

# Recruitment



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## Recruitment policy

1. The Disability Discrimination Act (DDA) provisions cover all aspects of the recruitment process, including role profiles, advertising vacancies, assessment, selection and induction.
2. Direct discrimination is unlawful but restriction or exclusion in certain circumstances may be justified. However, before any decision to restrict or exclude is made all possible reasonable adjustments need to have been explored. It is unlawful to restrict or exclude from employment an applicant with a disability: it would be unlawful for a force to refuse to recruit someone because the individual had diabetes, if the force had not carried out a proper assessment of the candidate's skills and abilities and/or did not consider making a reasonable adjustment. Each application must be viewed on its own merit and assessed to establish whether the applicant is fit for the job. This assessment should take into consideration the current position and also aim to evaluate the likelihood of the individual being able to provide ongoing service for a reasonable time to come, as determined by the Police Pensions Regulations 2006.
3. The legislation obviously does not mean that people who are unfit to perform the duties of the job should be recruited; there is no expectation on a force to recruit an individual who is unable to fulfil a substantial part of a role. However, the legislation does allow the Police Service to recruit able individuals who would previously have been excluded on medical or other grounds. It may be permissible on occasion to reallocate part of the job to others as part of the reasonable adjustment.
4. Suitable applicants must not be rejected on the grounds that they have a progressive medical condition which could predispose them to early retirement through ill-health, or because they have had treatment for a condition which could recur and which could lead to restricted duties and/or early retirement through ill-health.
5. Applications from disabled people should be assessed in terms of the individual's ability to carry out the role, functions and activities of an operational constable as detailed in the Police Integrated Competency

Framework, and in terms of the candidate's fitness for work – assessed using the National Medical Standards for Recruitment framework.

6. This framework provides a common approach, for consistent decision making. The nature and extent of a candidate's disability will determine what adjustments (if any) are required, taking into account the costs involved and the likely effectiveness of the measures. An assessment of the likelihood of an individual's early retirement through ill-health will inform the force's decision on their eligibility for the Police Pension Scheme.
7. The decision to recruit is a management decision, with input from other professions from others including the recruitment officer, occupational health adviser, force medical adviser (FMA), applicant's GP, medical expert, health and safety adviser, personnel manager and accommodation manager etc. The final decision on an appointment is made at director level – usually by the personnel director.
8. Chief officers are responsible for the actions and omissions of their police staff and officers, including any unlawful discrimination against a disabled applicant. All staff and officers should be trained to understand the requirements of the DDA, as well as their own responsibilities, and should be aware that it is unlawful to discriminate against disabled people.
9. Details of the Disability Equality Scheme, and other information contained in this document, will help to remove barriers to employment for disabled people and will improve diversity in the Police Service.

## Reasonable adjustments

10. All employers have a duty to make reasonable adjustments to remove any potential disadvantage that could be experienced by a disabled person because of their disability. Reasonable adjustments should be considered when a disabled candidate applies for a job, and will enable disabled applicants to compete on an equal footing with non-disabled applicants.

11. Many disabled people do not need any adjustments at all, or need only low-cost or no-cost adjustments and/or a flexible approach to the way the work is executed. Every individual is unique. Applicants with an obvious disability (e.g. a prosthetic lower leg) might not require any adjustments at all to the recruitment process or the workplace, but others, with unseen or minor impairments, might be in need of adjustments. Forces should provide applicants with an opportunity to indicate the relevant effects of their impairment, and should recommend the type of adjustment which could help them to overcome any disadvantage caused by their disability.
12. Forces will avoid discrimination claims by not making judgements on whether or not a particular individual falls within the statutory definition of disability, but instead by focusing on meeting the needs of the job applicant and considering making a reasonable adjustment.
13. Examples of reasonable adjustments could include:
  - allowing additional time to complete any selection assessments (see Appendix A for Centrex guidance on this);
  - altering working and/or training hours;
  - providing additional training for the applicant (and/or their prospective colleagues);
  - altering premises;
  - reallocating part of the job to another employee;
  - modifying or acquiring special equipment and/or software; and
  - modifying instructions and reference manuals.

A combination of these measures may be necessary.

