

Developing New A Level and AS Qualifications for First Teaching in 2016

Equality Analysis Report



December 2014

Ofqual/14/5566

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1 Introduction

In July 2014 we published a consultation on developing new GCSE, A level and AS qualifications for first teaching in 2016.¹ We had previously consulted on and announced our decisions on the structure and assessment of the first new qualifications to be taught, including some that will be taught from September 2016. This consultation was about a number of additional subjects planned for first teaching in September 2016. We sought views on the design, assessment arrangements and assessment objectives of these new qualifications. The table below sets out both those subjects that were part of this consultation and, where we have already consulted on arrangements for that subject for GCSE or A level and AS qualifications, the status of the development of the subject:

Subject	GCSE – covered in this consultation?	A level and AS qualifications – covered in this consultation?
Ancient languages	No. We have already consulted and the new qualifications are due to be taught from September 2016.	Yes
Art and design	Yes	No. We have already consulted and the new qualifications are due to be taught from September 2015.
Computer science	Yes	No. We have already consulted and the new qualifications are due to be taught from September 2015.
Dance	Yes	Yes
Geography	No. We have already consulted and the new qualifications are due to be taught from September	Yes

¹ *Consultation on Developing New GCSE, A level and AS Qualifications for First Teaching in 2016*, <http://comment.ofqual.gov.uk/developing-new-qualifications-for-2016>.

	2016.	
Mathematics	No. We have already consulted and the new qualifications are due to be taught from September 2015.	Yes, however first teaching has now been postponed to 2017
Further mathematics	Not offered at GCSE.	Yes, however first teaching has now been postponed to 2017
Modern foreign languages	No. We have already consulted and the new qualifications are due to be taught from September 2016.	Yes
Music	Yes	Yes
Physical education	Yes	Yes

To help people consider the possible impacts of the reforms (identified and unidentified), we included in the consultation our initial analysis of the potential positive and negative impacts the proposals could have on students who share different protected characteristics.² Prior to the consultation, and as part of our initial analysis, we met a number of groups and individuals with particular insights into a range of protected characteristics.

In light of the responses to the consultation we have reconsidered our initial analysis. This report sets out our final analysis of the potential impact of the proposed reforms on different groups of students for AS and A level qualifications in facilitating subjects to be first taught in September 2016. These are:

- AS and A level ancient languages;
- AS and A level geography;
- AS and A level mathematics;

² We use the term 'protected characteristics' to refer to people protected under the Equality Act 2010 because this is the term used in the Act. We have set out the types of characteristics in section 1.2.

- AS and A level further mathematics;
- AS and A level modern foreign languages.

A report setting out our final analysis of the potential impact of the proposed reforms in the remaining subjects covered in this consultation will follow early in 2015:

- GCSE: Art and design, computer science, dance, music and physical education;
- AS and A level: dance, music and physical education.

1.1 Our role, objectives and duties

Ofqual is a statutory body, established by the Apprenticeships, Skills, Children and Learning Act 2009. The Act sets out our objectives (Apprenticeships, Skills, Children and Learning Act, 2009).

Our statutory objectives include the qualifications standards objective, which is to make sure that the qualifications we regulate:

- give a reliable indication of knowledge, skills and understanding; and
- indicate:
 - a consistent level of attainment (including over time) between comparable regulated qualifications; and
 - a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) which we do not regulate.

We must, therefore, regulate so that qualifications properly differentiate between students who have demonstrated they have the knowledge, skills and understanding required to attain the qualification and those who have not.

We also have a duty under the Act to consider the reasonable needs of:

- relevant students, including those with special educational needs and disabilities;
- employers;

- the higher education sector.³

We must also consider aspects of government policy when we are directed to do so by the secretary of state.⁴

As a public body we are, under the public sector equality duty (PSED)⁵, to:

- eliminate discrimination, harassment, victimisation and any other conduct which is prohibited under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

GCSE, AS and A level qualifications are designed and awarded by bodies described in the Equality Act 2010 as 'general qualifications bodies', which, for the purposes of AS and A level qualifications, we call exam boards. These bodies are required by the Equality Act 2010 to, among other things, make reasonable adjustments for disabled people taking their exams, except where we have specified that these adjustments should not be made.

When we decide whether these adjustments should not be made, we must consider:

- the need to minimise the extent to which disabled people are disadvantaged in attaining the qualification because of their disabilities;
- the need to make sure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred;
- the need to maintain public confidence in the qualification.

We have set out our equality duties in more detail in appendix A.

The law therefore sets out the framework within which we must operate. We are under a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, from time to time, conflict with each other. For example, if we regulate to make sure that a qualification gives a reliable indication of

³ Apprenticeships, Skills, Children and Learning Act 2009, section 129(2)(c).

⁴ Ibid, section 129(6).

⁵ Equality Act 2010, section 149.

a student's knowledge, skills and understanding, a student who has not been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification. A student may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because she or he has a protected characteristic. This could put her or him at a disadvantage relative to others who have been awarded the qualification.

It is not always possible for us to regulate so that we can make sure both that qualifications give a reliable indication of knowledge, skills and understanding and that equality between people who share a protected characteristic is advanced. We must review all the available evidence and actively consider all the available options before coming to a final, rational decision.

The bodies we regulate have an obligation to comply with the *General Conditions of Recognition*.⁶ These are the rules that exam boards and the other awarding bodies that we regulate must follow. They require exam boards to:

- design qualifications that give a reliable indication of students' knowledge, skills and understanding;
- avoid, where possible, features of a qualification that could needlessly make a qualification more difficult for a student to achieve because he or she has a protected characteristic;
- monitor whether any features in their qualifications have this effect and if so, to make reasonable adjustments.

1.2 Our approach to equality

Qualifications cannot be used to mitigate inequalities or unfairness in the education system or in society more widely which might affect, for example, students' readiness to take the qualification and the assessments within it. Whilst a wide range of factors can have an impact on a student's ability to achieve a particular mark in an assessment, our influence is limited to the way the qualification is designed and assessed.

In setting the overall framework within which exam boards will design, assess and award the reformed GCSE, AS and A level qualifications we want to understand the possible impacts of the proposals on people who share a protected characteristic.

