

GCSE History

Consultation on Conditions and Guidance



December 2014

Ofqual/14/5580

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About this consultation

New GCSEs are being introduced in England. The primary purpose of the new qualifications will be to provide evidence of students' achievements against demanding and fulfilling content and a strong foundation for further academic and vocational study and employment. If required, the qualifications should be able to provide a basis for schools and colleges to be held accountable for the performance of all of their students.

We have consulted on and announced our policy on the general design of new GCSEs, and on our policy and technical arrangements relating to those subjects that are due to be introduced for first teaching in 2015.¹

We have also taken decisions on the design of new GCSEs in four subjects: ancient languages, geography, history and modern foreign languages. These subjects are to be introduced for first teaching in 2016.

We are now consulting on more technical matters – that is, on the regulatory arrangements that we must put in place to make sure that awarding organisations design, deliver and award the new qualifications in line with our policy decisions. This consultation is on the specific Conditions and related Guidance that will apply to new GCSEs in history. We are consulting in parallel on the Conditions and Guidance that will apply to new GCSEs in ancient languages, geography and modern foreign languages. We will consult at a later date on Conditions and Guidance that will be specific to other 2016 subjects,² and we will consult with appropriate people on any other regulatory requirements we propose to put in place for the new GCSEs.

In this consultation, we do not repeat the policy proposals on which we consulted or the options we considered when we did so. You can find the previous consultations on our website, along with a summary of the responses to the consultations, our equality and regulatory impact assessments, and our decisions on the design of new GCSEs.³

¹ New GCSEs in English language, English literature and mathematics will be taught from September 2015.

² Ancient languages, art and design, biology, chemistry, citizenship studies, computer science, cooking and nutrition, dance, design and technology, double science, drama, geography, history, modern foreign languages, music, physical education, physics, religious studies.

³

<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-june-2013>

How to respond to this consultation

The closing date for responses is 13th January 2015.

Please respond to this consultation in one of three ways:

- complete the online response at <http://surveys.ofqual.gov.uk/s3/gcse-history-conditions-and-guidance>.
- email your response to consultations@ofqual.gov.uk – please include the consultation title (GCSE Technical Consultation) in the subject line of the email and make clear who you are and in what capacity you are responding; or
- post your response to: GCSE Technical Consultation 2014, Ofqual, Spring Place, Coventry Business Park, Herald Avenue, Coventry, CV5 6UB.

Evaluating the responses

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the information page.

Any personal data (such as your name, address and any other identifying information) will be processed in accordance with the Data Protection Act 1998 and our standard terms and conditions.

We will publish the evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please respond by 13th January 2015. The consultation period for this consultation is shorter than normal because we have already consulted on the policies to which the draft Conditions that are the main subject of this consultation will give effect.

Conditions of Recognition

Awarding organisations must comply at all times with our Conditions of Recognition. These are the main regulatory rules that we use. We can take regulatory action against an awarding organisation that breaches or is likely to breach a Condition.

There are three sets of Conditions that will apply to new GCSEs (together ‘the Conditions’):

- (i) the published *General Conditions of Recognition*⁴ that apply to all regulated qualifications;
- (ii) the published *GCSE (9 to 1) Qualification Level Conditions and Requirements*⁵ that apply to all GCSEs (9 to 1);
- (iii) GCSE Subject Level Conditions that apply to a GCSE (9 to 1) in a specific subject.

We are now consulting on draft GCSE Subject Level Conditions for history.

The way the Conditions of Recognition work alongside our other regulatory tools is set out in Appendix A.

