

## Guidance on the application of the RYA Equality Policy to RYA training schemes for candidates with disabilities

**Applies to:** RYA recognised training centres, centre inspectors, instructors, examiners, coaches and trainers

The RYA Equality Policy can be found here:  
[www.rya.org.uk/go/equality-policy](http://www.rya.org.uk/go/equality-policy)

The RYA Equality Policy specifically provides as follows:

**“The RYA will relax regulations in relation to RYA training schemes which may inhibit the performance of candidates with special needs, provided that the standard, quality and integrity of schemes and assessments are not compromised.”**

In practice the application of this falls under three distinct categories of award:

- RYA course completion certificates
- RYA instructor awards and endorsements
- Certificates of Competence issued under the authority of the MCA

### 1 Course completion certificates

Course completion certificates are issued when a candidate demonstrates by the end of a training course that they have sufficient understanding and practical ability of the various syllabus elements to improve their own ability following the course. These awards indicate a level of progression rather than of a defined competence.

The RYA gives discretion to its RYA recognised training centres (RTCs) to make **reasonable adjustments** to its course completion assessment methodology for candidates with disabilities in order to avoid such candidates having a significant disadvantage over persons not having such disabilities. Discretion is given by the RYA to RTCs to make such reasonable adjustments and to determine what evidence the RTC requires of a candidate's disabilities to enable the RTC to make such adjustments. In case of query, guidance can be obtained from RYA Training.

Primarily adjustments should be considered in relation to the process of *how* a candidate may demonstrate that he/she meets the requirements. E.g. in the case of a dyslexic candidate wishing to take a written assessment to verify knowledge, such adjustments might take the form of changing the format of the question paper, allowing coloured overlays, enlarged print and/or allowing a candidate extra time to complete the paper. Alternatively, an oral examination may be used.

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### Summary:

Guidance for those offering RYA courses, instructor training, and exams on how to apply the RYA Equality Policy for candidates with disabilities.

Advice on the reasonable adjustments that may be made.

The legal requirements that determine adjustments that may or may not be made.

### Related documents:

[RYA Equality Policy](#)

[Recognition Guidance Notes](#)

For guidance on other areas of RYA Training see  
[www.rya.org.uk/coursestraining/resources](http://www.rya.org.uk/coursestraining/resources)

If, due to the nature of a candidate's disabilities, certain elements of a syllabus cannot be completed without assistance, and therefore the overall course completion criteria cannot be met, course completion certificates may be endorsed by completing the check-box indicating that the candidate required assistance to complete the course. E.g. A visually impaired skipper might require a sighted person to provide commentary on situational awareness.

**Legal Background** – *For the purposes of the issue of course completion certificates (through RTCs), the RYA considers that it would be treated as a qualifications body under s.53 and s.54 of the Equality Act 2010. A qualifications body has a duty to make reasonable adjustments under s.53(6). Under s.20(3) the duty to make adjustments in relation to a provision criterion or practice is to take such steps as it is reasonable to have to take to avoid the disadvantage.*

*Since course completion certificates are intended to indicate a training progression the RYA believes that allowing candidates to obtain a course completion certificate with assistance, with this fact being noted on the certificate, does not impact on the competence standards prescribed by the RYA and is a reasonable adjustment to the RYA's training schemes.*

## **2 RYA Instructor awards and endorsements**

The RYA's aim is to encourage all to take part in their chosen boating activity to the full extent they are able. This is equally applicable to those who wish to instruct or coach within the RYA training schemes. Given the wide variety of personal and training centre circumstances each situation requires assessment on its own merits, but the following guidance outlines the general situation. RYA Training should be contacted for specific assistance or advice.

As with course completion certificates, adjustments may be made to *how* competence is assessed. Unlike course completion certificates, however, adjustments cannot be made to *what* competence is assessed. On a case by case basis candidates may be issued with a statement of achievement verifying that they have successfully completed an RYA instructor training course to the full extent their particular circumstances permit.

Any candidate who is not able to complete any pre-entry requirements unaided, or who believes that there are elements of the instructor course or pre-entry requirements that they will not be able to complete, should consult RYA Training in order to discuss their needs and abilities.

Assuming the pre-entry requirements are met or a candidate's needs can otherwise be accommodated, the candidate may attend an instructor course. If, when assessed on the instructor course, a candidate does not have the ability to perform all parts of the syllabus unaided but the candidate is able to perform the majority of the syllabus unaided they would not be awarded an instructor qualification but it may be possible to issue that candidate with an Authorisation to Instruct (ATI).

The extent of the ATI and the restrictions on this authority would be detailed in a letter issued to the candidate by RYA Training in consultation with the RTC where the assessment was carried out, the Coach/Trainer involved and the candidate. The restrictions on the ATI would reflect any part of the instructor assessment that a candidate was not able to perform unaided and their particular needs. For example an ATI issued for a particular candidate may include provision that within a named RTC (where that candidate's abilities and needs are understood) the candidate can teach and sign off log books but cannot be counted in the safety ratios for the centre's activities and must be accompanied at all times by a person with suitable competence to retrieve participants from the water in case of capsize or man overboard.