The protected characteristics under the Equality Act 2010 are:

⁶ *General Conditions of Recognition*, www.gov.uk/government/publications/general-conditions-of-recognition

- age;
- disability;
- gender reassignment;
- marriage and civil partnerships;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Note that we are not required to consider the impact of the reforms on those who are married or in a civil partnership.⁷

1.3 Gathering evidence

Our analysis of the potential impact of the proposed reforms to A level and AS qualifications has been informed by:

- meetings with members of our Equality Advisory Group and the Access Consultation Forum (see appendix B for details of the membership of these groups);
- workshops at which we discussed our proposals with teachers and a wide range of individuals from awarding organisations, professional and subject organisations and representatives of people sharing protected characteristics;
- academic research reports;
- the external literature review⁸ we commissioned for the June 2013 GCSE reform consultation;

⁷ Equality Act 2010, section 149.

⁸ Caplan, A. and Jackson, J. (2013) *GCSE Reform Equality Analysis: Literature Review*, <http://webarchive.nationalarchives.gov.uk/20141031163546/http://www.ofqual.gov.uk/files/2013-06-11-annex-2-gcse-reform-equality-analysis-literature-review.pdf>

- our recent equality analysis reports on reforms to GCSE, AS and A level qualifications.⁹

We asked three specific questions in our consultation which specifically targeted the impact of our proposals on equality.

Q.72: We have identified a number of ways the proposed requirements for reformed GCSEs, A levels and AS qualifications may impact (positively or negatively) on persons who share a protected characteristic. Are there any other potential impacts we have not identified? If so, what are they?

Q.73: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic? If so, please comment on the additional steps we could take to mitigate negative impacts.

Q.74: Have you any other comments on the impacts of the proposals on persons who share a protected characteristic?

The responses to these questions and some comments made in response to other questions have informed our understanding of the potential impact of our proposals on students who share protected characteristics.

The following equality organisations responded to our consultation:

- British Association of Teachers of the Deaf (BATOD);
- English Federation of Disability Sport (EFDS).

Where an equality organisation has responded, we have directly quoted its views on specific aspects of how a reform will impact on people with protected characteristics. These organisations have a good insight into the issues faced by those with protected characteristics and we have therefore given due weight to their views. In addition we have considered all other responses to the consultation and quoted directly from many different respondents where appropriate. We have identified respondents where they have given us permission to do so.

⁹ *GCSE Reform: Equality Analysis Report*,
<http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-analysis-report-on-reforms-to-gcses-from-2015> and *New A level Regulatory Requirements: Equality Analysis Report*,
<http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-impact-assessment-on-the-a-level-decisions>

1.4 Structure of this report

In this report we have considered, for the points on which we have consulted for the facilitating AS and A levels the potential impact of our proposals on students who share protected characteristics and whether, and if so how, potential negative impacts could be mitigated¹⁰. We have also considered the cumulative effect of all the proposals.

Where concerns have been identified, we have also considered the potential impact of our proposals in relation to socio-economic status. There is evidence that social class intersects with certain protected characteristics such as racial group (Croxford, 2000). We have received a number of concerns from equality organisations and other respondents to the consultation about how our proposals may impact on students from disadvantaged backgrounds. However, socio-economic status is not, in itself, a protected characteristic, and therefore students who are disadvantaged by their socio-economic status are not protected by the Equality Act 2010 simply for that reason. Where, however, a student has a protected characteristic as defined by the Equality Act 2010, that student will, of course, be afforded protection in respect of that characteristic.

Where relevant, we have directly drawn on research carried out for the *GCSE Reform: Equality Analysis Report*¹¹ and responses to the associated *GCSE Reform Consultation: June 2013*.¹² This is because our current proposals for the facilitating AS and A level raise similar concerns in terms of the impact on students with protected characteristics.

1.5 Out of scope

A concern expressed by a range of respondents was the separation of the AS qualification from the A level. Following our consultation on A level reform in 2012,¹³

¹⁰ A report for the remaining subjects covered by this consultation will follow in early 2015.

¹¹ *GCSE Reform: Equality Analysis Report*, <http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-analysis-report-on-reforms-to-gcses-from-2015>

¹² Results of *GCSE Reform Consultation – June 2013*, <http://comment.ofqual.gov.uk/gcse-reform-june-2013>

¹³ The findings report that followed our consultation is available from: <http://webarchive.nationalarchives.gov.uk/20140807151639/http://ofqual.gov.uk/documents/analysis-of-the-consultation-carried-out-into-higher-education-involvement-in-gce-a-levels-and-amended-gce-a-level-criteria-design-rules>

and as part of an exchange of letters between Ofqual's Chief Regulator and the Secretary of State for Education,¹⁴ we confirmed that the AS should become a separate, stand-alone qualification to be taught and assessed on a linear basis and at the same standard as the current AS qualification. As this decision has been taken, it is not appropriate for this report to analyse its impact on persons with protected characteristics.

We received a number of comments in the consultation which directly referred to subject content. However, subject content is managed by the Department for Education. We will consider these comments in conjunction with the Department for Education's equality analysis on proposed subject content when deciding whether or not to incorporate that content into our regulatory framework.

1.6 Summary of the key impact identified

Our consultation and other research identified that students who do not perform well in exams, perhaps because of their disability, could be negatively affected if all assessment is by exam rather than by a combination of exam and non-exam assessment, particularly where assessment takes place only at the end of the course. These students may also be adversely affected where the proportion of non-exam assessment has been reduced relative to current AS and A level qualifications.

¹⁴ The three letters are available from:

<http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/letter-from-secretary-of-state-on-a-level-reform-january-2013>

<http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/letter-from-secretary-of-state-on-a-level-reform-march-2013>

<http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/letter-to-secretary-of-state-on-a-level-reform-march-2013>

2. Proposals for assessing new GCSE, A level and AS qualifications

2.1 Assessment in new GCSE, A level and AS qualifications

GCSE, A level and AS qualifications are currently assessed in several ways:

- exams set and marked by the exam boards;
- written assessments completed under non-exam conditions in which students complete written assessment tasks, set either by the exam board or by the teacher. The tasks are usually marked by a teacher, with samples of marked work checked by exam-board moderators, who can adjust the marks to bring them in line with national standards. For some subjects, exam boards mark the tasks directly;
- practical assessments, such as performance in physical education or drama, usually marked by a teacher. In some cases, marks for these can be adjusted by exam boards in a similar way to marks for written non-exam assessment. In other cases no evidence of individual candidates' performance is available for moderators to check, and teachers' marks therefore stand. Some exam boards visit schools and colleges to mark performances directly.

