.

Small numbers across the industry sector classifications mean that any observations based on them should be treated with caution. However, the sectors which most commonly reported that there were impairments they felt to be incompatible with their trade or profession were construction, education, health and social work, and other community, personal and social services. Sectors least likely to report this were manufacturing, and wholesale and retail trade. The nature of impairments reported to be incompatible followed the pattern of those in Table 4.11, with visual impairments and mobility impairments being the most commonly reported.

Seventeen per cent of responding organisations had refused a request for an adjustment because it was felt that allowing that adjustment would undermine the competency standards. The detailed reasons given for these decisions were often quite specific to the particular profession *e.g.* 'candidates must be able to read pesticide labels', 'we could not allow a candidate with cystic fibrosis to take the clinical exam as it represented a

threat to patient safety', or 'insulin dependent diabetics cannot work off-shore'. However there were also more general reasons given *e.g.* 'insufficient evidence given of disability'; 'refused request for exemption from all assessment due to finding assessments distressing. [Instead] reasonable adjustments made'; and that making adjustments for dyslexic students would undermine the competency standard of written English.

4.6.2 Test centres

Responding organisations were asked the frequency that test centres, examination centres and colleges made requests for reasonable adjustments for disabled students in 2003. The results, based on 63 organisations responding to this question, are presented in Table 4.12.

Table 4.12: Requests for adjustments from test centres

Number of requests	0		1 to 3		4 to 50		51 & over		1 or more	
	N	%	N	%	N	%	N	%	N	%
Granting extra time	10	16	15	24	20	32	18	29	53	85
Use of an amanuensis	35	56	7	11	12	19	9	14	28	44
Large print test papers	33	52	15	13	9	8	6	5	30	26
Physical access to test centre	52	83	9	14	0	0	2	3	11	17
Use of spell checkers*	58	92	3	5	1	2	1	2	5	9
Other	36	57	10	16	9	14	8	13	27	43

Base N = 63
Percentages add up to more than 100, as question was multiple response
* A spell checker is either a computer or a hand held electronic device that people with dyslexia and other learning disabilities can use to check spellings.

Source: IES

Extra time was most commonly requested (85 per cent had received at least one request), followed by use of amanuensis (44 per cent). Forty three per cent requested other adjustments, *e.g.* adjustments to seating, IT provision, and other practical assistance.

More than half (54 per cent) of the responding organisations reported that they routinely asked test centres and colleges to inform them whether there are any disabled candidates requiring reasonable adjustments.

4.7 Advice and Information

Almost one quarter (24 per cent) of responding organisations had sought advice on how to comply with the new duties under the DDA.

The most commonly consulted sources of advice were:

- The DRC (40 per cent)

- Legal advice (23 per cent)

- Other disability charities (17 per cent)

Smaller numbers of respondents had consulted HEIs and FE colleges, qualifications and standard-setting bodies, Government bodies, and generic sources such as the internet.

Responding organisations that had not sought advice regarding compliance were asked where they might go to get advice, should they require it. The results, (based on 75 responding organisations) are set out in Table 4.13. The DRC, and (other) qualifications and standard-setting bodies were the most commonly reported potential single sources of advice. Legal advice and Government bodies were also commonly cited as potential sources.

Organisations were asked what information or guidance they would require to help them to comply with the new duties under the DDA, and their responses were grouped into categories.

Table 4.14 shows the results. More information in general was the most common request (32 per cent) followed by clearer guidelines. Just over one tenth (13 per cent) wanted additional advice and guidance. Some examples given were: 'a summary of the requirements for organisations that offer qualifications, and how we can practically deal with these', 'advice from a body who can direct the college on how to make arrangements for specific needs', and 'clear indication on what is considered reasonable in terms of adjustments – at what point is competence compromised?'.

Table 4.13: Potential sources of advice

	N	**%**
DRC	15	20
Qualifications and standard-setting bodies	15	20
Legal advice/DDA	12	16
Government bodies	8	11
Industry sector bodies	6	8
Research organisations	5	7
Other disabilities charities	4	5
HEIs and FE colleges	2	3
Other, including generic sources such as the internet	16	21
Don't know	9	12

Percentages add up to more than 100, as question was multiple response

Source: IES

Table 4.14: Information and guidance required to help compliance with new DDA duties

	N	%
More information, advice or guidance	31	45
Clearer guidelines	16	23
Case studies or examples	4	6
Other	8	12
None or don't know	10	15
Total	69	100

Source: IES

4.8 Summary

This final section draws out the main points, which emerged, from the questionnaire survey, based on the responses from 116 organisations. Ninety per cent of the responding organisations were qualifications bodies; ten per cent were standard-setting bodies.

The vast majority of responding organisations had heard of the DDA prior to this survey, and almost two thirds were aware of the forthcoming changes to the Act in October 2004. Just over half of the organisations said that they would be covered by the changes, however, more than one third did not know whether they would be covered. Hence, whilst these organisations are aware of the existence of the Act, awareness and knowledge of the details of what it means for them in practice, particularly with regard to the forthcoming changes, would appear to be patchy at present.

Just under one quarter of the responding organisations had already reviewed what the 2004 changes to the DDA would mean for them, and a further 39 per cent were planning such a review. Provided these reviews are carried out over the next few months, they should help to clarify any changes that need to be made in order to ensure compliance.

Three quarters of the responding organisations reported having awarded qualifications in 2003. Most had awarded between 100 and 500 qualifications, although some had awarded more than 10,000. One fifth said that they monitored the numbers of disabled people to whom they awarded qualifications; numbers of disabled people awarded qualifications ranged from none to over 500.

The majority of these responding organisations were setting their own competency standards, but only one fifth had reviewed their standards to assess the impact they might be having on disabled people. A higher proportion of the standard-setting bodies had carried out a review than was the case for the qualifications bodies.

Sixty per cent of responding organisations had been asked to make reasonable adjustments by a disabled person, and 47 per cent had been asked to do so by a test centre. Just over one third reported that they had not been asked to make reasonable adjustments. Extra time, and changes to the format of the assessment were the most commonly requested types of adjustments. The vast majority of responding organisations had been able to make the adjustments requested.

More than one quarter of respondents felt that there were some types of impairment for which it would be difficult to make adjustments. However, the most common response given by organisations to this question was that they did not know. Visual impairments were most often cited as being difficult to make adjustments for, followed by disabilities connected with mobility, and auditory impairments. Just over one third of responding organisations felt that there were some impairments which were incompatible with employment in the trades or professions for which they awarded qualification, although a further third did not know. The types of impairments most commonly cited were similar to those mentioned as being difficult to make adjustments for.

More than half of responding organisations reported that they routinely asked test centres to inform them of any disabled candidates requesting adjustments.

Nearly a quarter of responding organisations had already sought advice on how to comply with the new duties under the DDA; the DRC had most commonly been consulted. Those who had not yet sought advice most usually reported that they would go to qualifications and standard-setting bodies, the DRC or to legal sources for advice. Just over two thirds reported that they felt they needed other types of advice or help. The most frequent request was for more information in general, with clearer guidelines, and advice and guidance also being highlighted.

In conclusion, it appears that somewhere between one quarter and half of the responding organisations were well informed about the DDA, the forthcoming changes, and the implications that these would have on their practices in terms of working with disabled people, awarding qualifications and setting and maintaining competency standards. These organisations typically undertook monitoring, had carried out reviews, and appeared to be working pro-actively to ensure that they were operating fairly, and would comply with the new legislation at or prior to its introduction.

However, for the majority of these organisations, there is still work to be done to ensure that the minimum requirements of the forthcoming changes to the DDA are met. Many organisations had yet to carry out reviews to determine what, if any, changes were needed in order to comply. More generally, 80 per cent had not reviewed their standards to assess the impact they had on disabled people. The fact that some of the responses to some of the key questions in this survey were 'don't know' may reflect the work that has yet to be done; alternatively, it may be that different people within the organisation to those who responded to this survey would have been the gatekeepers to some of this information. In this case, organisations may need to work to ensure a cohesive response to the new legislation.

Responding organisations clearly want more general information on the changes to the Act, as well as tailor-made assistance specific to their circumstances. It seems that many will require advice and guidance over the coming months if they are to respond effectively.

5. Case Study Research

The third phase of the research involved ten in-depth case studies of qualifications bodies. It includes some bodies which both award qualifications and/or are involved in setting standards. The methodology is set out in the following section.

5.1 Case study methodology

5.1.1 Selection of case studies

We selected potential case studies on the basis of the following criteria:

- Responded to the questionnaire survey and indicated that willing to be contacted again for follow-up discussion.