Where there is a question or concern raised about an individual's medical fitness to perform their role as an instructor, be that from the RYA Medical Questionnaire or a formal medical fitness certificate, the RYA may refer the matter for professional medical advice before making a decision on the outcome.

Assistant dinghy, keelboat, multihull and windsurfing instructor (AI) candidates who are able to complete the majority of the syllabus unaided but require support for certain aspects of the AI syllabus may be awarded an AI qualification. The award of the AI qualification is at the discretion of the Principal of the RTC in question and the Principal should take into account each AI's capacity to ensure the safety of trainees and deliver effective training when making the decision to qualify or utilise them as an Assistant Instructor.

**Legal Background** – For the purposes of the issue of Instructor qualifications, the RYA considers that it would be treated as a qualifications body under s.53 and s.54 of the Equality Act 2010. A qualifications body has a duty to make reasonable adjustments under s.53(6). Under s.20(3) the duty to make adjustments in relation to a provision, criterion or practice is to take such steps as it is reasonable to have to take to avoid the disadvantage. Under s.53 (7) the application by a qualifications body of a competence standard to a disabled person is not disability discrimination unless it amounts to indirect discrimination. By s.19 whilst a practice might be discriminatory if it would put a disabled person at a disadvantage when compared to an able bodied person it is not to be treated as discrimination under the Equality Act if the practice can be shown to be a proportionate means of achieving a legitimate aim.

Instructor qualifications are relied upon by industry and the public to give a reliable indication of the knowledge skills and understanding of the people on whom they are conferred, as well as their ability to discharge a duty of care to students. The RYA therefore believes that it is not appropriate to issue Instructor qualifications to candidates who require assistance to complete the assessment. The RYA has instead adopted a system of recognising the teaching ability of a candidate who is unable to complete the Instructor assessment unaided by virtue of issuing Authorisations to Instruct. The RYA believes that this is a proportionate means of achieving the legitimate aim of ensuring the safety of students whilst upholding the necessary competence standards and maintaining public confidence in the Instructor qualification.

### **3 RYA Certificates of Competence and commercially endorsed certificates recognised by the Maritime and Coastguard Agency (MCA)**

In the case of RYA/MCA Certificates of Competence and commercially endorsed certificates issued by the RYA and recognised by the MCA for use on commercially-operated vessels (e.g. RYA Yachtmaster Ocean, RYA Yachtmaster Offshore, RYA Yachtmaster Coastal or Powerboat Advanced Certificates of Competence and commercially endorsed RYA Powerboat Level 2 or RYA Day Skipper certificates) the RYA would be required to consult with the MCA prior to the RYA, its Examiners, Assessors or RTCs making any adjustments to the levels of **competence** expected or the **assessment objectives** or other **eligibility** requirements such as medical fitness.

RYA Training should be contacted for queries relating to these assessments.

**Legal Background** – For the purposes of RYA Certificates of Competence issued by the RYA and recognised by the MCA for use on commercially-operated vessels, the RYA considers that it would be treated as a qualifications body under s.53 and s.54 of the Equality Act 2010. A qualifications body has a duty to make reasonable adjustments under s.53(6). Under s.20(3) the duty to make adjustments in relation to a provision criterion or practice is to take such steps as it is reasonable to have to take to avoid the disadvantage. Under s.53 (7) the application by a qualifications body of a competence standard to a disabled person is not disability discrimination unless it amounts to indirect discrimination. By s.19 whilst a practice might be discriminatory if it would put a disabled person at a disadvantage when compared to an able bodied person it is not to be treated as discrimination under the Equality Act if the practice can be shown to be a proportionate means of achieving a legitimate aim.

RYA Certificates of Competence issued by the RYA and recognised by the MCA for use on commercially-operated vessels are relied upon by Government, industry and the public to give a reliable indication of the knowledge, skills and understanding of the people on whom they are conferred. The RYA therefore believes that it is not appropriate to issue RYA Certificates of Competence to candidates who require assistance to complete the assessment. The RYA believes that this is a proportionate means of achieving the legitimate aim of upholding the necessary competence standards and maintaining public confidence in RYA Certificates of Competence.

### **4 Certificate of Competence issued under the delegated authority of the Maritime and Coastguard Agency (MCA)**

In the case of certificates of competence issued by the RYA under delegated authority of the MCA (e.g. UK Maritime Radio Operator Short Range Certificate and the International Certificate of Competence), the RYA applies the levels of **competence** and **assessment objectives** prescribed by the delegated authority. No adjustment can be made by the RYA, its Examiners, Assessors or RTCs to the levels of **competence** expected or the **assessment objectives** without the prior approval of the MCA.

RYA Training should be contacted for queries relating to these assessments.

**Legal Background** – For the purposes of Certificates of Competence issued by the RYA under the delegated authority of the MCA, the MCA is the relevant qualifications body under s.96 and s.97 of the Equality Act 2010. As the qualification is prescribed by a Minister of the Crown (see s.97(3)(a)) the provisions of s.96 apply. Qualifications bodies to whom s.96 applies have a duty to make reasonable adjustments save to the extent that the appropriate regulator specifies provisions to which the qualifications' body is not subject to a duty to make reasonable adjustments. When considering such specifications the appropriate regulator must have regard to the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their abilities, as well as the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person on who it is conferred and the need to maintain public confidence in the qualification.