⁴ www.gov.uk/government/publications/general-conditions-of-recognition

⁵ www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions

1. Draft GCSE Subject Level Conditions and Guidance for History

Content requirements in History

1.1 The Department for Education has published a document that sets out the new content for GCSE history. GCSEs in history must comply with the requirements of that document.⁶

1.2 To bring this about, we propose to introduce the following Condition:

Condition	Compliance with content requirements
GCSE(History)1	
GCSE(History)1.1	<p>In respect of each GCSE Qualification in History which it makes available, or proposes to make available, an awarding organisation must –</p> <ul style="list-style-type: none">(a) comply with the requirements relating to that qualification set out in the document published by the Secretary of State entitled ‘History GCSE subject content’⁷, document reference DFE-00346-2014,(b) have regard to any recommendations or guidelines relating to that qualification set out in that document, and(c) interpret that document in accordance with any requirements, and having regard to any guidance, which may be published by Ofqual and revised from time to time.
GCSE(History)1.2	<p>In respect of each GCSE Qualification in History which it makes available, or proposes to make available, an awarding organisation must comply with any requirements, and have regard to any guidance, relating to the objectives to be met by any assessment for that qualification which may be published by Ofqual and revised from time to time.</p>

⁶ www.gov.uk/government/publications/gcse-history

⁷ www.gov.uk/government/publications/gcse-history

Guidance on subject content

- 1.3 The subject content document⁸ states at paragraph 11 that “[t]he course and each element within it must form a coherent and substantial study of history in which the elements are reasonably balanced across the full range of assessed content.”
- 1.4 There are five elements specified in the GCSE History subject content document.⁹ We propose to publish guidance to help awarding organisations understand how we interpret the requirements for a reasonable balance between these elements.
- 1.5 We also propose to publish guidance on how awarding organisations should reflect the subject content requirements on sources and interpretations.
- 1.6 Our guidance on this area of subject content is set out below. In line with the obligations set out in draft Condition GCSE(History)1.1(c), awarding organisations would have to have regard to any such guidance.

⁸ www.gov.uk/government/publications/gcse-history

⁹ Two depth studies, one period study, one thematic study and the historic environment.

Guidance in relation to subject content for GCSE Qualifications in History

The subject content for GCSE Qualifications (graded 9 to 1) in History is set out in the Department for Education's *History: GCSE subject content*, document reference DFE-00346-2014 (the 'Content Document').

Condition GCSE(History)1.1(c) requires awarding organisations to interpret the Content Document in line with any requirements, and having regard to any guidance, published by Ofqual.

We set out our guidance for the purposes of Condition GCSE(History)1.1(c) below.

Balance of content elements

Paragraph 11 of the Content Document states that –

The course and each element within it must form a coherent and substantial study of history in which the elements are reasonably balanced across the full range of assessed content.

Awarding organisations should not interpret the phrase “reasonably balanced” as necessarily implying an even 20% split across the five elements of subject content (two depth studies, one period study, one thematic study, and the study of the historic environment).

The study of the historical environment section should by its nature be smaller than the thematic study (and it can be linked to, or included within, any of the other elements).

We would expect the subject content elements to have no less than the following overall weightings:

- each depth study – 15%;
- period study – 20%;
- thematic study – 20%;
- study of the historic environment – 10%.

Sources and interpretations

For the purposes of interpreting the Content Document –

- 'Interpretation' should be interpreted as meaning an attempt to portray and/or

make meaning of the past that is a deliberate construct created after the event(s). This can include both academic and non-academic interpretations.

- 'Sources' should be interpreted as meaning primary sources or sources that in either their origin and/or their authorship are contemporary to the period studied.
- A written 'source' should consist of more than one sentence.
- The provenance of a source should be clearly stated.
- The language of written sources should only be adapted where and when necessary, with the minimum changes made. Where the language in a source is adapted, this should not change the meaning or point of view expressed in the source; and
- The language of written interpretations should only be adapted where and when necessary, with the minimum changes made. Where the language is adapted, this should not alter the interpretation expressed by the author in the original document.

Assessment objectives

1.7 We have previously consulted on and announced our decisions on assessment objectives in GCSE history. These final assessment objectives are repeated below for completeness.

1.8 We have also set out below the assessment objectives, the requirements around the allocations of marks to spelling, punctuation and grammar and the use of specialist terminology in GCSE history.