We published two pieces of research in 2012: *Fit for Purpose*,¹⁵ which looked at perceptions of A levels among university staff, employers and teachers; and a report comparing A levels with similar qualifications internationally.¹⁶ Subsequently we consulted on A level reform.¹⁷

¹⁵ *Fit for Purpose? The View of the Higher Education Sector, Teachers and Employers on the Suitability of A Levels*. Commissioned by Ofqual:

<http://webarchive.nationalarchives.gov.uk/20141031163546/http://www.ofqual.gov.uk/files/2012-04-03-fit-for-purpose-a-levels.pdf>

¹⁶ *International Comparisons in Senior Secondary Assessment*,

www.gov.uk/government/collections/international-comparability-research

¹⁷ The findings report that followed our consultation is available from:

<http://webarchive.nationalarchives.gov.uk/20140807151639/http://ofqual.gov.uk/documents/analysis-of-the-consultation-carried-out-into-higher-education-involvement-in-gce-a-levels-and-amended-gce-a-level-criteria-design-rules>

Proposal

In our consultation we proposed three main changes to the way in which qualifications in the subjects on which we are consulting are assessed. These changes are intended to strike a better balance between exam and non-exam assessment. In summary, we proposed to:

- a) define the percentage of marks to be allocated to exam and non-exam assessment, removing or reducing any current flexibility and promoting comparability between exam boards;
- b) reduce the proportion of non-exam assessment permitted in A level and AS qualifications in mathematics, further mathematics and modern foreign languages;
- c) introduce non-exam assessment in A levels in geography so that accounts of fieldwork and data collection can be assessed more appropriately than is possible in a centrally set and marked exam.

A summary of the current and proposed assessment arrangement for the subjects we consulted on can be found in appendix C and our consultation document¹⁸.

Impact

In this section we look at the general concerns regarding assessment in the facilitating A level and AS qualifications considered in this consultation. As noted in the introduction, a report on the remaining subjects covered by this consultation will follow in early 2015.

We discuss respondents' subject-specific concerns in Section 3 of this report.

Some respondents asserted that female students would be adversely affected, relative to male students, by the removal/reduction of non-exam assessment because they believed in the general perception that female students perform better in coursework assessment than in exams.¹⁹ We considered similar concerns in our earlier consultations about GCSE reform and the new regulatory requirements for A level and AS qualifications. We found there was a lack of conclusive evidence to support this position. We have looked at the available research on the relative

¹⁸ www.gov.uk/government/consultations/gcses-as-and-a-levels-reform-of-subjects-for-september-2016

¹⁹ In our *GCSE Reform: Equality Analysis Report*, we also considered the results from the National Curriculum assessments. This information is available here: www.ofqual.gov.uk/documents/equality-analysis-report-on-reforms-to-gcses-from-2015/.

performance of male and female students in exams and other forms of assessment, as detailed in appendix D.1. As part of the work we carried out for the GCSE reforms, we analysed the relative performance of male and female students in GCSE English between 1990 and 2000, and GCSE mathematics between 1988 and 1998, which does not support the view that female students have benefited more than male students in those subjects from the use of non-exam assessment (appendix D.2). These dates were selected for our analysis due to changes to the weightings of GCSE coursework during this time, and the findings remain relevant to our current proposals.

We have been told in many responses to our consultation that students who do not perform well in exams will be disadvantaged if they cannot compensate for poor exam performance by a stronger performance in non-exam assessment. Students might not perform well for a wide range of reasons. For example, they may find the exam experience stressful, they may experience fatigue because of a disability or because they are fasting, or their performance may be adversely affected by hay fever. BATOD commented on the “deleterious effect” on such candidates of qualifications being assessed entirely by exam, stating that “assessing a subject entirely by examination is not in the interest of these candidates” (consultation response).

In previous consultations we have been alerted to concerns that students who do not live in stable environments conducive to study, for example asylum seekers²⁰ who are not in settled accommodation, will be disadvantaged if most assessment is by way of exams.

Conversely, a model in which students are required to do assessments at many points throughout a two-year course can also provide challenges for students whose schooling and home lives may be disrupted. Such disadvantages are not always determined by students’ protected characteristics as they can affect students from all backgrounds and with a range of protected characteristics. This can pose particular problems for government-housed asylum seekers, who can be moved at any time and such moves are not within their control.

A pregnant student who gives birth before, or is due to give birth during, the exam period will not be able to take exams at other times of the year. Likewise for a student who is undergoing gender reassignment during the exam period. However, non-exam assessments can potentially be taken at different times of the year and therefore a reduction or removal of non-exam assessment may disadvantage these

²⁰ In this context, asylum-seeking status is a proxy for national origin and hence racial group, a protected characteristic under the Equality Act 2010.

students, and those with disrupted home and school lives, as they will be unable to acquire as many marks towards the overall grade.

We appreciate that:

- some students with certain types of disabilities;
- students with the protected characteristic of pregnancy and maternity;
- students who are seeking asylum;
- students who are fasting

may be negatively affected by our proposed reduction of non-exam assessment and that existing reasonable adjustments may be incapable of mitigating this entirely. Nevertheless, the decision is being taken in view of the problems that we have identified in regard to the maintenance of standards when non-exam assessment is used.²¹ Those problems with standards will lower the quality of assessments for all students and it is in no student's interest to have a qualification which, although he or she may have secured a higher grade, is potentially not a valid indication of knowledge, skills and understanding.

We did not identify any adverse impacts of the proposals on the basis of the age or sexual orientation of the student. Nor has any such adverse impact been communicated to us either through our meetings with representative groups or by respondents to our consultation.