- Questionnaire response included substantive areas of interest for follow-up.

- Inclusion of a range of types of bodies, sectors, professions and occupations.

Within the limit of ten organisations, and the fact that some survey respondents had specified that they did not wish to be re-contacted, we aimed to meet as far as possible the selection criteria. The profile of the case studies is discussed below.

5.1.2 Semi-structured interviews

Each potential case study was contacted to request an interview with someone who could discuss the issues arising from the forthcoming extension of the Part 2 of the DDA to qualifications bodies. All the organisations selected agreed to participate and put forward a senior person to conduct the interview.

In consultation with the Steering Group, discussion guides were drawn up for the interviews. A separate guide was designed for qualifications bodies and standard-setting bodies. A copy of both these discussion guides is provided in Appendix Two to this report. However, in practice, as discussed below, there were some organisations that were both qualifications bodies and involved in setting standards and so the interviewers were flexible in covering both areas.

5.1.3 Profile of case studies

In our initial discussion with the case study organisations, we explained that we were hoping to name the organisations in the final report. However, we agreed that if the organisation did not wish to be named, any material would be used anonymously and the organisation would not be identified.

The following ten organisations agreed to be named case studies.

- The Bar Council

- City & Guilds

- Council for Awards in Children's Care and Education (CACHE)

- General Teaching Council (GTC)

- Institute for Mechanical Engineers (IMechE)

- Institute of Sports and Recreational Management

- National Proficiency Tests Council

- Royal College of Physicians

- Royal College of Veterinary Surgeons

- Teacher Training Agency

All ten organisations were provided with a transcript of the interview. This enabled them to check the interview for accuracy, make any

changes, and specify if necessary any material they did not want included. In the discussion that follows, all text in boxes is direct quotation from the in-depth interviews.

5.2 Case study research: main findings

5.2.1 Scope of the bodies

In the first section of the interview, we explored the scope of the organisation, and its role in the sector(s) in which it operates. We found that there was a great variety in the type of organisation, and in its definition of its role.

5.2.2 Types of organisation

As set out below, some organisations defined themselves as a qualifications body that awarded qualifications, and, in some cases, conferred membership. Some had input into the setting of standards in their sector, although they were not the standard-setting body. One had a dual function of being a standard-setting body for one profession, and an awarding body for another occupation that came within its remit. Two organisations in the education sector did not consider themselves as falling within the category of a qualifications or statutory standard-setting body, although one of these, the Teacher Training Agency, does have a major advisory role in the setting of standards .

Qualifications body

Some organisations defined themselves clearly as a body that awards qualifications. Some of these also conferred membership on those to whom they awarded qualifications. In addition, some of them had an input into setting the competence standards.

These case studies included:

The Bar Council To practice as a barrister a person has to have a practising certificate. It is the power to confer the practising certificate that leads the Bar Council to be considered as a qualifications body. The

Bar Council determines the terms by which the practising certificate can be conferred through the Consolidated Regulations, which are determined jointly with the Inns of Court. In addition, the Bar Council determines the content of the Bar Vocational Course (BVC), which must be undertaken before the commencement of Pupillage.

City & Guilds is the leading awarding body of vocational qualifications in the UK. It awards around 50 per cent of all National Vocational Qualifications. There are over 8,500 approved City & Guilds centres worldwide offering more than 500 qualifications in 26 sectors, including catering and hospitality, construction, hairdressing, information technology, and retail and distribution. The assessments and qualifications are delivered through further education colleges, businesses, private training providers, as well as the public sector, armed forces and some universities.

National Proficiency Tests Council (NPTC) An awarding body for landbased and environmental qualifications, NPTC offers National Vocational Qualifications (NVQs) and Scottish Vocational Qualifications (SVQs) and practical skills tests leading to Certificates of Competence in agriculture, horticulture, forestry, arboriculture, landscaping fencing, sports turf management and aspects of amenity management. It also maintains a central register for certificated Sprayer Operators. Some NVQs and SVQs are exclusive to NPTC, and others are offered in partnership with other awarding bodies. In November 2003, the NPTC and City & Guilds merged their landbased awarding body activities.

The Council for Awards in Children's Care and Education (CACHE). It has been operating for ten years in the child care sector since 1994. It was formed from a merger of the National Nursery Examination Board and the Council for Early Years Awards. Currently, it awards 56 Vocationally Related Qualifications, of which 54 are on the National Qualifications Framework. It also offers NVQs and, in partnership with the Scottish Qualifications Authority, SVQs. For four years it was also a standard-setting body, a function which has been taken over by the Sector Skills Council.

The Institute for Mechanical Engineers (MechE) is licensed by the Engineering Council to award recognition for Chartered Engineer and Incorporated Engineer. It is a membership organisation and has four categories of membership based on assessing applicants' qualifications. The four categories are: Affiliate, Associate Member, Member, and Fellow. IMechE sets the requirements for membership and assesses whether individuals meet each level of membership. For example to become a Member, the person must register as a Chartered Engineer or Incorporated Engineer. This registration is based upon qualification (degree), experience and holding a position of responsibility. IMechE is responsible for determining whether a person meets the criteria for membership and for assessing their competency.

Royal College of Physicians (RCP). This is the professional body for physicians, a membership organisation which confers RCP membership on doctors who have successfully completed the training and College based examination. It is not a statutory body. Nor is it the competent authority in law that sets the standards: that is the Specialist Training Authority (STA). But the STA devolves to the RCP responsibility for defining the standards both for postgraduate training and for education and clinical practice.

Standard-setting and awarding bodies

Institute of Sports and Recreational management (ISRM). Like the IMechE, this is a professional membership organisation. It represents the interests of people who run, manage, and operate sport and recreation facilities across the country. There are several grades of membership linked to the attainment of qualifications. Full membership is attained through the IRSM Certificate which equates with level 4 on the national qualification framework. The IRSM does have input into setting the national occupational standards for sports and recreation.

Royal College of Veterinary Surgeons. This body has a dual role. It is the standard-setting body for veterinary surgeons. It has a statutory function to monitor the standards of veterinary education. It has statutory supervisory powers over UK degrees and sets the generic competence

standards that people should be expected to attain on graduation to go into practice. It is also the awarding body for veterinary nurses, accredited by the Qualifications and Curriculum Authority to offer NVQ in veterinary nursing and other vocational qualifications.

Teacher training sector

There are two key bodies in the teacher training sector, but neither of them consider that they fit into the category of either a qualifications body or a standard-setting body.

General Teaching Council (GTC). The GTC defines itself as a statutory conferring body but does not consider itself to be a qualifications body and. It registers all individuals entitled to teach. The ITT providers assess students against the QTS standards and put forward the names of those who have successfully met the standards to the GTC who puts them on the register. The GTC does not place any further criteria for the individual to be put on the register. It accepts the recommendations and confers the professional status. It does not have authority to set standards but does have an input into the standards by providing advice to the Secretary of State.

Teacher Training Agency (TTA) This Agency is a statutory body set up under the 1994 Education Act. It is principally a funding and quality assuring body. As part of these functions it accredits providers of initial teacher training (ITT). It does not set the standards for Qualified Teacher Status (QTS), but it does advise the Secretary of State on what the standards for the award of QTS should be. The TTA does not have any direct involvement in the award of QTS. The only exception is the QTS Standard requiring trainee teachers to pass computerised tests in numeracy, literacy and ICT. The TTA sets and administers these tests through a network of contracted test centres.

5.2.3 Issues arising

From the descriptions of the role of the bodies, it can be seen that in some cases there is an overlap of functions. The division between a

qualifications body and a standard-setting body is not as rigid as might have been anticipated.

5.3 Representation of disabled people

We asked the interviewees whether they had any information on the representation of disabled people within their sector(s). The aim was to identify data either on the number of disabled people being awarded qualifications, or more generally on employment of disabled people in the sector.

The purpose of these questions was to establish whether there was any baseline of data prior to the implementation of the new regulations. It should be stressed that there is no duty on any of these bodies to collect any data on disabled people in relation to the awarding of qualifications.

The majority said that they did not have or collect data of this kind. Where some data was available, it was usually in the form of the number of requests made for special provision in taking an assessment. For example, the RCP said that the College could only tell the numbers of disabled people who had made special requests in their application to sit the examination. City & Guilds records provision of alternative arrangements by each assessment component of an award or qualification and analyses and reports by qualification on a monthly and annual basis.