	Objective	Weighting
AO1	Demonstrate knowledge and understanding of the key features and characteristics of the periods studied.	35%
AO2	Explain and analyse historical events and periods studied using second-order historical concepts.	35%
AO3	Analyse, evaluate and use sources (contemporary to the period) to make substantiated judgements, in the context of historical events studied.	15%

AO4	Analyse, evaluate and make substantiated judgements about interpretations (including how and why interpretations may differ) in the context of historical events studied.	15%
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In respect of each GCSE Qualification in History which it makes available, or proposes to make available, an awarding organisation must -

- (a) ensure that the total mark for the qualification is the sum of all marks for the assessment objectives AO1 to AO4 (set out above) and the marks used to credit the accuracy of Learners’ spelling, punctuation and grammar and their use of specialist terminology,**
- (b) ensure that marks for the assessment objectives AO1 to AO4 are allocated across those assessment objectives in line with the weightings outlined above, and**
- (c) take all reasonable steps to ensure that the marks used to credit the accuracy of Learners’ spelling, punctuation and grammar and their use of specialist terminology is 5 per cent of the sum of all marks for the assessment objectives AO1 to AO4.**

Guidance on assessment objectives

1.9 The draft guidance on assessment objectives explains how we expect awarding organisations to interpret the assessment objectives in terms of:

- the discrete ‘elements’ within each assessment objective that questions and tasks could target and/or seek to credit;
- the coverage expectations, such as in relation to the different elements within each assessment objective and how those elements should be sampled over time; and
- the key areas of emphasis in each assessment objective and the particular meaning for the subject of any key terms and phrases used; defined terms are shown in bold text, followed by their definitions.

1.10 In line with the obligations set out in draft Condition GCSE(History)1.2, awarding organisations must have regard to any guidance on the assessment objectives. For example, an awarding organisation could map how it has regard to the guidance as it:

- develops its sample assessment materials;

- delivers the qualification;
- develops and applies its approach to sampling the elements into which the assessment objectives are divided; and
- monitors the qualification to make sure it addresses all elements appropriately.

1.11 The draft guidance on assessment objectives is set out below.

AO1: Demonstrate knowledge and understanding of the key features and characteristics of the periods studied			35%
Strands	Elements	Coverage	Interpretations and definitions
n/a	1a – Demonstrate knowledge of the key features and characteristics of the periods studied.	<ul style="list-style-type: none"> ■ Full coverage in each set of assessments (but not in every assessment). ■ Up to 10% of the total marks for the assessment objectives AO1 to AO4 (i.e. two sevenths of the marks for AO1) for questions that target element 1a only. 	<ul style="list-style-type: none"> ■ Features and characteristics are aspects of subject content. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ Questions/tasks may target element 1a in isolation, but element 1b should only be targeted in combination with element 1a or other assessment objectives. ■ This assessment objective does not target second-order historical concepts. However, marks for element 1b may be awarded for questions that also target AO2 and assess second-order historical concepts.
	1b – Demonstrate understanding of the key features and characteristics of the periods studied.		

AO2: Explain and analyse historical events and periods studied using second-order historical concepts			35%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	Full coverage in each set of assessments (but not in every assessment).	<ul style="list-style-type: none"> ■ Historical events and periods are aspects of subject content. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ Analyse means deconstructing information and/or issues to find connections and provide logical chain(s) of reasoning. ■ Explain means giving an account of the outcome of analysis and/or justifying a conclusion in questions requiring an evaluation. ■ This assessment objective should usually be assessed in conjunction with AO1. ■ Learners should be assessed on at least two of the second-order historical concepts specified in the Content Document in each set of assessments. Any question/task can target one or more of those second-order historical concept(s). ■ Awarding organisations should explain in their assessment strategies how they will achieve coverage and balance of those second-order historical concepts within each set of assessments and over time.