²¹ The problems we have identified can be found in more detail in the following reports:

- *Fit for Purpose? The View of the Higher Education Sector, Teachers and Employers on the Suitability of A levels*,
<http://webarchive.nationalarchives.gov.uk/20141031163546/http://www.ofqual.gov.uk/files/2012-04-03-fit-for-purpose-a-levels.pdf>
- *Consultation on New A level Regulatory Requirements*,
<http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/consultation-on-new-a-level-regulatory-requirements>
- The report of the findings from our consultation,
<http://webarchive.nationalarchives.gov.uk/20140807151639/http://ofqual.gov.uk/documents/analysis-of-the-consultation-carried-out-into-higher-education-involvement-in-gce-a-levels-and-amended-gce-a-level-criteria-design-rules>

2.2 Changes to assessment objectives

The assessment objectives for each subject describe the principal abilities that candidates taking that qualification must be given the opportunity to develop and demonstrate.

Proposal

We worked with subject and assessment experts to develop and improve the current assessment objectives. In revising these, we aimed to make sure they are as clear as possible and that they:

- fulfil their core purpose of describing the abilities that a candidate taking the relevant qualification should be required to demonstrate;
- specify only the abilities that candidates should be required to demonstrate, not the content itself;
- relate to each qualification as a whole, and so address the full range and balance of abilities that are relevant;
- are sufficiently precise and detailed that they can be used consistently for setting and evaluating assessments;
- provide a degree of flexibility in their application to enable alternative approaches where these are legitimate.

We also developed the proposed assessment objectives so that they help to reflect and promote progression between GCSE, A level and AS qualifications.

Impact

We did not identify any general adverse impacts of our proposed changes to assessment objectives on the basis of any protected characteristic. Nor has any general adverse impact been communicated to us either through our meetings with representative groups or by respondents to our consultation. We discuss respondents' subject-specific concerns in Section 3 of this report.

3. Subject-specific proposals and impacts

3.1 A level and AS qualifications in ancient languages

Proposal

A level and AS qualifications in ancient languages are currently assessed wholly by exam. We did not propose to change this position.

Impact

Few concerns directly relating to the impact of our proposals on students with certain protected characteristics were raised by respondents to the consultation. One respondent expressed concern about the impact that the lack of non-exam assessment would have on girls, stating that “statistics show girls don't achieve as well under exam conditions”. We have addressed the lack of conclusive evidence to support this view in more detail in our equality analysis reports relating to GCSE reform²² and the new A level regulatory requirements.²³

We have not identified anything about our proposals that would have a negative impact on students because of their disability, racial group, age, religion or belief, pregnancy or maternity, or sexual orientation, or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

3.2 A level and AS qualifications in geography

We consulted in late 2013 on proposed assessment arrangements for A level and AS qualifications in geography and on new assessment objectives for these qualifications.²⁴ We proposed that 20 per cent of the marks should be allocated to assessing fieldwork skills in a non-exam assessment.

It was intended that the reformed qualifications should be taught from September 2015. However, the responses to the separate consultation, hosted by the DfE, highlighted the need for a further review of the proposed content. This led to a

²² <http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-analysis-report-on-reforms-to-gcses-from-2015>

²³ <http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-impact-assessment-on-the-a-level-decisions>

²⁴ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/a-level-regulatory-requirements-october-2013>

decision to defer the introduction of new A level and AS qualifications in geography until September 2016.

Current subject criteria for geography require fieldwork skills to be tested using a limited series of examination questions. However, the current arrangements are inconsistent across exam boards and the assessment is considered by subject experts to provide inadequate preparation for those students wishing to study geography in higher education.

Higher education and learned societies agree that fieldwork should be a requirement in A level geography, although issues of the robustness of internal assessments were also noted.

The practical skills taught in fieldwork activities cover geographical fieldwork observation, measurement techniques, investigation approaches and analytical skills. Students are able to consider the full data-handling cycle as opposed to the analysis and manipulation of pre-collected data provided in an exam. Non-exam assessment also provides an opportunity for assessing an individual research project, written independently by the student over a period of time. These are all skills that provide good preparation for higher education.

Proposal

Our consultation in late 2013²⁵ proposed that fieldwork skills should be assessed in a non-exam assessment at A level and 20 per cent of the total marks available should be allocated to this assessment. We proposed that AS qualifications in geography should be assessed by exam only. In addition we asked for views on our proposed changes to clarify the assessment objectives.

We have looked again at these proposals in light of the proposed draft revised content and decided that they remain appropriate.

Impact

As students taking A level geography are already expected to undertake fieldwork, the reintroduction of a specific non-exam assessment of fieldwork should not introduce a new requirement to undertake fieldwork activities that is not currently in place.

Certain types of fieldwork (for example, in physical geography, the analysis of coastal path erosion) could impact on students with particular physical disabilities who may not be able to access the chosen fieldwork site. However, schools are already

²⁵ Ibid.

required to ensure that appropriate reasonable adjustments are made for disabled students, and they take this into account when they select the fieldwork experience.²⁶

Arrangements will have to be made for students who are absent when the fieldwork exercise and/or the writing of the assessment takes place to do them at another time. Such absence may occur because of a disability, pregnancy or maternity, or gender reassignment. However, exams might also be missed for the same reasons.

Fieldwork that involves an overnight stay may affect students with certain types of disabilities that require particular care or access arrangements. Research into the impacts on students with disabilities²⁷ who have undertaken fieldwork in higher education has identified a range of possible impacts on students, including limited access to medication, the walking distances involved and the need to take notes in a non-classroom environment.

Concerns have previously been raised with us²⁸ that some students may have concerns about participating in residential fieldwork activities due to particular religious requirements. However, as with students with disabilities, schools are accustomed to taking into consideration such issues when planning fieldwork. We would expect exam boards to investigate instances where this was not taken into consideration by a school as part of the exam board's compliance with our general conditions.²⁹

²⁶ www.equalityhumanrights.com/advice-and-guidance/education-providers-schools-guidance/providing-education-and-access-to-any-benefit-service-or-facility

²⁷ Hall, T., M. Healey, & M. Harrison (2002) *Fieldwork and Disabled Students: Discourses of Exclusion and Inclusion*, Transactions of the Institute of British Geographers.