In the education sector, data is collected by the ITT providers on new entrants to Initial Teacher Training. According to the TTA, this data shows that in 2003, 4 per cent of new entrants to ITT were disabled people. Over time there had been an increase in numbers of disabled new entrants from 611 in 2000 to 1216 in 2003. But there is no data on the teaching profession as a whole.

In the social care sector, CACHE does have some data on candidates for its courses. In 2002, 3.8 per cent of candidates for study courses declared a disability and 2.2 per cent on NVQ courses. The proportion has fluctuated over time: in 2000 it was 4.4 per cent on study courses and 3.8 per cent on NVQs. Ten years ago, in 1994, it was 0.8 per cent

overall. CACHE stresses that these figures are based on candidates who self-declare and may understate the proportion who have an impairment. Elsewhere in the sector, an Employment Survey of Nurseries found that 1 per cent of the workforce was disabled.

The limitations of monitoring data based on self-declaration were highlighted by some bodies. NPTC said that it collected information on its application forms. However, "most people do not fill in any of that section because it is voluntary," A seminar on disabled people and initial teacher training, hosted by the GTC in October 2002, also raised this issue:

> It is the case that disabled people do not always declare their disability at the point of applications for a job or a programme of study, in case they are subsequently discriminated against. This presents challenges in accurately describing the degree of discrimination that occurs in teacher training and therefore in setting targets or instigating other policy interventions.

5.4 Reasons for under-representation of disabled people

Despite the paucity of monitoring data on disability in most sectors, there was a widespread view that disabled people were under-represented amongst candidates for qualifications, and that this inevitably meant that they would also be under-represented in employment.

We then asked interviewees for their views on possible reasons for this under-representation. We also explored whether they considered that there might be any element of discrimination that contributed to the under-representation.

The whole issue of monitoring disability on application forms is complex, and is affected by factors such as whether or not the monitoring is anonymous. As the extract from the GTC seminar above illustrates, a possible reason for a candidate not declaring a disability on an application form might be a perception that there is discrimination in the trade or profession that they wish to enter. However, none of the interviewees had any evidence to support the view that disability discrimination might

be involved. Instead they drew attention to the core competences in the trade or profession and discussed how this might affect access to gaining the qualification. Some examples are given below.

For the Institute of Sports and Recreational Management, the occupations for which it awards qualifications require a high level of physical fitness.

> Most of the people who manage facilities, particularly wet side facilities, are drawn from the ranks of fitness instructors, life guards, and recreation assistants, for whom a high level of physical fitness is a pre-requisite. It is very hard to justify or make provision for somebody who is not physically fit to do a job of, for instance, a lifeguard… There has been an issue regarding hearing difficulties, specifically, employing lifeguards with hearing difficulties. The bottom line is that a person must be fit for purpose, and they must use all their senses to detect somebody's life is at risk. Hearing is one of those senses… Health and safety is the number one concern within the industry.

CACHE pointed out that candidates have to undertake work placements and these are covered by the Day Care Regulations. The regulations require that those working in a child care environment should be fit to care for children, but do not clearly define what a fit person is. Ofsted, the inspection service sets out its guidance[1] to the national standards and includes the following points when considering suitability to work in a child care environment:

- ability to provide warm and consistent care

- relevant training, qualifications and experience

- any convictions or any other information that might put the safety and welfare of a child at risk, or make you disqualified from providing day care

- mental and physical fitness to care for children

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[1] Ofsted (2001) *Full Day Care: Guidance to the National Standards,* The Stationery Office

Employers have to decide how to interpret those regulations, and most of them would be very careful not to take any risks. For this reason, in CACHE's view, candidates with a mental health disability might not get a placement because they would not be considered to satisfy the Day Care Regulations.

In the education sector, the 'fitness to teach' criteria are set by the Secretary of State and cover both physical and mental fitness. They are also closely related to child safety. According to the GTC: "An individual's fitness is evaluated at the stage of application to the ITT and then again at the stage of applying for a job, where it will be done by the occupational health specialist. No impairments are completely precluded". But it is recognised that there may be perceptions by disabled people that they are not going to pass the fitness to teach criteria, and this may stop them applying to be teachers.

The TTA does not believe that the standards are a problem for disabled people, "because they are expressed in quite broad terms, and we think there is no reason why people with disabilities should not be able to meet the standards with adjustments where necessary."

One standard-setting body in the veterinary sector, the RCVS, in its guidance to the universities, raised the issue of access to the qualification for people with mental health problems:

In our guidance to the universities, we touched on whether they should admit students with mental health problems. We have specifically said that instances of serious depressive illnesses need to be investigated further and should be subject to risk assessments by the university. Otherwise the students could be in danger themselves, as they have access to dangerous drugs. A history of drug use could render a person unfit to practice, so universities could be justified in refusing to admit. Mental impairment, due to drug abuse, could cause significant difficulties.

In summary, the issue of under-representation of disabled people is seen as closely related to the definition of core competences within the trade or profession.

5.5 Reasonable adjustments

From October 2004, as discussed in earlier chapters, a qualifications body will have a duty to make a "reasonable adjustment" if a provision, criterion or practice of this body places a disabled person at a substantial disadvantage in getting or retaining a qualification. Such adjustments include both adjustments to the format of the assessment or to physical features of the premises.

As this duty is not yet in force, interviewees were asked about their experience to date of making any adjustments and what they understood by the term "reasonable".

Before exploring this issue, it should first be noted that educational providers – colleges, universities, and sometimes schools – provide the education or training for someone to obtain a vocational qualification, even though they do not actually confer the qualification themselves. Educational institutions have separate duties under Part 4 of the DDA in respect of the education, training, examination or testing service they provide, as the DRC's guidance points out. This means that these institutions already have duties under the DDA not to discriminate against disabled people and to make reasonable adjustments.

In these case studies, we were concerned to identify the role of the qualifications bodies in the process of making and/or authorising reasonable adjustments, and whether they issued any guidance, or acted as an advisor in the case of the more complex requests for adjustments.

5.5.1 Concept of what is reasonable

As City & Guilds pointed out, the word 'reasonable' is open to interpretation. It identified two aspects: first that the adjustments provided should not affect the assessment standard; and second, that the adjustment should be reasonable in terms of cost.

> If Braille is somebody's normal working method, then wherever possible we would hope [the candidate] would be able to work in Braille. It would need to be transcribed and therefore we have to ensure that the people that are transcribing it have the appropriate qualification, skills, knowledge and integrity to do that. It would not be reasonable to say that all our examiners and verifiers are qualified in Braille. It is reasonable to put a mechanism in place to transcribe the candidate's work in Braille into a format for our examiner or verifier to assess the candidate's work. We would work with the centres on that.

In the education sector, the difficulties that some ITT providers experienced in determining what constitutes a reasonable adjustment led the TTA to produce new guidance for ITT providers[1]. It should be noted that this guidance was prepared to assist educational institutions with fulfilling their responsibilities as providers of education under Part 4 of the DDA, rather than specifically designed for qualifications bodies to understand their duties under Part 2:

"The steps that it is reasonable for a provider to take will depend on the circumstances of the case, taking account of:

a) The need to maintain academic and other prescribed standards

b) The financial resources available to the ITT provider and the cost of making a particular adjustment

c) The extent to which it is practicable to make a reasonable adjustment

d) Grants or loans likely to be available to disabled trainees and/or the extent to which aids or services will be provided to disabled trainees by another agency

e) Health and safety requirements

f) The relevant interests of other people, including other trainees."

Extract from TTA guidance, Section 6

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[1] Teacher Training Agency (2004), *Able to teach, Guidance for providers of initial teacher training on disability discrimination and fitness to teach*, TTA.

These steps are then considered in detail with case study examples to illustrate each area. Both the TTA and the GTC stress that the intention is to provide examples to enable ITT providers to judge what is reasonable in the individual case, not to establish blanket rules.

The Bar Council interviewee explained that the notion of reasonable adjustment could encompass a wide range of measures, such as physical changes to premises, providing an assistant to help carry documentation, and changing working arrangement. However, there are complex issues involved in determining whether certain types of adjustments are reasonable, where an adjustment would in effect lead to a core task or skill being undertaken by a third party on behalf of the disabled barrister:

> If someone has difficulty writing (e.g. it is painful to write), one way would be to allow someone to have a note-taker. In many cases, however, the use of a note-taker would not be a reasonable adjustment because the task in hand is quite a mental task. Taking notes during a court hearing is not simply a question of taking down a contemporaneous note of what is being said. What you are noting in particular is certain things that someone has said that wasn't in their witness statement, which means that you might have to revise the questions you have intended to ask. You have to have clear knowledge of the brief and witness statements in order to be able to keep revising your questions and your closing speech. It is a mental rather than purely physical activity. A note-taker would not be able to perform these tasks. However, in a straightforward meeting with a client, where a contemporaneous note is perfectly sufficient, it would be a reasonable accommodation to have a note-taker or to have someone record and transcribe the meeting… The note-taker needs to be someone not doing the core task of the oral or written communication.