AO3: Analyse, evaluate and use sources (contemporary to the period) to make substantiated judgements, in the context of historical events studied			15%
Strands	Elements	Coverage	Interpretations and definitions
n/a	<p>1a – Analyse sources contemporary to the period.</p> <p>1b – Evaluate and use sources contemporary to the period to make substantiated judgements, in the context of historical events studied.</p>	<ul style="list-style-type: none"> ■ Full coverage in each set of assessments (but not in every assessment). ■ Up to 5% of the total marks for the assessment objectives AO1 to AO4 (i.e. one third of marks for AO3) for questions that target element 1a only. 	<ul style="list-style-type: none"> ■ Sources (contemporary to the period) means primary sources or sources that in either their origin and/or their authorship are contemporary to the period studied. This could also include contemporary evidence that is collected and presented at a later date e.g. raw data. ■ Historical events are aspects of subject content. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ Learners should be tested on a range of sources in each set of assessments. Individual questions/tasks may target a single source. ■ The emphasis here should be on Learners' own engagement with sources – consideration of others' views would be part of AO4. ■ Questions/tasks should either target element 3a in isolation, or elements 3a and 3b together. ■ Depending on the nature of the task, Learners' knowledge and understanding of the historical context may be credited as part of AO3, but only where it is presented in a way which is relevant and intrinsically linked to the analysis/evaluation/use of the source – it should not be credited in isolation.

AO4: Analyse, evaluate and make substantiated judgements about interpretations (including how and why interpretations may differ) in the context of historical events studied			15%
Strands	Elements	Coverage	Interpretations and definitions
n/a	<p>1a – Analyse individual interpretations.</p> <p>1b – Analyse how interpretations differ.</p> <p>1c – Analyse why interpretations differ.</p> <p>1d – Evaluate and make substantiated judgements about interpretations in the context of historical events studied.</p>	<ul style="list-style-type: none"> ■ Full coverage in each set of assessments (but not in every assessment). ■ At least 7.5% of the total marks for the assessment objectives AO1 to AO4 (i.e. half of the marks for AO4) should be allocated to element 1d. 	<ul style="list-style-type: none"> ■ An interpretation is an attempt to portray and/or make meaning of the past that is a deliberate construct created after the event(s). This can include both academic and non-academic interpretations. Awarding organisations should explain their approach to interpretations in their assessment strategies. ■ Historical events are aspects of subject content. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ Learners should consider more than one interpretation in each set of assessments. Individual questions/tasks may target a single interpretation. ■ Interpretations may be presented in different ways, ranging from single attributed quotations to longer, multiple extracts. They may include non-textual interpretations. ■ Interpretations should contain sufficient information and be set in sufficient context to permit analysis and evaluation. ■ Interpretations may be analysed and evaluated in different ways, including the following: <ul style="list-style-type: none"> □ the Learner’s knowledge and understanding of the

AO4: Analyse, evaluate and make substantiated judgements about interpretations (including how and why interpretations may differ) in the context of historical events studied			15%
Strands	Elements	Coverage	Interpretations and definitions
			<p>wider historical debate (although we do not expect Learners to show knowledge of particular historical schools of thought or learned responses regarding individual historians);</p> <ul style="list-style-type: none"> □ the methods, approach or evidence that have been used by its creator; □ how an interpretation may have been affected by the time in which it was created; □ how an interpretation may have been affected by its intended audience and/or purpose; □ the Learner’s knowledge and understanding of the period/events studied; and □ the evidence made available to the Learner. <p>■ Different approaches to interpretations may be equally legitimate and appropriate. Awarding organisations should explain and justify their approach in their assessment strategies.</p>

AO4: Analyse, evaluate and make substantiated judgements about interpretations (including how and why interpretations may differ) in the context of historical events studied			15%
Strands	Elements	Coverage	Interpretations and definitions
			<ul style="list-style-type: none"> ■ Evaluations of interpretations may be based on the Learner's own knowledge, but analyses of interpretations will usually consider matters other than the Learner's own knowledge of events. ■ Questions/tasks may target element 1a in isolation. Questions/tasks targeting elements 1b and/or 1c and/or 1d, should necessarily also target element 1a. ■ Questions/tasks assessing element 1c should expect the Learner to provide an explanation. ■ Depending on the nature of the task, Learners' knowledge and understanding of the historical context may be credited as part of AO4, but only where it is presented in a way which is relevant and intrinsically linked to the analysis/evaluation of the interpretation – it should not be credited in isolation.

2. Equality impact analysis

Ofqual's role, objectives and duties

2.1 We are subject to the public sector equality duty. We have set out in Appendix B how this duty interacts with our statutory objectives and other duties.