²⁸ <http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-impact-assessment-on-the-a-level-decisions>

²⁹ General Condition C2.3(h) obliges exam boards to have a provision within their agreement with centres, that is schools and colleges, requiring "the Centre to undertake the delivery of the qualification required by the [exam board] in accordance with Equalities Law" (Ofqual, 2013). If, for example, Ofqual were to receive a complaint from a student in regard to a failure by a centre to take into account a particular protected characteristic, we could investigate whether the exam board had included an appropriate provision in its arrangement with the centre (in compliance with General Condition C2.3(h)) and whether it had sought to enforce that provision. We also note that schools are subject to their own duties under the Equality Act 2010, which may be breached by a failure to make reasonable adjustments to a fieldwork exercise.

It is possible that students with certain disabilities, pregnant students (or those who are about to give or have given birth), those undergoing gender reassignment surgery and Gypsy/Roma/Irish Traveller students may not be in school when the fieldwork takes place. However, the smaller cohort taking AS/A level geography, as compared with the numbers taking GCSE geography, reduces the scale of the problem. In addition, a smaller cohort may allow schools more flexibility in planning fieldwork to take into account students who cannot attend at certain times.

Delegates³⁰ at the consultation event for A level and AS qualifications in geography commented that those students who could not access the fieldwork elements of A level would be penalised twice. This was because those students would not only be unable to achieve marks in the non-exam assessment but they may also be unable to answer questions related to fieldwork in the exam.

We looked at these potential impacts in more detail in our equality report³¹ associated with the consultation in late 2013 and no further evidence has come to light. We are satisfied that the proposed change to the way fieldwork is assessed will not introduce new difficulties, as the A level is already designed to require students to undertake fieldwork. We are also satisfied that fieldwork is such an inherent part of the subject that it should be directly assessed.

We discuss general equality-related impacts of exam-only assessment on students in section 2.1: Assessment in new GCSE, A level and AS qualifications.

We have not identified any potential impact on our planned approach for A levels and AS qualifications in geography that would have a negative impact on students because of their race, gender, age or sexual orientation. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

3.3 A level and AS qualifications in mathematics and further mathematics

A level and AS qualifications in mathematics and further mathematics can currently be assessed by a mixture of exam and non-exam assessment. Up to 20 per cent of the marks can be allocated to non-exam assessment. In practice, only two

³⁰ Delegates at the geography consultation event in September 2014 included teachers and representatives from exam boards and subject associations.

³¹ <http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-impact-assessment-on-the-a-level-decisions>

qualifications in mathematics and two qualifications in further mathematics offer the opportunity for students to complete non-exam assessment.

Proposal

We have reviewed the mathematics and further mathematics content against our non-exam assessment principles and do not believe there are any essential skills which cannot be assessed by examinations alone. We proposed that in future A level and AS qualifications in mathematics and further mathematics must be assessed by exam only.

In addition we proposed new wording for the assessment objectives to clarify requirements and permit a small degree of flexibility while promoting comparability between qualifications.

Impact

Some respondents commented that the exam-only assessment and the decoupling of AS qualifications from A level in mathematics and further mathematics would have a particular impact on female students:

The assessment structure coupled with the changes in difficulty at GCSE may result in fewer females opting to take A level maths and especially further maths (consultation response).

Girls will be put off mathematics as it will be harder and they will find other subjects (consultation response).

We have previously investigated the perceived link between coursework and the performance of female students.³² Evidence from Professor Elwood (2005) and the Organisation for Economic Co-Operation and Development (2014) suggested that the perception of a gender gap in students' performance in mathematics was a self-fulfilling prophecy:

The actual influence of coursework in contributing to girls' and boys' success is quite different to its perceived influence as understood by examiners, teachers and students (Elwood, 2005).

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<http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-analysis-report-on-reforms-to-gcses-from-2015/> and <http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-impact-assessment-on-the-a-level-decisions>.

Shrinking these gender gaps requires a concerted effort by parents and educators to challenge and eliminate gender stereotypes and bolster girls' beliefs in themselves (OECD, 2014).

Delegates³³ at the consultation event for A level and AS qualifications in mathematics and further mathematics commented on an equality-related risk with the proposed assessment objective 3 (AO3).³⁴ The delegates believed this assessment objective would result in exam boards using more written scenarios. This could therefore mean that some students with certain disabilities would find the questions difficult to understand. The questions would then be rewarding English language skills rather than mathematical skills. We expect exam boards to monitor their use of language and consider whether it is appropriate for a particular assessment. This issue is connected with wider concerns that have been raised by BATOD about language accessibility. We discuss this in more detail in Section 3.4 above.

We discuss general equality-related impacts of exam-only assessment on students in section 2.1: Assessment in new GCSE, A level and AS qualifications.

We have not identified that our planned approach to A level and AS qualifications in mathematics and further mathematics will have a negative impact on students because of their racial group, age, religion or belief, pregnancy or maternity, sexual orientation or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

³³ Delegates at the mathematics/further mathematics consultation events in September 2014 included representatives from the A Level Content Advisory Board (ALCAB), exam boards, schools, colleges and a number of special interest (mathematics) groups and learned societies.

³⁴ We proposed the following:

AO3: Solve problems within mathematics and in other contexts.

Students should be able to:

- translate problems in mathematical or non-mathematical contexts into a process or a series of mathematical processes, identifying important features or variables and using appropriate techniques
- make and use connections between different parts of mathematics
- evaluate methods used and solutions obtained, recognising limitations and sources of error
- construct, select and refine mathematical models
- interpret the outcomes of a modelling process in real world terms and recognise the limitations of a model

3.4 A level and AS qualifications in modern foreign languages

Speaking and understanding speech in the target language are important elements of qualifications in modern foreign languages. The current and proposed assessment arrangements and assessment objectives reflect this.

Currently, non-exam assessment accounts for up to 40 per cent of A level and AS qualifications in modern foreign languages. There is, however, a provision for some languages not to test spoken skills and not to have any non-exam assessment. Students are also assessed on their understanding of spoken language. This can be assessed by exam.

Proposal

We proposed that all A level and AS qualifications should have a fixed 30 per cent non-exam assessment, and that there should no longer be any exceptions made. This means all A level and AS qualifications in modern foreign languages will be required to have the same assessment structure. This reflects the draft subject content, which requires students to develop their spoken skills for presentation, discussion and responding spontaneously to different themes.

Impact

Some disabled students may be at a disadvantage relative to other students when they take modern foreign language speaking and listening assessments. This is the case now and will remain so in the future. We have identified that deaf and hearing-impaired students are most likely to be disadvantaged.