5.5.2 Procedures for dealing with requests for adjustments

The process for dealing with requests for adjustments varied between the case study organisations. In most cases a request for an adjustment

to the assessment procedure was dealt with by those responsible for overseeing the assessment.

In the case of the RCP, there is a "Special Needs" section on the application form for the examination. This states: "Candidates who have a disability, special need or medical condition which may affect their performance in the examination or their ability to gain access to any examination venue, or may require additional support or a specific facility, are advised to notify their College of Entry in writing on application in order that they may be assisted where possible." Requests for support are then dealt with by the examination office. A board of doctors oversees the examination and, if required, can provide advice in the case of any request.

The RCVS, as the standard-setting body for veterinary surgeons, said that it was not its role to deal with reasonable adjustments within the university degree – that was up to the universities. But in the case of the veterinary nurses where the RCVS is the awarding body, it does receive queries about adjustments for candidates, often from external verifiers. The following is an example of such a query:

> We had a student last week that was profoundly deaf, and we were being asked to confirm whether he could meet the standards. In fact he had so many mechanisms in place that he could. For example, having the telephone on vibrate setting with a flashing light, so he could see when it rang and had somebody else to pick it up. The vet would communicate with him via text message when he was out in the fields. That was really his only problem, the telephone; he could deal with most other things. He could pick up all sorts of other signs from animals that a hearing person might not. There was sufficient compensation there to [meet] the occupational standards that say he must be able to communicate effectively with colleagues and clients.

City & Guilds said that it was involved in offering guidance in situations where the assessment centre is not sure how to proceed. It does not expect to be informed in advance by each centre about every instance of special provision made by the assessment centre. The centres receive

documentation about straightforward adjustments they can make. But "if they want more than fairly common provision then they would normally contact us to run through whether it is appropriate for the award. The centres don't want to be in a position where they have made provision for something, without realising that this will impact on upon the standards or assessment."

A similar procedure was in place at CACHE. The CACHE Special Arrangements Book details rules and regulations around adjustments. This has been developed from the Joint Awarding Body committee for special arrangements and from procedures developed by CACHE's predecessor, the National Nursery Examination Board. The test centres have the right to give special arrangements to the candidate within the guidance set out in the booklet. If there is a request outside that guidance, centres have to write to CACHE for a ruling. The interviewee gave an example: "At the moment we have a candidate whose request falls outside of this document and they have asked us specifically for an exam to be printed and typed on bigger sheets of paper, which we are going to do. Our ethos is that wherever possible we will try to accommodate the candidate so that they can access the assessment."

Generally, it appears that queries about special arrangements come from colleges and test centres to a qualifications body. But occasionally a candidate will contact the awarding body directly. CACHE said in those circumstances "we will talk to the candidate, get them to go back to the centre and have a three-way negotiation."

5.5.3 Examples of reasonable adjustments

We asked each organisation which adjustments were most common, and for examples of reasonable adjustments that they considered did not present any difficulties.

City & Guilds said requests for adjustments to meet the needs of people with learning difficulties were the most frequent. Some candidates have a combination of learning difficulties and sight or motor problems. Hearing impairments were also common. Each case is dealt with individually, but extra time and readers were the most common

adjustments for learning difficulties. For sight impairments, enlarged papers were fairly common. Requests for Braille fluctuated. Hearing impairments were usually addressed through extra time and modified language. City & Guilds deals with a large number of qualifications and so has had experience of a wide range of other adjustments. These include: scribes; practical assistants to hold equipment or turn pages; prompters for people who have attention deficit syndrome; a different room or location for people who have panic attacks or stress; home examinations; supervised rest breaks; signing of the examination questions; and allowing people to stand up or lie down.

The most frequently mentioned adjustments by some of the other bodies were those requested by people with dyslexia. The ISRM commented on an increase in the number of candidates with dyslexia. It was confident in being able to deal with requests as it has a number of members with dyslexia on its board who can advise on adjustments. Similarly, the RCP said that the examination office received requests from candidates with dyslexia, requesting different types of paper, typeface and font, rather than extra time. The examination sought advice from educational technologists and was able to deal with such requests.

The NPTC gave an example of a reasonable adjustment that demonstrated the way in which physical barriers might be overcome:

> For example, if a candidate wanted to do a qualification like horse grooming and they used a wheelchair, reasonable adjustments might be along the lines of perhaps providing the candidate with brushes with long handles or providing them with a horse that was particularly docile in nature, so there was no risk of it squashing them or stepping on them or perhaps providing a platform for them to work from, those types of adjustments. There is a huge variety of situations where reasonable adjustments may be made and we are trying to encourage our [assessment] centres to think out of the box when making reasonable adjustments and basically find ways that will give a candidate the opportunity to do the qualification.

5.5.4 Adjustments that are considered difficult to make

Interviewees were asked whether there were any adjustments that had proved difficult to make, or that were not considered reasonable to make. On this issue, there were different views as the difficult nature of an adjustment often related to the core competences that were being assessed. In other words, difficult adjustments were generally adjustments that related to the assessment of the core competences for the qualification.

An example of this comes from the Royal College of Physicians and relates to severe visual impairment.

> The most difficult area is that of visual impairment. This is not a problem for the written exam because you can enlarge the print. But one of the stages in the clinical exam is to use an ophthalmoscope to examine the back of the eyeball. If you are visually impaired that can be an extremely difficult instrument to manage. You still need to be able to do this for general training. Once you have passed this exam and are into higher training, you could be the only person on call, or the most senior person dealing with acutely medically ill patients – where you would need these skills. We have a trainee with a severe visual impairment at the moment, and the supervisor has identified that this person is having extreme difficulty. The head of examinations has had a meeting with the trainee and supervisor to see what could be done. The outcome is not yet sure.

The RCVS gave a different example of being unable to approve a request for a reader in an exam for a candidate with dyslexia. This example relates to health and safety concerns.

> Last year we had a particularly persistent request for a reader in an exam. Veterinary nurses are frequently required to undertake night duties and be in practices alone, where there will not be someone else to make a safety check. If that person has to follow written instructions or instructions on the side of a drug packet, and is not capable of understanding that they have not understood it, and that they need to

pick up the phone, ask somebody, or not do it, then we do not consider that they are able to be a safe practitioner. We are quite happy to offer a special invigilation as far as saying if you really have a blank and do not understand, stick your hand up and the invigilator will read the word to you. But we will not provide a taped exam paper or someone sitting reading them everything.

Health and safety concerns were mentioned by other bodies, including the awarding body for landbased qualifications, the National Proficiency Tests Council :

A requirement for [working with] pesticides is that candidates must be able to read the label that describes how to use them. If they can't read the label it could cause major problems as they might not know not to put their hand in something that is going to kill them or they might spray it over other people. So they could attend the training, perhaps, if there were no Health and Safety problems there, but as soon as the Assessor realised there is a risk that might put the candidate or other people in danger, or the environment in danger from pollution, then the assessment would be stopped. The candidate would have right of appeal, but we would probably have to hold the line on Health and Safety grounds.

The Bar Council provided an example of a grey area in determining what constituted a reasonable adjustment.

Oral or written communication is your core task/key skill. You [the barrister] are putting forward an argument on behalf of your client, representing that person. So with profound deafness the issue is, can you have an interpreter/signer? In theory you could have a signer interpreting what is said and overcoming the lack of audibility. But signing is not a direct translation. It is its own language. So the signer becomes the advocate, rather than the advocate themselves. So that is a grey area. Use of a signer/interpreter is really on the edge of what is and what isn't a reasonable adjustment. There are very split opinions on this. People say there is a question of intonation – you pick up on what people say. So some people say you really do have to hear what

a person says. Also you need to be asking the questions in a particular way, rather than the interpreter. Other people argue that the signer is simply conveying information, and the core task is still being performed by the barrister who has worked out their theory of the case and what questions need to be asked. One issue in relation to qualifications is who can actually assess whether a profoundly deaf person has the advocacy skills- as there is a danger that you could be assessing the ability of the interpreter, who may be more articulate/a better advocate than the person being assessed. You would need an external examiner who could sign in order to be able to judge the ability of the person signing rather than the ability of the interpreter. It is an unanswered question whether or not it is a reasonable adjustment for a barrister to have someone sign for them when conducting advocacy.