14. Any adjustments need to be practical and effective, and should take into account the realities of policing activities – not just during the recruitment process, but also throughout the new recruit's career.
15. The DDA suggests that a reasonable adjustment should take account of:
  - how effective it will be in preventing disadvantage;
  - the financial (and other) costs, as well as the extent of any disruption;

- practicality;
  - the force's financial and other resources;
  - the financial or other assistance available externally;
  - the nature of police activities and the size of the organisation;
  - the effect on other staff/officers;
  - any arrangements and adjustments already made for other disabled workers; and
  - how willing the disabled person is to co-operate.
16. Further advice is available from a range of agencies that specialise in disability issues. Taking expert advice on the extent of the disability, disadvantage and suitable adjustment can improve a force's understanding of the range of support available. Without the input of a specialist, there is a risk that a force could make an inappropriate adjustment.
  17. A recruitment officer should consult the individual, line manager(s), personnel manager, health and safety adviser and accommodation manager in order to maximise the options available.
  18. A recruitment officer should make a detailed file note of any discussions held with the applicant, and should forward these (with a copy on the applicant's confidential recruitment file) to the occupational health unit for consideration and advice. The content of the file note should be signed off by both the recruitment officer and the applicant.
  19. While there is no obligation on forces to make reasonable adjustments in anticipation of employing a disabled person, they should consider making obvious adjustments in order to develop good employment practices. This can reduce any potential adverse effects for a disabled staff member – for example a delay in being able to use the computer because of 'off the shelf' specialist software not being installed.
  20. The DDA does not protect people who are not disabled. The DDA allows employers to treat disabled people more favourably than other people in the provision of reasonable adjustments. Claims of disability

discrimination cannot be made by non-disabled people who want working arrangements that match those provided as reasonable adjustments for disabled people.

## Clarification of disability

21. If an individual requests an adjustment to be made for an impairment that is not obvious, a force can seek evidence that the impairment meets the DDA's definition of a disability. The recruitment officer can ask the occupational health unit to contact a specialist, GP or other appropriately qualified individual for a report. This report will provide clarity on the impairment and will include advice about the nature and extent of the applicant's disability, together with suggestions as to what reasonable adjustments would be beneficial. Requests made by the occupational health unit or reports are subject to the Access to Medical Records Act. Payment for reports will remain, as before, a matter for individual forces.

## Resolving disputes

22. Having policies and practices in place that aim to eliminate discrimination, and regularly consulting with disabled employees, will reduce the likelihood of disability discrimination disputes. If a dispute does occur, however, swift action to find a suitable solution is recommended.
23. The grievance procedure is a formally recognised procedure which provides an open and fair way for employees to raise issues and concerns. It is important to ensure that grievance procedures are accessible to disabled people by making sure that the procedure notes are available in large print, easy read or on tape, etc.
24. The grievance procedure is a useful management tool which can highlight incidences of failure, i.e. highlighted trends which demonstrate that reasonable adjustments are not being made or that the approach to making them has been incorrect. It also provides core information which, if monitored appropriately, can provide management with the right knowledge to instigate changes which in turn will increase disability awareness and result in a positive and effective outcome.



- 25.** As soon as a problem has been identified, an adjustment should be made as priority. This must be done with the involvement of the individual concerned. An early resolution should avoid a major issue. However, if the situation is left unresolved, the disabled person could complain to an employment tribunal, forcing the employer to prove that discrimination did not occur. (Note that the individual bringing the claim is not required to prove that discrimination did occur.) The process is time consuming, costly and stressful for the applicant and the respondent, and may also have a negative effect on those in the immediate workplace. It should therefore be avoided as far as possible.





## Recruitment procedure

26. The police national recruitment procedure is made up of the following steps:
  - submission of application form;
  - sifting of application forms;
  - attendance at an assessment centre;
  - completion of a health questionnaire;
  - medical, eyesight and pension assessments; and
  - a fitness test (which may be undertaken either before or after the assessment centre stage).
27. The recruitment procedure acknowledges that medical information is classed as 'sensitive data' under the Data Protection Act 1998, and should be collected and processed only when necessary – only from applicants who are offered an appointment.
28. A force should assess the ability of a candidate to do the job before carrying out a health check and medical assessment. This should avoid any legal challenge on disability discrimination grounds if a candidate is turned down, because the force can demonstrate that the rejection was not based on prejudicial health grounds.

