

**Special Consideration and**

**Reasonable Adjustment**

NISQ reserves the right to amend or

Replace sections of this policy for

Legislation Changes, NISQ will publish

those changes.

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# Vocational qualifications - Information and Guidance for NISQ Approved Centres

## Section 1 Which qualifications are covered?

## This section relates specifically to vocational qualifications as defined in section 53 of the Equality Act 2010.

53 Qualifications bodiesE+W+S

This section has no associated Explanatory Notes

(1) A qualifications body (A) must not discriminate against a person (B)—

(a)in the arrangements A makes for deciding upon whom to confer a relevant qualification;

(b)as to the terms on which it is prepared to confer a relevant qualification on B;

(c)by not conferring a relevant qualification on B.

(2) A qualifications body (A) must not discriminate against a person (B) upon whom A has conferred a relevant qualification—

(a)by withdrawing the qualification from B;

(b)by varying the terms on which B holds the qualification;

(c)by subjecting B to any other detriment.

(3) A qualifications body must not, in relation to conferment by it of a relevant qualification, harass—

(a)a person who holds the qualification, or

(b)a person who applies for it.

(4) A qualifications body (A) must not victimise a person (B)—

(a)in the arrangements A makes for deciding upon whom to confer a relevant qualification;

(b)as to the terms on which it is prepared to confer a relevant qualification on B;

(c)by not conferring a relevant qualification on B.

(5) A qualifications body (A) must not victimise a person (B) upon whom A has conferred a relevant qualification—

(a)by withdrawing the qualification from B;

(b)by varying the terms on which B holds the qualification;

(c)by subjecting B to any other detriment.

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

(7) The application by a qualifications body of a competence standard to a disabled person is not disability discrimination unless it is discrimination by virtue of section 19.

19 Indirect discriminationE+W+S

This section has no associated Explanatory Notes

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—

(a)A applies, or would apply, it to persons with whom B does not share the characteristic,

(b)it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,

(c)it puts, or would put, B at that disadvantage, and

(d)A cannot show it to be a proportionate means of achieving a legitimate aim.

(3) The relevant protected characteristics are—

* age;
* disability;
* gender reassignment;
* marriage and civil partnership;
* race;
* religion or belief;
* sex;
* sexual orientation.

**Section 2 Awarding Organisations – Vocational Qualifications**

Section 53 of the Equality Act 2010 states that Awarding Organisations must not discriminate, harass or victimise when conferring vocational qualifications. Awarding Organisations, NISQ, have a duty to make reasonable adjustments.

## 2.1 What are the duties of Awarding Organisations?

NISQ will make a reasonable adjustment where an assessment arrangement would put a disabled person at a substantial disadvantage in comparison to someone who is not disabled. In such circumstances, NISQ will take reasonable steps to avoid that disadvantage.

## 2.1 Recruiting learners with Integrity

It is vital that NISQ and NISQ Approved Centres Register/recruit with integrity with regard to vocational qualifications. NISQ will ensure that learners have the correct information and advice on their selected qualification(s) and that the qualification(s) will meet their needs. The registration process will include assessing each potential learner and making justifiable and professional judgements about the learner’s potential to successfully complete the Qualification/Qualification Level. The NISQ assessment will identify, where appropriate, the support that will be made available to the learner to facilitate access to the qualification(s).

Where the registration process identifies that the learner may not be able to demonstrate attainment and thus gain achievement in all of the assessments for the selected qualification, this will be communicated clearly to the learner. The learner will be afforded the choice of another Security Qualifications that best suits the competency of the Learner.

NISQ will ensure that learners are aware of:

• the range of options available, including any reasonable adjustments that may be necessary, to enable the demonstration of attainment across all of the required assessments; and

• any restrictions on progression routes to the learner as a result of not achieving certain outcomes.

## 2.2 Guidance on reasonable adjustments

NISQ aims to ensure open access to vocational qualifications for learners who are eligible for reasonable adjustments in assessments, without compromising the assessment of the skills, knowledge, understanding or competence being measured.

Reasonable adjustment is applied for at the time of Registration by the Learner either through a NISQ Approved Centre or Directly with NISQ and if any action that helps to reduce the Adverse Effect of a disability or difficulty, which places the learner at a substantial disadvantage. The formal application is the responsibility of the Governing Body.