Some adjustments were only perceived as difficult because not enough notice had been given to put in place the arrangements for the adjustment, rather than because the adjustment affected assessment of the core competence. CACHE said that it had only had to refuse five requests in ten years. Some were refused because the GP did not produce the evidence of the disability when requested. Another was refused because the centre sent a query on the day of the exam and a decision could not be got through in time.

The same point was made by City & Guilds: "Some adjustments take time. For example, it takes time to put material into Braille; it takes time to modify materials. There may be things that people ask for that we have not come across and we have to decide how we are going to meet their requirements. The document, *Access to Assessment*, advises centres to be aware of the issues, think about them early, work and plan together to find something."

In the education sector, the TTA guidance relating to Part 4 duties of educational institutions notes that the duty on ITT providers to make reasonable adjustments is an anticipatory duty: "if a provider fails to make a reasonable adjustment when required, lack of notice would not, in itself, provide a defence against a claim that an adjustment should have been made." It provides examples of action providers can take to

anticipate the needs of disabled trainees, such as requiring all tutors to produce materials in electronic form and introducing flexible start dates.

5.5.5 Case by case approach

A general finding from the interviews, is that efforts were being made to deal with requests on an individual basis, rather than setting out rules for provision for people with particular impairments. Some comments are set out below:

> "Special arrangements for disabled individuals are being handled on a case by case basis and, dependent on the individual circumstances, we will endeavour to respond to each request in a reasonable helpful manner." [IMechE]
>
> "In the past there have been too many generalised statements made. For example, 'you can't be a veterinary surgeon if you are disabled'. That is not true. It depends what you mean by disabled: what the nature of the disability is, how severe it is, and how the person deals with it." [RCVS]
>
> "Providers need to consider each case individually on its merits, without making assumptions about what a person is able to do." [TTA guidance]

5.6 Key findings from the case studies

The ten case study interviews have provided an in-depth exploration of the issues covered in the postal survey. The organisations represented several different sectors, and there was great variety in their understanding of the new duties and interpretation of their role.

There was a general consensus that disabled people were under-represented in the occupations or professions in the sector(s) their organisations represented. However, the majority of organisations did not collect evidence on the representation of disabled people being awarded qualifications, or employed in their sector(s). A major reason for the under-representation of disabled people was seen as related to the

definition of core competences within the trade or profession, rather than as the result of disability discrimination. Examples were provided of impairment groups – such as people with severe visual or hearing impairments — who might not be able to meet the core competence standards required in the occupation or profession.

Organisations understood the concept of reasonable adjustment but highlighted grey areas that were involved in interpreting the notion of 'reasonable'. Many examples were provided of reasonable adjustments that the case study organisations had not found problematic to make and those that were difficult to make for a variety of reasons, including health and safety concerns and the implications for the assessment of core competences.

All the case study organisations stressed that they believed that requests for reasonable adjustments should be dealt with on a case-by-case basis, rather than by setting out rules for provision for people with particular impairments.

6. Planning for October 2004

All the organisations interviewed were asked for their views about the impact of the new regulations on their organisation. As we have seen in the previous sections, the diversity of organisations means that responses varied considerably. Some organisations were seeking further guidance and advice, while the TTA had, as discussed in the previous section, recently issued detailed guidance for ITT providers. In this section we provide some examples of the different views on the implications of the forthcoming implementation of the legislation.

6.1 Areas for further guidance

Some organisations said that they were anxious to have further guidance and support.

6.1.1 Assessment procedures

CACHE has already received advice from a number of sources, including the QCA, the Joint Awarding bodies and the Federation of Awarding Bodies. But the interviewees were concerned that they needed more help from the Disability Rights Commission: "We need an awful lot more help from the DRC. We need a case officer here for at least a day helping us look at our documentation within the legal framework that exists for the sector… I do think they need to appoint someone because there are only 100 odd awarding bodies and one person could liaise with those hundred or so."

One area that CACHE highlighted was the need for guidance on assessment procedures: "We like to think we are inclusive, but we actually want someone from the DRC to say 'yes, we are, we're fine' and to give us a clean bill of health, or to say, have you thought of this?"

The ISRM was also planning to consult the DRC on a range of areas including: access audits, facility audits and reasonable adjustments. The

interviewee said that "We would like, if possible, to have examples of good practice. To have immediate access to a helpline for specific enquiries would be great, and access to a website with links to provision. It needs to be very clearly laid out and easy to pinpoint the information you require." On adjustments, it wanted more information on "adjustments with ball park costing, reasonable time frames for implementation, and links with the level of disability. It would be very nice if we could say on the front sheet of an assessment, 'this assessment has been designed to be as inclusive as possible'".

The RCVS echoed the need for receiving up to date information on types of equipment for disabled people: "If you take the example of cochlear implants, some years ago it would have been out of the question that anyone with a total hearing loss could have been considered to be a veterinary surgeon. But develop the notion of cochlear implants, develop also amplified stethoscopes which are coming in, and that opens up our range of possibilities."

6.1.2 Potential conflicts with occupational standards

The second area that is concerning CACHE is that of the relationship between the awarding body's duties under the DDA, and the legal requirements as defined by the National Occupational Standards. Where the standards are not fully "inclusive" CACHE is not clear about its responsibilities for doing something about this: "the awarding body is legally bound to follow the National Occupational Standards, but it cannot do so under the DDA, if the National Occupational Standards are not fully inclusive." CACHE was seeking guidance as to the limits of its responsibilities and whether it can fulfil this by writing to the standard-setting body and drawing attention to any lack of inclusivity in the standards.

6.1.3 Access to qualifications and employability

In every trade or profession, all candidates go through a process of assessment to ensure that they have attained a satisfactory standard in the core competences. However, in some professions or trades there is

a process of continuous assessment. In others the assessment occurs only at the end of a period of training.

Prior to embarking on any qualification there will be some form of assessment. In the case of teaching the assessment takes place at the point of entry to an ITT provider. In some other professions, an individual may obtain a degree in a subject, such as law or medicine and then go on to pursue further training to obtain a qualification to practice. If the assessment for this qualification occurs at the *end* of this period of training it is possible for there to be a difference between the adjustments that are made by, for example, universities, to accommodate disabled candidates, and what is perceived as reasonable at the final stage of qualification.

This concern was flagged up by the Bar Council interviewee:

> There can be a tension between universities wanting a law degree to be a broad legal education, and the professional bodies who want the universities to deliver law degrees that prepare students for the practice of law. …It would be very difficult for us to say to the universities they must meet our standards and to tell them what to do in respect of reasonable adjustments. Many students are given reasonable adjustments during their law degree which are simply not feasible for practising as a barrister and cannot be granted on the Bar Vocational Course.

6.2 Actions being taken by the case study organisations

We have highlighted (above) some of the concerns identified by particular organisations. However, we were also given many examples of proactive steps being taken to prepare for October 2004.

Among the examples were:

● Preparation of guidance on the DDA including new regulations and reasonable adjustments.

- Action to implement more effective monitoring of the number of disabled people awarded qualifications.

- Improving access to information for disabled applicants (e.g. electronic web-based applications).

- Networking with other bodies in the same sector(s) to review practices and keep up-to-date.

- Carrying out an audit of the accessibility of the premises.

- Reviewing marketing literature to ensure that it contains images of disabled candidates who have obtained the qualifications awarded.

6.3 Conclusions

All the case study organisations were aware of the new duties under Part 2 of the DDA and, where relevant, were taking steps to prepare for them. But many of the organisations considered that they required further guidance and support on issues including: reasonable adjustments and the relationship between qualifications and occupational standards.

Appendix 1: Database of Organisations

In this report we have discussed the difficulties in creating a database of qualifications bodies. The construction of the IES database of organisations is discussed in Section 3.1 of the report. For a qualification or professional body to be included on the database they had to be either an organisation that awards qualifications; or membership/registration of that organisation is a requirement to practice in the trade or profession.

The findings from the survey of organisations and from the case studies pointed to the fact that some organisations do not consider themselves to be qualifications bodies within the definition set out in the Disability Discrimination Act. The existence of an organisation on this database should therefore in no way be construed to imply that the organisation falls within the scope of the DDA. Nor is it intended to be a definitive list. Some organisations may no longer be in existence, or may have changed their name since the database was compiled, and others may have come into existence. Rather it is a list compiled from available sources between October 2003 and January 2004 on the basis of criteria established for the purposes of this research.