## Job requirements

29. Recruitment officers should ensure that all applicants receive the same information about the job. It would be a reasonable adjustment to provide the recruitment pack in other formats, such as in large print or electronically.
30. The role profiles, skills and competencies should be consistent with the Police Integrated Competency Framework. The eligibility criteria must be applied consistently in accordance with national recruitment standards, to ensure that all applicants are treated fairly and that the potential for unlawful discrimination is minimised.

31. The national recruitment standards ensure that physical, eyesight, fitness and health requirements are evaluated against discrimination legislation for sex, race, disability and age. The standards are set out in the Police Regulations 2003 and in Home Office circulars.
32. Fitness is a requirement of the role of constable. The fitness test assesses whether a candidate has the necessary level of fitness needed to undertake police officer safety training. These standards cannot be altered; all officers need to meet the minimum requirements, as these determine whether or not individuals will be able to do their jobs safely, protecting themselves, their colleagues and the public from danger and harm.
33. All candidates are required to complete a risk assessment form before taking the national recruitment fitness test. Forces must ensure that candidates do not have a medical condition which could put them at risk of injury during the test.
34. The inclusion at the recruitment and selection stage of any task or requirement irrelevant to the job could potentially discriminate against a disabled applicant. Extra care is required to exclude anything (materials, or additional or unnecessary requirements) that could prevent or dissuade a disabled person from applying.

Forces might exclude candidates with epilepsy from all driving jobs. But, in practice, some roles only require a standard licence and standard insurance cover. If someone with epilepsy who has such a licence (and can obtain such insurance cover) is turned down for one of these roles, the force will have discriminated unlawfully.

### Advertising vacancies

35. The DDA covers every job advertisement (internal or external, as well as online). Careful wording is essential: the advertisement should not contain any discriminatory features. It is good practice to state that applications from disabled people are welcomed.

36. The advertisement should provide realistic details of the job and the job package. It is unlawful to imply that applications will be decided in a way that discriminates against disabled applicants, or to demonstrate a reluctance to make reasonable adjustments.

## The application form

37. The national standard application form invites applicants to disclose any disability. If a disability is disclosed, the recruitment officer should contact the applicant to establish what reasonable adjustments (if any) need to be made to the assessment process. The recruitment officer should also find out what adjustments are likely to be needed for the job if the candidate is appointed.
38. The application form should be sifted along with the others, and a shortlist should be made using the nationally agreed eligibility criteria (including the policy on criminal convictions). Disabled applicants who pass the eligibility sift and the competency-based questionnaire should be contacted by the recruitment officer (or any person designated by the force) to ascertain what adjustments might be needed during the assessment process, and how these should be made.
39. For audit purposes, a file note should be made of the discussions that take place between the applicant and the recruitment officer at these early stages.

## The assessment stage

40. Forces should seek to ensure that any staff involved in the assessment and selection process are from diverse backgrounds, and are trained in both selection procedures (to national standard and accredited) and equal opportunities legislation.
41. The competency-based interview uses standardised questions that are focused on job-related situations. Using a standardised procedure reduces the potential for complaints on discrimination grounds.

Reasonable adjustments during the assessment stage could include:

- ensuring that the premises accommodate the applicant's needs – for example making sure that there is sufficient lighting;
- moving to a different location if necessary to accommodate the applicant's needs;
- arranging for the interview to take place at a time of day to accommodate the applicant's need for medication or attendance at hospital; and
- modifying the assessment procedure and/or adjusting the assessment test to provide the applicant with more time. See Appendix A for further details on dealing with candidates with specific learning difficulties.

## The medical assessment

42. A medical assessment confirms:
  - that the applicant is fit and healthy enough to carry out the role of constable (both in the short term and for a reasonable time to come);
  - the need (if applicable) for reasonable adjustments or modifications; and
  - whether or not the applicant is entitled to ill-health benefits under the Police Pensions Regulations 2006.
43. Good practice recommends that all candidates are assessed for suitability for the job before a health check and medical assessment are conducted.
44. Only candidates who are successful at the assessment centre stage should be asked to complete a pre-employment medical questionnaire (PEMQ) and eyesight form/report. The PEMQ should be completed by the candidate and endorsed by their GP. It should then be considered by the FMA and occupational health specialist, to determine whether or not the candidate is fit to perform the role of constable. If this decision is difficult to make, the case should be referred to the selected medical

practitioner (SMP) who will look in detail at the application form and evidence submitted by the candidate to ascertain if the individual will be able to perform the role of constable or not.