 Reasonable adjustments will not, however, affect the reliability or validity of assessment outcomes nor must they give the learner an unfair assessment advantage over other learners undertaking the same or similar assessments.

NISQ will inform the Approved Centre the Learner will be attending during the Qualification Cycle to ensure that any reasonable adjustment to be implemented on behalf of the learner is undertaken professionally and with confidentiality.

NISQ fully supports the Equality Act 2010, Section 53, 19 and has implemented an open and transparent attitude to Diversity,

NISQ is also determined to provide as few barriers to access as possible, but due to the

complex and sometimes physically demanding aspects of Specialised Security and Security

Practice Teaching and Training, some medical conditions may/will preclude learners from achieving

a full qualification in certain circumstances.

To Assess this NISQ requires the following information;

Is the Learner less abled bodied, disabled, wheelchair Bound, pregnant, or suffer from any?

condition or learning difficulty that may normally preclude them from applying for or attending

such a Regulated Qualification?

Reasonable Adjustment

There may be aspects on certain NISQ Regulated Qualifications that require full physical and mental

ability and would not be suitable for a learner with a specific disability, however the Learner may

meet the criteria to apply for Reasonable Adjustment, – Discuss this with NISQ Qualifications

Division –Chief Compliance Officer.

Reasonable adjustments will not either provide an advantage or disadvantage to those

Learners. NISQ Approved Centres support those with disabilities in all aspects and will

have suitably qualified staff to provide support throughout the Qualification Cycle for

those persons requiring Reasonable Adjustment. Decisions on Reasonable Adjustment are made

by an Approval Panel, Reasonable Adjustment is not always possible to practically implement

due to health and safety constraints, and role specific specialised security or security

requirements. learner’s may not be able to receive effective Reasonable Adjustment for their disability or condition. NISQ may on certain circumstances suggest another Regulated Qualification

which is better suited to the learner’s physical and mental capabilities, where Reasonable

Adjustment can be successfully and effectively implemented.

The Application for Reasonable Adjustment is NISQ 16.

## 2.3 Reasonable adjustments within vocational qualifications

Vocational qualifications quantify competence against qualification specifications and assessment criteria, and/or National Standards and an approved assessment strategy. Any reasonable adjustment must reflect the normal learning or working practice of a learner in the Approved NISQ Centre or working within the occupational area.

Learners may, however, use mechanical, electronic and other aids in order to demonstrate competence. The aids must either be generally commercially available, or available from specialist suppliers, and can feasibly be used in the centre or on the employers’ premises.

## 2.4 The following adaptations are examples;

of what may be considered by NISQ and their Approved Centres for the purposes of facilitating access, as long as they do not impact on any competence standards being tested and may not apply to the specialist subject matter being delivered:

• adapting assessment material or criteria- see NISQ GL25 Reasonable Adjustment and Assessment;

• adaptation of the physical environment for access purposes;

• adaptation to equipment;

• assessment material in an enlarged format or Braille;

• assessment material on coloured paper or in audio format;

• British Sign Language (BSL);

• changing or adapting the assessment method;

• changing usual assessment arrangements;

• extra time, e.g. assignment extensions;

• language modified assessment material;

• practical assistant;

• prompter;

• providing assistance during assessment;

• reader;

• scribe;

• use of assistive software;

• using assistive technology;

• use of CCTV, coloured overlays, low vision aids;

• use of a different assessment location;

• use of ICT/responses using electronic devices.

It is important to note that not all of the adjustments (as above) will be reasonable, permissible or practical in particular situations. The learner may not need, nor be allowed the same adjustment for all assessments.

NISQ operates in an environment where Learners will be fully involved in any decisions about adjustments/adaptations. This will ensure that individual needs can be met, whilst still bearing in mind the specified assessment criteria for a particular qualification. This small detail will ensure all learners are treated with dignity and courtesy.

As the needs and circumstances of each learner are different, NISQ will consider any request for a reasonable adjustment on a case by case basis. Evidence of need will be required, this is due to the evolving state of technology.