The database was used for the postal survey as discussed in Chapter Four of this report. This list of organisations on the database is not of respondents to the survey, but of those who were sent the survey. Individual organisations' responses to the survey remain confidential and cannot be identified in this report.

Name of organisation

ACCAC (qualifications curriculum and assessment authority for Wales)

Air Conditioning and Refrigeration Industry Board

AITT Vocational Qualifications

Amalgamated Chimney Engineers

Amateur Swimming Association

AQA

Architects & Surveyors Institute

Architects Registration Board

Association for Ceramic Training and Development

Association for International Accountants

Association for Project Management

Association of Accounting Technicians

Association of British Dispensing Opticians

Association of Business Executives (ABE)

Association of Certified Book-keepers

Association of Chartered Certified Accountants

Association of Computer & Operations Management

Association of Computer Professionals

Association of Corporate Treasurers

Association of Medical Secretaries, Practice Managers, Administers and Receptionists

Award Scheme Development Accreditation Network

Awarding Body Consortium

Awarding body for Built Environment

The Benesh Institute

BFM

British Agricultural and Garden Machinery Association

British Ballet Organisation

British Coating Federation

British Computer Society

British Dietetic Association

British Horse Society

British Horseracing Training Board

British Institute of Architectural Technologists

British Institute of Cleaning Science

British Institute of Innkeeping

British Institute of Non-Destructive Testing

British Institute of Occupational Hygienists

British Medical Acupuncture Society

British Polymer Training Association

British Printing Industries Federation

British Psychology Society

British Safety Council

British School of Complementary Medicine

British Veterinary Nursing Association

Business Management Association

CABWI Awarding Body

CCEA (the Northern Ireland Council for the Curriculum, Examinations and Assessment)

Central School for Counselling Training

Centre for Rail Skills

Chartered Institute of Bankers in Scotland

Chartered Institute of Building

Chartered Institute of Environmental Health

Chartered Institute of Housing

Chartered Institute of Management Accountants

Chartered Institute of Marketing

Chartered Institute of Patent Agents

Chartered Institute of Personnel and Development

Chartered Institute of Public Finance and Accountancy

Chartered Institute of Purchase and Supply

Chartered Institute of Purchasing & Supply

Chartered Institution of Building Services Engineers

Chartered Institution of Water and Environmental Management

Chartered Insurance Institute

Chartered Management Institute

City & Guilds

Civil Aviation Authority

COGENT

Confederation of Paper Industries, Paper Education Training Council

Confederation of Tourism, Hotel and Catering Management

Construction Industry Training Board

Construction Project Management Group

Construction Skills Certificate Scheme

CORGI

Council For Awards In Children's Care and Education

Diving Group (Health and Safety Executive)

Driving Instructors Association

Edexcel

Education & Development International

Electricity Training Association

Electronic Examining Board

Employer National Training Organisation

EMTA Awards Limited

Energy Institute

Engineering Construction Industry Training Board

Engineering Council UK

Engineering Training Council (Northern Ireland)

EPIC Awarding Body

Fibreboard Awarding Body

Fire Services Awarding Body

Gas Industry National Training Organisation

General Chiropractic Council

General Council of the Bar

General Dental Council

General Medical Council

General Optical Council

General Social Care Council

General Teaching Council for England

GoSkills

Guild of Business Travel Agents

Guild of Cleaners and Launderers

The Guild of Hairdressers

H. A. L. Training Services

Health Professionals Council

Hospitality Awarding Body

Hotel & Catering International Management Association

Institute for Business and Administration

Institute for Chiropodists & Podiatrists

Institute for Incorporated Engineers

Institute for Management Consultancy

Institute for Supervision and Management

Institute for the Management of Information Systems

Institute of Administrative Management

Institute of Biology

Institute of Burial & Cremation Administration

Institute of Business Administration and Management

Institute of Careers Guidance

Institute of Carpenters

Institute of Certified Book-Keepers

Institute of Chartered Accountants in England and Wales

Institute of Chartered Accountants in Scotland

Institute of Chartered Foresters

Institute of Chartered Secretaries and Administrators

Institute of Clerks of Works of Great Britain Incorporated

Institute of Commercial Management

Institute of Commercial Management

Institute of Cost and Executive Accountants

Institute of Credit Management

Institute of Customer Services

Institute of Electrolysis

Institute of Export

Institute of External Auditors — UK and Ireland

Institute of Financial Services

Institute of Fisheries Management

Institute of Food Science and Technology (UK)

Institute of Groundmanship

Institute of Health Record Information and Management (UK)

Institute of Highway Incorporated Engineers

Institute of Leadership and Management

Institute of Legal Executives

Institute of Leisure and Amenity Management

Institute of Linguistics

Institute of Logistics & Transport

Institute of Logistics and Transport

Institute of Management Foundation

Institute of Materials, Minerals and Mining

Institute of Mechanical Engineers

Institute of Motoring Industry

Institute of Operations Management

Institute of Packaging

Institute of Personnel & Development

Institute of Physics

Institute of Plumbing

Institute of Professional Managers & Administrators

Institute of Quarrying

Institute of Roofing

Institute of Sales and Marketing Management

Institute of Sales Promotion

Institute of Shopfitting

Institute of Social Welfare

Institute of Sport and Recreation Management

Institute of the Motor Industry

Institute of Value Management

Institution of British Engineers

Institution of Civil Engineering Surveyors

Institution of Civil Engineers

Institution of Highways and Transportation

Institution of Operation Management

Institution of Structural Engineers

International Association of Book-Keepers

International Association of Business Computing

International Professional Managers Association

International Therapy Examination Council

Joint Industry Board for the Electrical Contracting Industry

Joint Industry Board for the Plumbing Mechanical Engineering Services

The Landscape Institute

Lantra Awards

Law Society

The Law Society of Scotland

Leather Producing Industry Vocational Qualifications Board

London Chamber of Commerce & Industry Examinations Board

London International Film School

London School of Public Relations

Management Verification Consortium

Managing and Marketing Sales Association Examination Board

The Market Research Society

The Meat Training Council

Metals Industry Skills & Performance

METIER

NA of PHMS Contractors

National Association of Estate Agents

National Association of Funeral Directors

National Association of Goldsmiths of Great Britain and Ireland

National Association of Master Bakers

National Association of National Masons

National College of Hypnosis and Psychotherapy

National Examination Board in Occupational Safety and Health

National Examining Board for Supervision & Management

National Film and Television School

National Proficiency Tests Council

National School of Hypnosis and Psychotherapy

National Textile Training Group

NCFE

Newspaper Sales Qualifications

Northern Institute of Massage

NTO for Photographic Industry

The Open University

Oxford, Cambridge and RSA Examinations

Pensions Management Institute

Periodicals Training Council

Petroleum Employer Skill Council

Pitman Qualifications

Police Promotion Examinations Unit

Process Awards Authority

The Psychotherapy Centre

Qualifications for Industry

Recruitment and Employment Confederation

Register of Approved Driving Instructors

Royal Botanical Gardens

Royal College of Pathologists

Royal College of Physicians and Surgeons of Glasgow

Royal College of Physicians of London

Royal College of Speech and Language Therapists

Royal College of Veterinary Surgeons

Royal Forestry Society of England, Wales and Northern Ireland

Royal Horticultural Society

Royal Institute of Public Health

Royal Institute of Public Health & Hygiene

Royal Meteorological Society

Royal Microscopical Society

Royal Photographic Society

Royal Society for the Promotion of Health

Royal Society of Chemistry

School of Polymer Technology

Scottish Federation of Meat Traders Associations

Scottish Qualifications Authority

Security Industry Training Organisation

The Securities Institute

SKILLSET National Training Organisation for Broadcast, Film & Video

The Smae Institute

Society of Apothecaries of London

Society of Business Practitioners

Society of Chiropodists and Podiatrists

Society of Floristry

Society of Nursery Nursing

SUMM IT Skills

The Summit Group

Teacher Training Agency

Timber Trade Federation

Tobacco Industry Training Organisation

TOPSS England

UK Central Council for Nursing Midwifery and Health Visiting

UK Society of Investment Professionals

University of Cambridge ESOL Examinations

Vocational Qualifications in Science, Engineering & Technology

Vocational Training Charitable Trust

Waste Management Industry Training & Advisory Board

The Welding Institute

The Wine and Spirit Education Trust

Welsh Joint Education Committee

Institute for Employment Studies

DISABILITY DISCRIMINATION ACT
AND QUALIFICATIONS BODIES SURVEY

Confidential to the Institute for Employment Studies

Please answer the following questions as fully as you are able by ticking the boxes or writing in the spaces provided. Please return the completed questionnaire to IES in the reply-paid envelope provided, by 25 February 2004. If you have any queries, please contact Jennifer Hurstfield at IES: telephone 01273 877625 or Louise Paul: telephone 01273 678183. Thank you for your co-operation.