45. The medical assessment should focus on ability rather than disability, and each case should be viewed on its merits. The final decision should be taken based on the evidence provided (within the National Medical Standards for Recruitment framework).
46. The FMA should discuss with the applicant the possible side effects of any medication that they are taking, as well as any additional help that might be needed in order for them to carry out the role.
47. In certifying that a candidate is fit for work, the FMA should provide an opinion of the type of adjustment needed (if any). That view may then need to be discussed more widely – with the candidate, the occupational health unit, the health and safety adviser and other experts – to determine the most appropriate and effective adjustment. This process might in some cases require a risk assessment. The final decision on an appointment is made by managers, and any rejection on medical grounds must be justified in terms of the job; if an applicant would be unable to carry out the job because of a specific condition, illness or disease – even if reasonable adjustments were made – the decision is likely to be lawful.
48. While there is no obligation on an applicant to reveal a disability, a false statement about or concealment on the questionnaire of a medical condition which could constitute a material or substantial reason for refusing an applicant work could be grounds for dismissal or discharge under Regulation 13 of the Police Regulations 2003. The individual's awareness of the condition and its impact on the job is likely to be a consideration.
49. The FMA also provides a medical opinion of the applicant's risk of early retirement through ill-health. The details contained in this assessment inform the decision on the applicant's eligibility for the job, and for access to any ill-health benefits provided by the Police Pension Scheme. The procedure is as follows:

- The FMA will refer a case to the SMP if there is a significantly increased risk of permanent disablement, or any doubt about the issue.
- The SMP examines the candidate and reports the findings to the police authority, for analysis against actuarial tables. This determines whether or not the candidate should be excluded from the ill-health benefits provided by the Police Pension Scheme.
- The SMP's decision is subject to appeal.
- The recruitment manager will inform the applicant of whether they have been admitted to the scheme with full benefits or has been excluded. The implications of the decision will be explained, so that the applicant can make an informed choice about whether or not to accept an offer of appointment. A copy of the police authority's decision, the SMP's report and a standard appeal form will be sent to the applicant.
- Applicants who appeal against the decision will not be required to decide whether or not to accept the post until the outcome of the appeal has been determined. The vacancy will be safeguarded and honoured for one month following the outcome of the appeal.
- An applicant who is excluded from the ill-health benefits is required to sign a declaration confirming that they understand the implications of the exclusion.

**50.** The procedure (and forms for use) is explained in detail in the guidance on pensions.

### **Mental health and fitness for the job**

- 51.** The recruitment process should consider existing and previous mental health issues, and their likely impact on the applicant's ability to do the job.
- 52.** The amendments to the DDA state that a mental health condition does not have to be 'clinically well recognised'. This means that a mental health condition that previously had to be clinically diagnosed now falls into the scope of the DDA without needing a formal clinical diagnosis.



However, any mental health condition should be assessed by the FMA and other mental health experts as part of the usual medical assessment procedure.

If a job applicant discloses on the application form that, while at university, from 1992 to 1993, she had long-term clinical depression after her father died, it would be discrimination to refuse to interview or recruit her because she had a disability in the past. The fact that the disability preceded the Disability Discrimination Act 1995 is irrelevant.

- 53.** There are currently no reliable tools for measuring and predicting vulnerability to mental ill-health. Rejecting suitable candidates on the basis of a previous condition could be challenged under the DDA. Although an applicant may have a past history of a stress-related condition, it does not mean that they will experience the same difficulties again. It is fairer to consider mental health and suitability for a particular job as part of the medical and competency assessment, and to carry out mental health audits following guidance from the Health and Safety Executive and adhering to ACPO policy on conducting stress audits.

## Health and safety

- 54.** Health and safety considerations can constitute a material and substantial reason for rejecting an applicant. Where statutory health and safety provisions conflict with the DDA, the health and safety matter takes precedence.
- 55.** However, forces should not use health and safety as an excuse for not employing a disabled person. All the circumstances and options need to be fairly assessed before a final decision is made.
- 56.** A properly conducted risk assessment can be used to establish whether or not making a particular adjustment could lead to a significant risk to anyone (including the person with the disability). Force safety representatives and/or health and safety advisers can be consulted at any time throughout the process.