To remove or reduce this disadvantage disabled students may have adjustments made to the way their assessments are conducted.³⁵ The reasonable adjustments that are currently made to the conduct of speaking and listening assessments for deaf and hearing-impaired students include the following.

- Students who have sufficient hearing to complete the listening assessment using the recording provided by the exam board may need the recording to be played at a higher volume than other students. They may also find it more difficult to hear the recording among any background noise in the exam room. In these cases students may undertake the assessments in a private room, away from other students, and in the presence of an invigilator only.

³⁵ The Equality Act 2010 places duties on exam boards to make reasonable adjustments for disabled students, except where the regulator has lifted this duty in respect of certain reasonable adjustments.

- Some students use speech reading to understand spoken language. In these cases, a teacher reads to the student the script of the recording to which other students listen. The student can read the teacher's lips and facial expressions. This replicates the way the student would communicate in the language being assessed outside an assessment situation.
- A student who is unable to attempt any part of an assessment can be given an exemption from that component. This is the reasonable adjustment 'of last resort'. The marks the student gains in the remaining assessments are scaled up and the student's certificate includes an indication to show that an exemption has been given.

The first of these two forms of reasonable adjustments should continue to be available to students taking the new A level and AS qualifications in modern foreign languages. A student will be able to apply for an exemption from a component if they cannot attempt any part of the assessment.

We have the power under the provisions of the Equality Act 2010 to limit the extent to which exam boards must make reasonable adjustments for disabled students. We use this power to make sure a reasonable adjustment does not undermine the integrity of a qualification and that a qualification continues to give a reliable indication of a student's knowledge, skills and understanding.

We have used this power to limit the percentage of marks from which a student can be exempt in a given qualification. We have limited this to 40 per cent. We believe if a student is exempted from parts of the qualification that constitute more than 40 per cent of the total marks then the qualification cannot be said to give a reliable indication of a student's knowledge, skills and understanding.

We are proposing that the speaking assessment should account for 30 per cent of the marks. We have not specified a proposed weighting for the assessment of listening skills. If the combined speaking and listening weighting was more than 40 per cent a student could not be exempt from both.

We believe the current marks exemption limit of 40 per cent is appropriate and that we should not make provision for a student who has demonstrated neither speaking nor listening skills in the language to have the marks they gain in the reading and writing assessments scaled up.

In their consultation response, BATOD agreed that:

It is essential that the assessment of a modern language has a significant amount of assessment of the speaking and listening to the language (BATOD consultation response).

A range of concerns were raised by other respondents about the impact on students with English as an additional language (EAL). One respondent believed that native speakers of a language would have “an unfair advantage in continuous assessment” (consultation response). Another respondent asked how native speakers of a language would cope with an essay in English about a book in a modern foreign language: “Answer badly, this seems unfair” (consultation response). We expect all students who take A level and AS qualifications in England to be able to express themselves to an appropriate level of written English.

There were also practical concerns on the impact of the proposals for students from different racial backgrounds. One teacher commented that:

I work in a centre with students from many different backgrounds who speak many different languages. It would be extremely difficult to access appropriate people to administer speaking tests for many minority languages (consultation response).

It is possible that as a result of this practical issue, some centres may decide to reduce the number of A level and AS qualifications they offer to students. Alternatively centres may choose to work together and pool resources to administer speaking tests.

We have not identified anything about the proposed changes that would have an adverse impact on students because of their age, religion or belief, pregnancy or maternity, sexual orientation or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

Appendix A: Our equality duties

A.1 Public sector equality duty

We have a duty under the Equality Act 2010 to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- foster good relations between persons who share a relevant protected characteristic and people who do not share it.

In advancing equality of opportunity between persons who share a relevant protected characteristic and who do not share it, we must, in particular:

- remove or minimise disadvantages suffered by people who share a relevant protected characteristic that are connected with that characteristic;
- take steps to meet the needs of people who share a relevant protected characteristic where their needs are different from the needs of people who do not share it;
- encourage people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such people is disproportionately low.

To foster good relations between people who share a relevant protected characteristic and people who do not share it involves, in particular, tackling prejudice and promoting understanding.

The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief

- sex
- sexual orientation.

A.2 Additional equality duties

As the qualifications regulator for England, we have further duties under the provisions of Sections 96(7) and 96(8) of the Equality Act 2010 for “relevant qualifications” (GCSEs, A levels and so on). We must:

- determine any limitations on the use of reasonable adjustments for disabled students;
- when determining any such limitations:
 - minimise the extent to which disabled people are disadvantaged in attaining the qualification because of their disabilities;
 - make sure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred;
 - maintain public confidence in the qualification.

We also have a duty under section 129(2)(b) and 129(9) of Apprenticeships, Skills, Children and Learning Act 2009 to consider the reasonable requirements of students, including those with learning difficulties. A ‘person with learning difficulties’ means:

- children with special educational needs;
- other people who have a significantly greater difficulty in learning than the majority of people of their age;
- other people who have a disability which either prevents them from or hinders them in making use of educational facilities of a kind generally provided for people of their age.

The awarding organisations we regulate are subject to equality duties in their own right, including making reasonable adjustments in both general and vocational qualifications.

Appendix B: The Equality Advisory Group and Access Consultation Forum

As part of our pre-consultation work, we carried out an equality analysis screening exercise and discussed our proposals with our Equality Advisory Group and the Access Consultation Forum.

The Equality Advisory Group provides us with expert external advice, challenge and feedback on equality issues relating to the regulation of qualifications and assessments. We appoint members of the group using an open appointments process so that the membership includes experience of the range of protected characteristics. Group members are appointed for their personal expertise and experience and not as representatives of a particular group or characteristic. The group is invited to consider and advise on:

- the equality implications of significant reforms to qualifications and regulatory arrangements in their early stages and then as the reforms progress;
- the equality issues that arise from issues of strategic importance;
- our arrangements for assessing and managing equality issues in respect of our regulatory role.

The Access Consultation Forum is a multi-stakeholder group which supports our understanding of matters that affect disabled learners accessing qualifications and assessments. The members of the group are drawn principally from awarding organisations and groups representing disabled students and their interests. The Forum advises us on:

- accessibility of the qualifications that we regulate and their assessments;
- reasonable adjustments to assessments.