A. About you and your organisation

Name of organisation ....

Address ....

....

....

Name of respondent .... Job Title ....

Contact details: Phone .... Fax ....

Email ....

Website ....

1. Which of the following best describes your organisation? *(A standard-setting organisation sets standards/competency standards for the qualification bodies) (Please tick one box only)*

Sector specific trade or ☐₁   Sector specific awarding body ☐₂
professional organisation

Generic awarding body ☐₃   Statutory standard-setting ☐₄
                                   organisation

Non statutory standard- ☐₅   Other *(please describe)* ☐₆
setting organisation

                        ....

B. The qualifications your organisation awards

2. Does your organisation award any qualifications, other than conferring membership? *(Please tick one box only)*

Yes ☐   No ☐

     If Yes, approximately how many different qualifications does it award? *(Please write in)*

☐

3. If your organisation is sector specific, which industry sector(s) does your organisation operate in? *(Please write in)*

....

....

C. About the Disability Discrimination Act, 1995 (DDA)

4. Part II of the DDA introduced rights for disabled employees and job applicants. Prior to this survey, had you heard of this part of the Act?

Yes ☐   No ☐

From October 2004, the DDA will be extended to cover qualifications bodies that confer, renew, or extend professional or trade qualifications.

5. Prior to this survey, were you aware that these changes to Part II of the DDA were coming into force? *(Please tick one box only)*

Yes ☐   No ☐

6. Will your organisation be covered by these changes to the DDA? *(Please tick one box only)*

Yes ☐   No ☐   Don't know ☐

7. Has your organisation reviewed whether any changes are required to existing provisions for awarding qualifications, in order to prepare for the new duties under the DDA? *(Please tick one box only)*

Yes ☐   No ☐   Not yet, but planned ☐   Don't know ☐

D. Numbers attaining qualifications

8. How many people were awarded qualifications by your organisation in 2003? *(Please write in)*

   [   ]   Don't know ☐   Not Applicable ☐

9. Do you monitor the number of disabled people who are awarded qualifications by your organisation each year? *(Please tick one box only)*

   Yes ☐   No ☐   Don't know ☐   Not Applicable ☐

   If Yes, how many **disabled** people were awarded qualifications by your organisation last year? *(Please write in)*

   [   ]

E. Competency Standards

10. How are the competency standards for your organisation's qualifications set? *(A competency standard is an academic, medical, or other standard applied by, or on behalf of, a qualification body for the purpose of determining whether or not a person has a particular level of competence or ability.) (Please tick one box only)*

    Set by your organisation ☐ ₁   Don't know ☐ ₂

    Set by another organisation ☐ ₃   Not applicable ☐ ₄

    If set by another organisation, please state which organisation is involved in the standard-setting. *(Please write in)*

    ....

11. Have any competency standards used by your organisation been reviewed to assess their impact on disabled people? *(Please tick one box only)*

    Yes ☐   No ☐   Don't know ☐

    If Yes, was this review carried out by your organisation or an external standard-setting organisation? *(Please tick one box only)*

    By your organisation ☐   By another organisation ☐

    (Please write in the name of the organisation)

    ....

F. Reasonable adjustments

From October 2004, changes to Part II of the DDA will place a duty on qualification bodies to make 'reasonable adjustments' to the way they confer, renew or extend professional or trade qualifications. This could mean, e.g. providing test papers in large print or Braille, allowing extra time for an exam, allowing someone to take a written test orally, or making physical changes to a test centre
(e.g. a ramp for a wheelchair user).

12. Has your organisation ever been asked to make a 'reasonable adjustment' for a disabled person? *(Please tick all that apply)*

Yes, by a test centre, e.g. college ☐   No ☐

Yes, by a disabled person/their representative ☐   Don't know ☐

If Yes, please briefly describe the type of adjustment requested. (If you have received several requests, please answer in respect of the most recent.)

....

....

....

13. Did your organisation feel able to make the adjustment?
(Please tick one box only)

Yes ☐   No ☐   Don't know ☐

If No, please briefly outline the reason for refusal.

....

....

14. Are there disabled people with particular impairments for whom your organisation has found, or would find, it difficult to make adjustments?
(Please tick one box only)

Yes ☐   No ☐   Don't know ☐

If Yes, please specify which impairments, and briefly describe the nature of the difficulty.

....

....

15. Are there any particular impairments that your organisation believes are incompatible with employment in the trades or professions for which you award qualifications? *(Please tick one box only)*

Yes ☐   No ☐   Don't know ☐

If Yes, please specify what these impairments are and what your reasons are for holding this view. *(Please give brief details)*

....

....

....

16. Have you ever had to refuse a request for an adjustment because you felt that to allow that adjustment would undermine the competency standards? *(Please tick one box only)*

Yes ☐   No ☐   Don't know ☐

If Yes, please give details   ....

....

....

17. Thinking about requests for reasonable adjustments your organisation has received from test centres/examination centres/colleges across 2003, how many requests, for each of the following types of adjustment, did you receive from test centres etc.? *(Please write in)*

Large print test papers ☐   Use of spell-checkers ☐

Use of an amanuensis ☐   Physical access to test centre ☐

Granting extra time ☐   Other *(please specify)* ☐

....

18. Does your organisation routinely ask test centres/examination centres/colleges to inform you if there are any disabled candidates requiring a 'reasonable adjustment'? *(Please tick one box only)*

Yes ☐   No ☐   Don't know ☐

G. Access to advice and information

19. Has your organisation sought advice on how to comply with the new duties under the DDA? *(Please tick one box only)*

Yes ☐   No ☐   Don't know ☐

If Yes, please specify source of advice:

....

If No, or Don't know, where would your organisation go for advice on how to comply with the new duties under the DDA? *(Please give brief details)*

....

....

....

20. What kind of information or guidance would your organisation require to help it comply with the new duties under the DDA? *(Please give brief details)*

....

....

....

21. If you have any other comments about the DDA, in respect of its application to trade and professional bodies, please add them here.

....

....

....

....

22. We would like to follow up a small number of respondents to discuss the issues emerging from the study. Please tick the box if you are willing to be contacted again. ☐

Thank you for completing this questionnaire

Please return this questionnaire by 25 February 2004, to: Employment Research, PO Box 2106, Hove, BN3 5ZB, in the reply paid envelope provided.

Appendix 3: Case Study Discussion Guides

Discussion guide for Qualifications Bodies

Background section: explaining aims of research, purpose of interviews, asserting confidentiality of research, confirming participants' details etc*.*

A General section

1. Please could you tell me about the scope of the qualifications body, what sector (s) it covers and what your role is within the organisation.

2. What are the main qualifications you award, and roughly how many are awarded each year. (*Where this has been set out fully in the questionnaire, we can confirm the details as set out there.*)

3. Which groups do you include in the term 'disabled people'? (Probe on understanding of disability.)

4. Do you have any information on the representation of disabled people in the sector (s) you cover? (Probe what sort of information and what it shows in terms of the level of representation.)

5. Are you aware of any groups of disabled people (e.g. with specific impairments) who are currently unde-represented in this sector?

6. What do you think are the reasons for their under-representation?(Probe on e.g. whether there is discrimination in the sector and if so by whom/at what stage for example is there discrimination by employers within the sector or is there a problem in gaining qualifications.)

7. Do you carry out any monitoring (e.g. equal opportunities monitoring forms) of applicants for qualifications/membership/registration? If yes, does this include asking any questions about disability? If yes, clarify what the question(s) cover. (Probe on what is done with the information that is collected and whether it e.g. feeds into any action plans.)

8. If no monitoring is carried out at the moment, do you have any plans to introduce monitoring of applicants to include disability?

B Reasonable adjustments

1. What do you understand by the term "reasonable adjustment"?

[Note: qualifications bodies from October 2004 will have a duty to make adjustments where a provision, criterion or practice, other than a competence standard, applied by or on behalf of a qualifications body; or any physical feature of premises occupied by a qualifications body, places the disabled person at a substantial disadvantage compared with people who are not disabled. Examples: allowing extra time in course work or examinations; supplying the exam papers in alternative, accessible formats, or allowing extra time.]

2. Do you receive requests for reasonable adjustments, and if so is it usually from the person needing the adjustment or from the college where the person is studying?

3. What is the procedure for dealing with a request? Is there someone in your organisation who has the main responsibility for approving an adjustment?