## Making a decision

57. Decisions must be made at an appropriate level, by competent people, and should be based on evidence rather than assumption. A prima facie case for unlawful discrimination could be made if an applicant is rejected because of higher-than-average sickness absence related to a disability. Proper research should be conducted and appropriately documented by those making the recommendation to either appoint or reject.
58. To ensure that any decision to reject an applicant is fair and reasonable, it should be documented that:
  - adequate information was available and all relevant content and appropriate information were taken into account;
  - suitable and sufficient medical information was obtained and considered;
  - a suitable risk assessment was carried out by a competent person;
  - any risks identified were based on evidence;
  - reasonable adjustments were considered; and
  - the decision was credible and rational.
59. Where an application is unsuccessful on disability or health grounds, the force must inform the applicant, explaining the reasons for the decision – unless the information would be detrimental to the health of the applicant (for example where telling the applicant the rejection details in full would probably cause further deterioration to their health and/or wellbeing).
60. When an application from a disabled candidate is successful, the recruitment officer should ensure that the managers, trainers and colleagues of the individual know about the effect of the disability, and understand and appreciate the necessity of any adjustments to be made on the applicant's behalf. The exact nature of the disability, however, should not be disclosed without the written consent of the individual. Only colleagues and supervisors need to know the details of the reasonable adjustment.

61. If a disabled candidate is successful in their application but excluded from the ill-health benefits of the Police Pension Scheme, recruiters should use and refer to the procedures set out in the guidance on pensions, ensuring that the applicant understands the appeals procedure.

## Transferees

62. Transferees are serving officers moving from one force to another without a break in service. Their access to ill-health benefits does not need to be re-evaluated; those staff who are entitled to ill-health benefits will continue to receive them, even if they fall within the scope of the DDA at the time of transfer. Officers cannot use the transfer system to have their entitlement to ill-health benefits reassessed.
63. Applications for transfer are considered on their merits, along with any reasonable adjustments that might be necessary. An officer who performs satisfactorily in one force is likely to perform well in another force – providing that any previous reasonable adjustment is replicated by the new force.

## Good practice and positive action

64. The Disability Equality Duty requires forces to monitor their recruitment activity and to publish the results as part of the Disability Equality Scheme. Suitable arrangements must be made to monitor all stages of the recruitment process, and the resulting data should be fully analysed at regular intervals. This analysis could identify trends that negatively impact on the aims of the Duty; if and when such trends are highlighted, positive action initiatives should be implemented in order to redress the balance.
65. Forces should take every possible opportunity to comply with the aims of the Disability Equality Duty. Equality impact assessments of recruitment policies and processes should be carried out regularly to measure their impact – both positive and negative; this process must involve disabled people.

Forces should consider using the disability symbol, awarded to employers by Jobcentre Plus. An employer displaying this symbol commits itself to using a number of specific measures when recruiting, developing and retaining disabled people, including guaranteeing an interview to any disabled applicant who meets the essential requirements of a job. It is important that employers make clear what those essential requirements are.

66. Ensuring good practice principles from recruitment to retirement will help to eliminate discrimination, offer equality of opportunity and promote positive attitudes towards disabled people.



## Appendix A

### Procedure for the assessment of candidates with a Specific Learning Difficulty

1. This document provides guidance to forces in relation to the assessment of candidates with a Specific Learning Difficulty (SpLD) at the Police SEARCH® Assessment Centre.
2. The term SpLD includes dyslexia and other learning difficulties. This policy does not include physical disabilities as these will be dealt with by the force medical officer or occupational health unit (if a force needs to make adjustments for any other disabilities they should inform Centrex of the adjustments made).
3. There are five stages to managing reasonable adjustment requests in relation to SpLDs:
  - Stage 1 Applicant notifies force of SpLD
  - Stage 2 Recruitment officer requests a report (and informs the Occupational Health Unit)
  - Stage 3 Centrex psychologist determines a reasonable adjustment through negotiation
  - Stage 4 Recruitment officer informs the applicant of the adjustment and obtains acceptance by the candidate
  - Stage 5 Reasonable adjustment is made at the assessment centre

The stages are set out in more detail below.