## 2.5 Applying reasonable adjustments to internal assessments

NISQ Approval Panel is responsible for making recommendations on the policies, these are sent to the Governing Body who make decisions on any reasonable adjustment that is applied for, NISQ Approved Centres must make reasonable adjustments that are in line with the Awarding Organisation’s policies.

 All reasonable adjustments made in relation to internal assessments must be recorded and held on file within the NISQ Approved Centre.

Where the NISQ Approved Centre is unsure if the reasonable adjustment proposed is in line with this guidance, the NISQ Approved Centre must contact the Director Qualification Division or the Chief Compliance Officer for advice and guidance.

Application by the NISQ Approved Centre will be on the NISQ 16

## 2.6 Some adjustments may not be considered reasonable if they:

• do not meet the published criteria;

• involve unreasonable costs to the Awarding Organisations;

• involve unreasonable timeframes; or

• affect the security and integrity of the qualification itself.

For example, Braille papers cannot be produced at short notice. Adjustments must not put in jeopardy the health and well-being of the candidate or any other person.

NISQ will strive to make Reasonable Adjustments where and when they are required, requested or come to light as being required by NISQ.

## 2.7 Modified papers

To apply for Braille papers, modified enlarged papers, modified language papers or papers adapted for the purpose of using a recording, please submit no later than ten weeks before the date of the Qualification Cycle Start Date, NISQ will advise on this process, this is done by the Chief Compliance Officer, Audit Risk and compliance Department NISQ.

Where it reflects the learner’s normal way of working NISQ may provide an A3 enlargement of non-secure materials.

The language of non-secure materials must not be changed without the prior permission of NISQ.

Secure question papers must not be opened early without the prior permission of NISQ.

**Special consideration**

# 3 What is special consideration?

Special consideration is a post-examination/Qualification adjustment to a Learner’s mark or grade to reflect temporary illness, temporary injury or some other event outside of the Learner’s control at the time of the assessment, which has had, or is reasonably likely to have had, a material Adverse Effect on a Learner’s ability to take an assessment or demonstrate his or her normal level of attainment in an assessment.

Special consideration can only seek to go some way to assist a Learner affected by a potentially wide range of difficulties, emotional or physical, which may influence performance in examinations.

It cannot remove the difficulty faced by the Learner. There will be situations where Learners should not be entered for an examination. Only minor adjustments can be made to the mark awarded because to do more than this would jeopardize the standard of the examination.

 Where long term circumstances have prevented the Learner from reaching the competence standards it may not be possible to make an adjustment.

Special Consideration Application by the NISQ Approved Centre will be on the NISQ 33.

##  3.1 Which Learners will be eligible for special consideration?

Special consideration must be applied for following a specific examination series.

 3.1 Learners will be eligible for special consideration if they have been fully prepared and have covered the whole Qualification but performance in the examination, or in the production of controlled assessment, assignments or non-examination assessment, is materially affected by adverse circumstances beyond their control. These include:

 3.1.1 temporary illness or accident/injury at the time of the assessment;

 3.1.2 bereavement at the time of the assessment (where whole groups are affected, normally only those most closely involved will be eligible);

 3.1.3 domestic crisis arising at the time of the assessment;

 3.1.4 serious disturbance during an examination, particularly where recorded material is being used;

 3.1.5 accidental events at the time of the assessment such as being given the wrong examination paper, being given a defective examination paper or CD, failure of practical equipment, failure of materials to arrive on time;

 3.1.6 participation in sporting events, training camps or other competitions at an international level at the time of certification, e.g. representing their country at an international level in football or hockey;

 3.1.7 failure by the Approved Centre to implement previously approved access arrangements for that specific Qualification.

3.2 When Learners have been fully prepared for the Qualification, but the wrong texts have been chosen, special consideration may be given at the discretion of the Awarding Organisation.

 Approved Centres are advised that it is their responsibility to ensure that the correct texts are taught. Where this has not happened there can be no guarantee that a Learner will receive special consideration. Such instances will be investigated by the Awarding Organisation on a case by-case basis.