4. How did you develop your procedures? Did you take any advice from outside organisations in developing your policy or procedures on reasonable adjustments? (If , yes, ask for details.)

5. We are interested in any examples of your organisation making reasonable adjustments for a disabled person.

6. What kinds of adjustments (if any) have you made in the past? (If several have been made start with the most recent, and then get at least two or three more.)

7. What kinds of request for adjustments has your organisation not been able to approve in the past, or would not be able to make in the future?

8. What types of adjustments are most frequently requested, and for what kinds of impairments?

9. What types of adjustments do you consider easy to make and which ones are difficult? What are the reasons for the adjustments being easy or difficult?

10. Can you describe how you might work with a college or university to find out about any adjustments that disabled people might need to help them take a test, assessment or exam?

11. In general, would you wait for a request, or enquiry about an adjustment, before considering adjustments, or do you have any procedure in place for identifying potential adjustments?

12. Do you monitor the effectiveness of any reasonable adjustments that are made – e.g. by getting feedback from individuals or colleges?

C Competency standards

1. Who sets the standards for the qualifications that your organisation confers?

2. Do you have any worries about how you can preserve standards and still make reasonable adjustments? (Examples?)

3. Are there any jobs in the sector or sectors that your organisation offers qualifications in, that you think disabled people would find easier or more difficult (or even impossible) to do and why?

4. Are there some disabled people who you think would not be able to qualify because they couldn't meet the necessary *educational* standards? (Could you give some examples?)

5. Are there some disabled people who you think would not be able to qualify because they couldn't meet the necessary *fitness* standards? (Examples?)

6. Do you have any health and safety concerns about any groups of disabled people working in the organisation's sector or working as [social workers/plumbers/nurses etc.]? (If yes, ask for examples of health and safety concerns)

7. Have the competency standards (fitness standards, academic standards) been reviewed or are there plans to review them to see

whether they are the right standards and to see what effect they have on disabled people wanting to qualify?

8. If there has been a review, who has conducted the review, and what was the outcome?

D Planning for October 2004

1. How do you think that your organisation will be affected by these changes? (Explore the reasons for the answers)

2. Has your organisation started to plan for these changes, and if so, what steps has it taken? (For example, reviewing or changing procedures, developing good practice guidelines)

3. Have you sought any advice or guidance to help you plan for these changes? If so, from whom have you sought/obtained advice?

4. What kind of guidance or information does your organisation need, if any, to help you plan for these changes? How would you like to access this information (e.g. website, helpline, booklets)?

5. Are you taking any steps to raise awareness in your organisation of the implications of the DDA? If yes, please describe any steps you are taking.

6. Do you already provide training for staff about the DDA (clarify which staff and what type of training)? Are you planning any further training to update staff about the forthcoming changes?

7. Do you know anything that your organisation has done to encourage disabled people to get qualifications or to work in your sector? (e.g. advertising, booklets, campaigns, promotions)

8. Finally, do you anticipate that any aspect of the new regulations will cause your organisation any difficulties (that we have not already touched on)? If so, what are these and how might you address them?

Discussion Guide for Standard-Setting Bodies

Background section: explaining aims of research, purpose of interviews, asserting confidentiality of research, confirming participants' details etc.

General section

Please could you tell me about the scope and functions of your organisation as a standard-setting, what sector (s) it covers and what your role is within the organisation.

Is your organisation a statutory body?

Which qualifications bodies do you work with, or set standards for?

Representation of disabled people

Which groups do you include in the term 'disabled people'? (Probe on understanding of disability.)

Do you have any information on the representation of disabled people in the sector (s) for which you set standards? (Probe what sort of information and what it shows in terms of the level of representation.)

Are you aware of any groups of disabled people (e.g. with specific impairments) who are currently unde-represented in this sector(s)?

Are you aware of any groups of disabled people (e.g. with specific impairments) who are currently unde-represented in this sector(s)?

What do you think are the reasons for their under-representation?(Probe on e.g. whether there is discrimination in the sector and if so by whom/at what stage.)

Do the qualifications bodies in your sector carry out any monitoring (e.g. equal opportunities monitoring forms) of applicants for qualifications/membership/registration? Does this include asking any questions about disability? If yes, clarify what the question(s) cover.

Do you carry out any monitoring of employees in your own organisation by disability?

Reasonable adjustments

What do you understand by the term "reasonable adjustment"?

Do you receive requests for reasonable adjustments, and if so from whom do these requests come (e.g. from a qualifications body/test centre etc.)?

What is the procedure for dealing with a request? Is there someone in your organisation who has the main responsibility for approving an adjustment?

We are interested in any examples of your organisation approving reasonable adjustments for a disabled person.

What kinds of adjustments (if any) have you approved in the past? (If several have been made start with the most recent, and then get at least two or three more.)

What kinds of request for adjustments has your organisation not been able to approve in the past, or would not be able to make in the future?

What types of adjustments are most frequently requested, and for what kinds of impairments?

What types of adjustments do you consider easy to make and which ones are difficult? What are the reasons for the adjustments being easy or difficult?

Competency standards

Do you have any concerns about how qualifications bodies can made reasonable adjustments for disabled people and still maintain competency standards? If so, what are these concerns?

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Are there any jobs in the sector or sectors for which your organisation sets standards that you think disabled people just can't or shouldn't do and, if so, why? (Clarify which groups of disabled people are excluded.)

Are there some disabled people who you think would not be able to qualify because they couldn't meet the necessary *academic* standards? (Could you give some examples?)

Are there some disabled people who you think would not be able to qualify because they couldn't meet the necessary *fitness* standards? (Examples?)

Do you have any health and safety concerns about any groups of disabled people working in your organisation's sector or working as [social workers/plumbers/nurses etc.]?

Have any of the competency standards (fitness standards, academic standards) been reviewed? If there has been a review, when was this carried out, who conducted the review, and what was the outcome? Did the review consider the implications for disabled people seeking to gain qualifications?

Planning for October 2004

As you are aware, changes to the DDA come into force in October 2004 that will affect qualifications bodies.

How do you think qualifications bodies in the sector for which you set standards will be affected by these changes? (Explore the reasons for the answers)

Do you think your own organisation will be affected by these changes? (Explore this in detail)

Have the qualifications bodies in your sector started to plan for these changes, and if so, what steps they have taken?

What kind of guidance or information does your organisation need, if any, to help qualifications bodies or your organisation plan for these changes?

Are you taking any steps to raise awareness in your organisation of the implications of the DDA? If yes, please describe any steps you are taking.

Do you already provide training for staff about the DDA (clarify which staff and what type of training)? Are you planning any further training to update staff about the forthcoming changes?

What about awareness in your sector(s) – what steps do you think could be taken to raise awareness of the DDA within your sector?

Appendix 4: Glossary of Key terms

A full explanation of key terms in the DDA and examples are contained in the Disability Rights Commission's Code of Practice on Trade Organisations and Qualifications Bodies, and its shortened Guidance. Both are available on the DRC's website, www.drc-gb.org. The definition of the key terms below is taken from these two sources and relates to how the terms are defined in the DDA.

6.3.1 Competence standards

Academic, medical or other standards applied by or on behalf of a qualifications body for the purpose of determining whether or not a person has a particular level of competence or ability.

6.3.2 Disability

'A disabled person is someone who has a physical or mental impairment which has an effect on his/her ability to carry out normal day-to-day activities. That effect must be substantial, adverse and long term. See the *Code of Practice on Trade Organisations and Qualifications, Appendix B: The meaning of disability*, for a full discussion of who is covered by the DDA.

6.3.3 Trade organisation

An organisation of workers or employers, or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation. They include trade unions, employers' associations and chartered professional institutions.

6.3.4 Qualification body

An authority or body which can confer, renew or extend a professional or trade qualification.

6.3.5 Professional or trade qualification

An authorisation, qualification, recognition, registration, enrolment, approval or certification which is needed for, or which facilitates engagement in, a particular profession or trade.

6.3.6 Reasonable adjustment

The duty to make reasonable adjustments arises where a provision, criterion or practice applied by or on behalf of a trade organisation or a qualifications body, or any physical feature of premises which it occupies, place a disabled person at a substantial disadvantage compared with people who are not disabled. Examples of adjustments include: adjustments to premises; acquiring or modifying equipment; modifying instructions or reference manuals; and modifying procedures for testing or assessment. Factors which have a bearing on whether it is 'reasonable', include the effectiveness of the step; the practicability of the step; financial and other costs of the adjustment and extent of any disruption caused; and the extent of financial and other resources available to the organisation.