Appendix C: Proposed weighting of exam and non-exam assessment in facilitating A levels and AS qualifications

Subject	A level		AS qualification	
	Current weighting of non-exam assessment	Proposed weighting of non-exam assessment	Current weighting of non-exam assessment	Proposed weighting of non-exam assessment
Ancient languages	None	None	None	None
Further mathematics	0–20% ³⁶	None	0–20% ³⁶	None
Geography	None	20%	None	None
Mathematics	0–20% ³⁶	None	0–20% ³⁶	None
Modern foreign languages	30–40% ³⁷	30%	30–40% ³⁷	30%

³⁶ Although up to 20 per cent non-exam assessment can be used for A level mathematics and further mathematics, only two qualifications include any non-exam assessment and a maximum of 10 per cent of non-exam assessment is seen in these qualifications.

³⁷ The current subject content for modern foreign languages expects students to demonstrate speaking and/or listening skills. There is, however, a provision for these requirements not to be applied to particular languages. Where this occurs, the amount of non-exam assessment in these qualifications is lower.

Appendix D: Gender in relation to modular/linear assessment

As part of the work we carried out in 2013 on the proposed reforms for GCSEs,³⁸ we reviewed the existing research and statistical evidence on the impact of modular and linear assessment on female and male students. We did this to address the commonly held perception – expressed by respondents to the consultation and by individuals in our pre-consultation work – that girls are better at coursework than they are at examinations. This work was done in respect of GCSEs but we consider that this work is also relevant to A levels given the similarity in our current proposals and the subsequent similarity in responses to our A level consultation.³⁹ These reviews are set out in sections E.1 and E.2.

D.1 GCSE coursework and girls

Evidence from some studies shows that coursework, together with the modular structure of GCSE exams, has had a positive impact on girls' performance. Tim Oates (Cambridge Assessment, 2012) cites several researchers (Boaler, Murphy, William, Elwood, Epstein, Rudduck, and Younger and Warrington) who agree that girls do better in qualifications with coursework for a number of reasons. Firstly they do well when they can discursively explore a subject, and second they attend to all the pieces of work which contribute to the end grade even if they only count for a small percentage, whereas boys place greater status and emphasis on the 'big bang' of the exam. Oates concludes that all the small bits of diligence on the seemingly insignificant pieces of coursework add up to a better overall exam grade for girls.

A report by Ofsted (2008a) states that the gap between girls' and boys' achievement at GCSE has been roughly the same for several years. It acknowledges that whilst there are statistical difficulties in analysing the O level and CSE results of the 1980s, they appear to show that girls were already improving their performance before GCSEs were introduced. The report states that changes made to GCSE criteria in 1994, which reduced the coursework element, did not immediately reduce the superiority of girls' performance. A report on coursework by the Qualifications and Curriculum Authority (2006) looked at the impact of the reduction in coursework

³⁸ *GCSE Reform: Equality Analysis Report*,
<http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-analysis-report-on-reforms-to-gcses-from-2015>.

³⁹ *Consultation on New A level Regulatory Requirements*,
<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/a-level-regulatory-requirements-october-2013>.

weighting, and when considering English, where the weighting was reduced from 100 per cent to 40 per cent, the changes did nothing to narrow the performance gap between girls and boys. The report found that the gap in attainment between the genders widened between 1993 and 1994.

A report by the then Department for Children, Schools and Families (DCSF, 2009) in 2009, looks at the gap in attainment by gender at GCSE between 1986 and 1998. The report states that the introduction of coursework in 1988 coincides with girls' performance overtaking that of boys at 16. It goes on to explain that boys tend to favour multiple-choice exam questions whilst girls tend to perform better in essays and coursework. An evaluation of functional skills exams (Warwick University, 2007) found that multiple-choice questions disadvantage girls. A study into performance in geography (Ofsted, 2008b) found that boys' coursework is of a poorer quality than girls'. The report states that boys struggle to articulate explanations and develop reasoned argument in writing when compared with girls. They will also frequently spend more time on describing processes and graphing and mapping data, but they appear less interested in interpreting and analysing this in depth. The report suggests that this often inhibits them from attaining the higher levels. There is evidence (Ofsted, 2008a) that suggests, however, that boys performed well in coursework when given assistance with organising their work.

Coursework was replaced by controlled assessment in 2009. There is anecdotal evidence (QCA, 2007) that teachers perceive that girls preferred coursework to controlled assessment owing to the fact that it allowed them to reflect on their work and redraft. A study by the Centre for Education and Employment Research (University of Buckingham, 2011) states that the change from coursework to controlled assessment has not had an impact on the gender attainment gap, and it speculates that this is because of the modular structure of the GCSE.

September 2012 saw the effective end of the modular GCSE. There has been speculation in the press that these changes will disadvantage girls (BBC, 2013). When considering modular versus linear assessment, Cambridge Assessment (2010) found that students opting for certificating at the beginning or midway through the course may be at a disadvantage compared with those who opt for certificating at the end, and that girls might be at a greater disadvantage than boys. According to the report, this suggests that students, in particular girls, could benefit from delaying examination to the later part of the course. The report also found, however, that in some cohorts girls following a linear-assessment route and certificating early in the two-year course had higher probability of achieving a certain grade or above than those who certificated late.

D.2 Statistics showing results of GCSE English and GCSE mathematics coursework

By looking at examples of past changes to coursework arrangements, it is possible to gauge what impact they had on results statistics. However, coursework weightings in individual subjects have been largely stable over the years so good examples are scarce.

The best example involves GCSE English. By the early 1990s about two-thirds of 16-year-olds were taking GCSE English through syllabuses that had no examinations, that is to say were 100 per cent coursework. Following a change to the subject criteria, weighting of the coursework was reduced to 40 per cent. The first results for the new specifications were issued in summer 1994. There was much concern at the time that the change could damage national results; in reality, the proportion achieving grades A* to C rose from 57 per cent in 1993 to 58.4 per cent in 1994.