#### Stage One – Notification

4. Applicants who have a SpLD and believe they are entitled to reasonable adjustment during the recruitment and selection process are required to declare their SpLD on the application form. This is a signal to the recruitment officer to take action.

Note: Applicants are given a further opportunity prior to the assessment centre to disclose the fact that they have a SpLD. All

applicants invited to an assessment centre receive a disclosure form which is sent to the applicant with the assessment centre 'Welcome Pack' or earlier.

5. That form seeks information and provides the applicant with the opportunity to disclose the need for a reasonable adjustment which may or may not have been disclosed on the application form. Late notification of a SpLD should be accepted and appropriate action taken, but it may cause a delay in assessing the candidate.

## Stage Two – Request for a report

6. The recruitment officer is responsible for inviting those who pass the paper sift to submit a SpLD report. It should be made clear to the applicant at this stage what is required in the report (please see below).
7. The SpLD assessment should have been completed since the applicant reached the age of 16 years. The SpLD assessment should be conducted by a specialist with appropriate qualifications and experience in assessing adult SpLDs in an occupational context.
8. Normally, the specialist would be either a Chartered Occupational Psychologist or a Chartered Educational Psychologist. On the basis of the individual's SpLD assessment, the specialist must also be able to make specific recommendations in relation to the reasonable adjustment required for specified forms of occupational assessment and testing.
9. The report must be based on appropriate adult tests and should include details of:
  - tests used to determine underlying ability in verbal processing
  - tests used to determine underlying ability in non-verbal processing
  - educational attainment in reading words, reading prose, handwriting, spelling, continuous writing and numbers
  - personal history – home, school, medical and developmental
  - diagnostic skills testing – auditory perception
  - diagnostic skills testing – visual perception



- diagnostic skills testing – phonological skills
  - diagnostic skills testing – memory
  - diagnostic skills testing – spoken language
  - diagnostic skills testing – speed of processing
10. The report should also give specific recommendations about the reasonable adjustment required for the assessment process to be taken.
  11. The applicant will be responsible for meeting the cost of this report.
  12. Whilst it is appreciated that obtaining appropriate reports can be difficult, reports are required in order to ensure the provisions available are applied appropriately by being provided only to those who legitimately require them. Any abuse of the provisions would ultimately lead to a lack of credibility in the assessment process. Self-reporting, unqualified reporting or the opportunity to misrepresent a disability must therefore be avoided. Reports also ensure that the provisions for adjustment are tailored to the specific needs of the applicant.
  13. The candidate should be asked to submit the report as quickly as possible to the force, who should forward it immediately (a minimum of 5 weeks before the assessment centre) to: The Higher Psychologist (Delivery team), Centrex Examinations and Assessment, Yew Tree Lane, Harrogate HG2 9JZ.

### Stage Three – Recommended adjustment

14. The Higher Psychologist will, after undertaking any appropriate consultation, recommend the suitable type of adjustment needed to be in place at the assessment centre. Applicants who have a SpLD may be allowed a time adjustment (for example, up to 25% in one or more parts of the assessment centre). Where there is an absence of information in the report, it will be assumed to indicate no difficulty in that area. There may also be other adjustments required such as different fonts or paper.

15. Within 10 working days of receipt of a report from a force, the Higher Psychologist will produce and send a report back to the recruitment officer outlining the recommended adjustments for the applicant.

### Stage Four – Notifying the applicant of the adjustment

16. The recruitment officer should inform the applicant of the proposed adjustments which will be afforded to the applicant at the assessment centre. The information should be sent to the applicant with the assessment centre joining instructions. This will allow the applicant sufficient time to prepare.
17. Agreement to the adjustments should be obtained from the candidate. The recruitment officer should also notify the Assessment Co-ordinator, Quality Assurance team, Assessment Centre Manager etc. as appropriate so that suitable provisions can be made for the adjustment at the assessment centre.

### Stage Five – Arrangements at the assessment centre

18. Any additional time can usually be accommodated by including the candidate(s) in the last syndicate of the day. It is for the Assessment Centre Manager to ensure that the reasonable adjustment is made and candidates can be accommodated in this way simultaneously. (Up to 4 candidates can be accommodated in this way.)

### Candidates whose first language is not English

19. Candidates who have a SpLD in another first language are likely also to have a SpLD in English. The same procedures should apply for SpLD candidates whose first language is not English.