 3.3 Learners will NOT be eligible for special consideration if preparation for or performance in the examination is affected by:

3.3.1 long term illness or other difficulties during the Qualification affecting revision time, unless the illness or circumstances manifest themselves at the time of the assessment;

 3.3.2 bereavement occurring more than six months before the assessment, unless an anniversary has been reached at the time of the assessment or there are on-going implications such as an inquest or court case;

 3.3.3 domestic inconvenience, such as moving-house, lack of facilities

 2.3.4 minor disturbance in the examination room caused by another Learner, such as momentary bad behaviour or a mobile phone ringing;

 3.3.5 the consequences of committing a crime, where formally charged or found guilty; (However, a retrospective application for special consideration may be considered where the charge is later dropped, or the Learner is found not guilty.)

 3.3.6 the consequences of taking alcohol or recreational drugs;

 3.3.7 the consequences of disobeying the centre’s internal regulations;

 3.3.8 the failure of the centre to prepare Learners properly for the examination for whatever reason;

 3.3.9 misreading the timetable and/or failing to attend at the right time and in the right place;

 3.3.10 misreading the instructions of the question paper and answering the wrong questions;

 3.3.11 making personal arrangements such as a wedding or holiday arrangements which conflict with the examination timetable;

 3.3.12 submitting no assessment, Assignments, including, Operational and Strategic Orders or similar, non-examination assessment at all, unless this is scheduled for a restricted period of time, rather than during the Qualification;

 3.3.13 missing all examinations and internally assessed components/units;

 3.3.14 failure to cover the Qualification as a consequence of joining the class part way through;

 3.3.15 a disability or learning difficulties (diagnosed or undiagnosed) unless illness affects the Learner at the time of the assessment or where the disability exacerbates what would otherwise be a minor issue - (difficulties over and above those that previously approved access arrangements would have alleviated);

 2.3.16 failure by the centre to process access arrangements by the published deadline.

## 4 Learners who are present for the assessment but disadvantaged

4.1 Special consideration will normally be given by applying an allowance of marks to each component affected within a Qualification. The size of the allowance depends on the timing, nature and extent of the illness or misfortune. The maximum allowance given will be 5% of the total raw marks available in the component concerned, including controlled assessments, assignments, operational and strategic Orders or similar, non-examination assessment.

4.2 The recommendations made by the NISQ Approval Panel will be based on various factors which may vary from one subject to another. These may include:

• the severity of the circumstances;

• the date of the examination in relation to the circumstances; and

• the nature of the assessment, e.g. whether written papers are affected as opposed to controlled assessments, assignments, non-examination assessment, or whether a Practice element or a Speaking Test is involved.

 4.3 Special consideration cannot be applied in a cumulative fashion, e.g. on the basis of a domestic crisis at the time of the examination and the Learner suffering from a viral illness.

 **NISQ will not enter into discussion with Learners as to how much special consideration should be applied, the following will be utilised by the NISQ Approval Panel and NISQ Governing Body as guidelines for Special Consideration, Post Consideration.**

The following circumstances must apply at the time of the assessment.

 5% This is the maximum allowance and will be reserved for the most exceptional cases, such as:

• terminal illness of the Learner;

• terminal illness of a parent/carer;

• very recent death of a member of the immediate family;

• very serious and disruptive domestic crisis at or near the time of the examination.

 4% Very serious problems such as:

• life-threatening illness of Learner or member of immediate family;

• major surgery at or near the time of the examination; • severe disease;

• severe injury arising from a car accident;

• very recent death of member of extended family;

• severe or permanent bodily injury occurring at the time of the examination;

• serious domestic crisis at the time of the examination.

3% A more common category, (more cases will fall into this category) including:

• recent traumatic experience such as death of a close friend or distant relative;

• recent illness of a more serious nature;

• flare-up of severe congenital conditions such as epilepsy, diabetes, severe asthmatic attack;

• recently broken limbs; • organ disease;

• physical assault trauma before an examination;

• recent domestic crisis;

• witnessing a distressing event on the day of the examination.

 2% The most common category of allowance - the majority of cases will fall within this category:

• illness at the time of the assessment;

• broken limb on the mend;

• recent viral illness;

• concussion;

• effects of pregnancy (not pregnancy per se);

• hay fever on the day of an examination;

• extreme distress on the day of an examination; (not simply exam related stress)

• allowance on last paper taken in a day when a Learner has been entered for three or more examinations timetabled for the same day and the total duration of those papers is more than 5 hours 30 minutes.