One feature of GCSE English at the time was the differential performance of boys and girls (see yellow line on the chart in figure 3). For those who thought that coursework gave girls a particular advantage, it would be a surprise to learn that reducing the coursework weighting from 100 per cent to 40 per cent did nothing to narrow the performance gap. In fact it widened between 1993 and 1994 at grades A* to C from 14.9 per cent to 16.3 per cent. (In 2012 it was 14.6 per cent.)

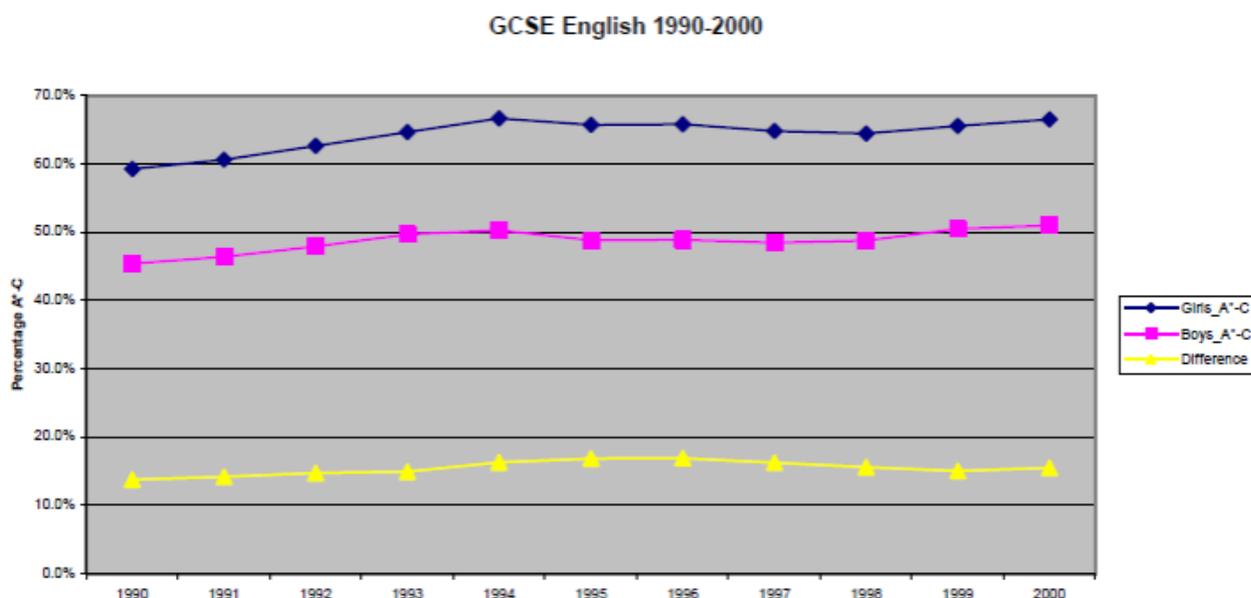
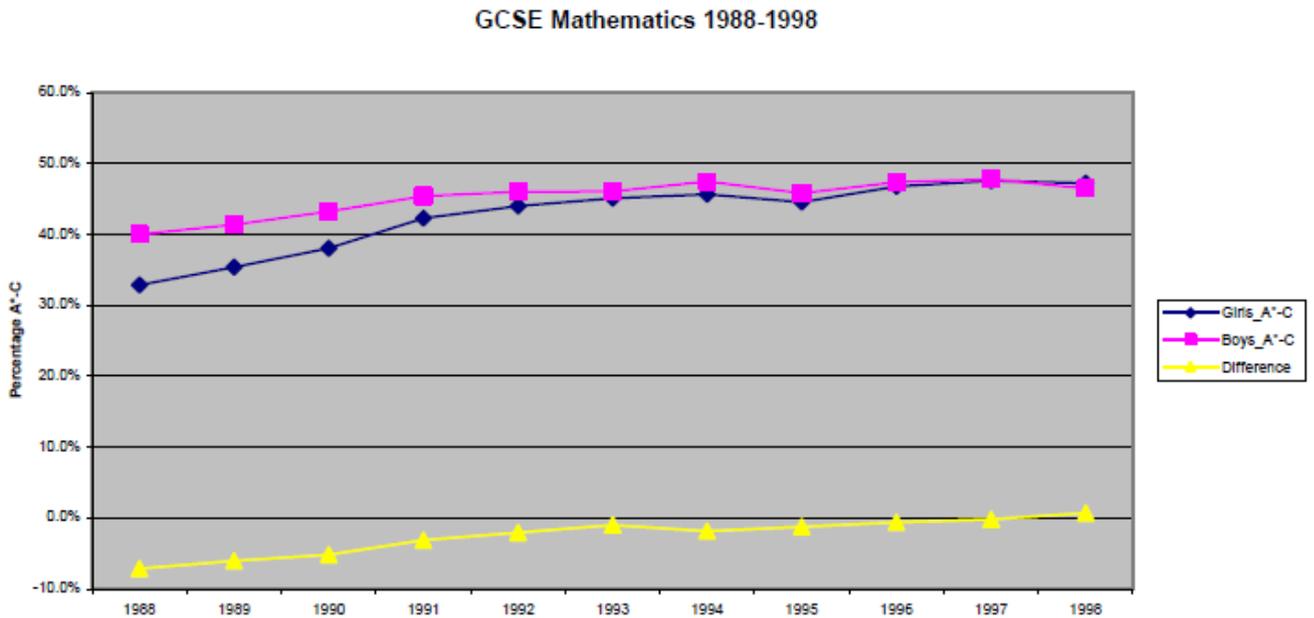


Figure 3: Differential performance of boys and girls in GCSE English (1990–2000)

Another example involves GCSE mathematics from the same time period. For the first three GCSE mathematics exams, coursework was optional and large numbers of

schools and colleges did not choose it. From 1991 to 1993 it was a compulsory element weighted at a minimum of 20 per cent. From 1994 it again became optional. The yellow line on the chart of GCSE mathematics results, shown in figure 4, gives



no real indication of the changes to coursework that occurred between 1990 and 1991 or between 1993 and 1994. (In 2012 boys outperformed girls at grades A* to C by 0.9 per cent.)

Figure 4: Differential performance of boys and girls in GCSE mathematics (1988–1998)

Given these results, it is difficult to conclude that major changes to coursework weightings will necessarily disadvantage girls.

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