 (Where extra time has been used following formal approval, this should be included in the calculation.)

 (Supervised rest breaks must not be included in the total duration of the papers when applying for special consideration.)

 1% Reserved for more minor problems:

• noise during examination which is more than momentary;

• illness of another Learner which leads to disruption in the examination room;

• stress or anxiety for which medication has been prescribed;

• minor ailments;

• headache;

• minor upset arising from administrative problems, such as wrong time allocated.

0% The application was reviewed but the addition of marks was deemed inappropriate. (Where the request fails to meet the criteria, it will be rejected.)

## 5 Learners who are absent from a timetabled component/unit for acceptable reasons

5.1 When a Learner has missed a timetabled component/unit for acceptable reasons and the Approved Centre is prepared to support an application for special consideration, an adjustment may be made to the terminal grade. However, the component/unit must have been missed in the terminal series and the minimum requirements of section 5.3 must be met.

5.2 For unitised examinations taken in an examination series prior to Qualification Certification, Learners must be re-entered for any missed units at the next opportunity. Unless there are difficulties arising, e.g. group performances which cannot be repeated, special consideration will not be awarded.

This principle also applies where entire classes miss units due to adverse weather conditions or for any other reason, or where individual Learners miss units as a result of a change of Approved Centre.

Minimum requirements for enhanced grading in cases of acceptable absence

5.3 The minimum requirements for enhanced grading in cases of acceptable absence are detailed below. In all cases, Learners must have been fully prepared and covered the whole Qualification.

* at least 25% of the total assessment must have been completed.

Where a Learner has completed less than 25% of the total assessment, the Approved Centre should contact NISQ, the Awarding Organisation. In rare and exceptional circumstances NISQ has the discretion to award an enhanced grade on a lower percentage.

## 6 Applying for an Honorary NISQ Regulated Qualification

6.1 Where a Learner has been entered for a NISQ Regulated Qualification and has subsequently died or is terminally ill and unable to sit examinations/assessments, the NISQ Approved Centre may request an Honorary Qualification from NISQ. NISQ will advise the NISQ Approved Centre of the Process and information required.

6.2 The NISQ Approved Centre use the **NISQ 29 Application** Form when applying for an Honorary Qualification on behalf of a Learner. The NISQ Approved Centre should supply the best supporting Evidence available. The NISQ 29 will be assessed and deliberated over by the NISQ Approval Panel, recommendations made to the NISQ Governing Body, the outcome will be made in writing by the NISQ Governing Body on the NISQ 29 and returned to the NISQ Approved Centre for any necessary action and administration. The Application can only be made by the Governing Body of the NISQ Approved Centre or their representative – the Qualification Coordinator.

# 7 Deadline Extensions and Adjustments

 7.2 Where a Learner meets the published criteria for special consideration, i.e. a temporary illness, temporary injury or other indisposition prior to the submission of their work, it may be possible to allow a short extension to the deadline.

An extension of no more than ten days to the deadline for the submission of work may enable the Learner to complete his/her work. The Approved Centre must contact NISQ to request this arrangement.

 Where an Approved Centre has been affected by circumstances beyond its control it may, in exceptional cases, be possible to grant a short extension of no more than ten days for a whole Class/Qualification Cycle of Learners. This is at the discretion of NISQ. The Approved Centre must contact NISQ as soon as possible to request such an arrangement.

7.3 If a Learner has been subject to an unforeseen prolonged illness or other misfortune during the period when the work was being produced, it may, in some subjects, be possible to accept a reduced quantity of work without penalty. However, all of the assessment Learning Outcome objectives must have been covered at least once.

Where several assignments are required, the reduction will only be accepted if those assignments are assessed against the same criteria. It will not be possible to give this consideration in every case. For example, if work/assignment/research has not been submitted, the assessment objectives have not been satisfied or the Learner joined the course late.

 No adjustment to the marks must be made by the Approved Centre. A written request to NISQ should be submitted, attached to a breakdown of marks across the assessment objectives.

 Learners must have been fully prepared for the Qualification but unable to finish the work. NISQ will not normally agree a reduced amount of work in advance.

**Applications should be made on the NISQ 30**

##  8 Lost or damaged work

8.1 If a Learner’s work has been lost within the Approved Centre and despite every effort it cannot be found, or it has been accidentally destroyed, the circumstances must be reported immediately NISQ.

NISQ will consider whether it is appropriate to accept a mark for which there is no available evidence of attainment. This may occur in the following circumstances:

• The Approved Centre must be able to verify that the work was done and that it was monitored whilst it was in progress.

• The loss is not the consequence of negligence on the part of the Learner, for example work being left on a bus.

• If only part of the work is lost, and part of the work is available, further guidance must be sought from NISQ.

• If the work was marked before it was lost or damaged, marks must be submitted in the usual way. To NISQ by the deadline for the submission of internally assessed marks or by the date by which the work must be despatched to the NISQ. No marks will be accepted after the issue of results.

• If the work was not marked before it was lost or damaged, an estimated mark may be submitted

Other problems

 8.2 There are circumstances which arise by accident and where specialist input may be required.

 For example, an incorrect question paper was handed to the Learner or a question paper was defective in some way; such as an incorrectly printed page.

 These cases are given special consideration by other means than those detailed so far. They may need to be referred to NISQ for a subject specific decision as to how special consideration should be awarded. This means that the results may not immediately show the enhancement. An adjustment of marks may have been made to take into account the problem which arose.

8.3 Approved Centres may not realise that a Learner has been given an incorrect invigilated NISQ question paper. NISQ will notify Approved Centres of any discrepancies. If the Approved Centre is aware of the error at the time of the examination the Learner should, where possible, be given the correct question paper as long as he/ she is still under Approved Centre supervision or NISQ Invigilated Supervision and is able to continue with the examination.

An application for special consideration should be submitted to NISQ both when the incorrect paper has been taken, and when the incorrect paper has been replaced by the correct paper, and the Learner has taken both. There are circumstances where it is not possible for NISQ to grant special consideration to Learners who have attempted an incorrect paper.

8.4 Where Learners have taken the wrong controlled assessment assignment, the Approved Centre may submit an application for special consideration if it is not possible to enter Learners at the next assessment opportunity.

• Where a Learner is absent from an examination for an acceptable reason a proportion of cases will be sampled for quality assurance purposes. A NISQ Approved Centre may be asked by an Awarding Organisation to provide evidence in support of an application. The NISQ Approved Centre must retain evidence supporting a Learner’s absence from an examination until after the publication of results.

# 9 Post Assessment Adjustments – Special Consideration Points to Remember (vocational qualifications)

9.1 The awarding of special consideration – vocational qualifications

NISQ’s decision to award special consideration in vocational qualifications will be based on various factors, which may vary from learner to learner and from one assessment to another. These factors may include the severity of the circumstances, the date of the assessment and the nature of the assessment.

 It is important to note that it may not be possible to apply special consideration where:

• an assessment requires the demonstration of a practical competence;

• the assessment criteria have to be fully met;

• units/qualifications confer to Practice Elements.

Where an assessment has been missed or is in the form of an on-demand test, such as an electronic test set and marked by a computer, the Approved Centre should offer the learner an opportunity to take the assessment at a later date.

 Advice must always be sought from NISQ as to the awarding of special consideration in vocational qualifications.

9.2 Applying for special consideration in vocational qualifications

 Applications for special consideration must be made on a case by case basis. Separate applications must be made for each learner. The only exception to this is where a group of learners have been affected by a similar circumstance during an assessment, such as a fire alarm. A list of learners affected must be attached to the application.

Applications for special consideration must be submitted to NISQ using the appropriate form NISQ 33 see end of Document.

To ensure effective processing of applications Approved Centres must additionally submit evidence to support the application. For example, a statement from the Qualification Coordinator or any other appropriate information.

 The Governing Board or their representative - The Qualification Coordinator must authorise all applications for special consideration.

 During the processing of an application, NISQ will only liaise with the Approved Centre making an application for special consideration on behalf of a learner.

 Special consideration will not be considered once learner achievement has been claimed and the Qualification certificated by NISQ.

**William McDowell**

**Director Qualification Division NISQ**