Equality impact analysis relating to proposed changes to GCSE, A level and AS qualifications

2.2 We have considered the potential impact on students who share protected characteristics¹⁰ of the application of the principles and features that will apply to all new GCSE, A level and AS qualifications. Our equality impact analyses for our earlier consultations on GCSE,¹¹ A level and AS qualification¹² reform are therefore of interest and we encourage you to read them.

2.3 We do not repeat here all of the evidence we have considered, as this can be found in our earlier reports. We focus instead on the specific issues that are relevant to the qualification on which we are now consulting.

2.4 During this consultation, we will continue to seek and consider evidence and feedback to our proposals that might help us identify any potential subject-specific impacts on students who share a protected characteristic.

2.5 Awarding organisations are required to consider the accessibility of their qualifications at the design stage and to remove any unjustifiable barriers.

Assessment arrangements

2.6 We have not identified any negative impacts on students who share protected characteristics which would result from our proposals (i) to require all assessments to be by exam, (ii) that the qualifications are untiered and (iii) for the assessment objectives..

2.7 Any issues concerning the proposed content will be considered by the Department of Education, who will be carrying out their own Equalities Impact Analysis on their subject content proposals.¹³

¹⁰ For the purposes of the public sector equality duty, the protected characteristics are disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation, gender reassignment.

¹¹ www.gov.uk/government/publications/gcse-reform-equality-analysis

¹² www.gov.uk/government/publications/gce-as-and-a-levels-reformed-content

¹³ www.education.gov.uk/consultations

Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the following information section.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please answer all questions marked with a star*

Name*

Position*

Organisation name (if applicable)*

Address

Email

Telephone

Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Is this a personal response or an official response on behalf of your organisation?*

Personal response (please answer the question “If you ticked ‘Personal response’...”)

Official response (please answer the question “If you ticked ‘Official response’...”)

If you ticked “Personal response”, which of the following are you?

Student

Parent or carer

Teacher (but responding in a personal capacity)

Other, including general public (please state below)

If you ticked “Official response”, please respond accordingly:

Type of responding organisation*

Awarding organisation

Local authority

School or college (please answer the question below)

Academy chain

Private training provider

University or other higher education institution

Employer

Other representative or interest group (please answer the question below)

School or college type

- Comprehensive or non-selective academy
 - State selective or selective academy
 - Independent
 - Special school
 - Further education college
 - Sixth form college
 - Other (please state below)
-

Type of representative group or interest group

- Group of awarding organisations
 - Union
 - Employer or business representative group
 - Subject association or learned society
 - Equality organisation or group
 - School, college or teacher representative group
 - Other (please state below)
-

Nation*

- England
- Wales
- Northern Ireland
- Scotland
- Other EU country: _____
- Non-EU country: _____

How did you find out about this consultation?

Our newsletter or another one of our communications

Our website

Internet search

Other

May we contact you for further information?

Yes No

Questions

Question 1

Do you have any comments on the draft Condition for new GCSE history?

Yes No

If yes, please provide them here:

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Question 2

Do you have any comments on the draft Guidance on subject content for new GCSE history?

Yes No

If yes, please provide them here:

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Question 3

Do you have any comments on the requirements surrounding the use of spelling, punctuation and grammar and specialist terminology?

Yes No

If yes, please provide them here:

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Question 4

Do you have any comments on the draft Guidance on assessment objectives for new GCSE history?

Yes No

If yes, please provide them here:

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Question 5

We have not identified any ways in which the proposed requirements for reformed GCSEs in history would impact (positively or negatively) on persons who share a protected characteristic. Are there any potential impacts we have not identified? If so, what are they?

Yes No

If yes, please provide them here:

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Question 6

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.

Yes No

If yes, please provide them here:

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Question 7

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

() Yes () No

If yes, please provide them here:

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Appendix A: Regulatory tools

Comparability and innovation

Awarding organisations operate in a market. They can design and deliver their qualifications in different ways, within the parameters we set. This provides some choice to schools or colleges, which is one of the benefits of a qualifications market. Awarding organisations must, however, make sure that the levels of attainment indicated by their qualifications are comparable to those of other awarding organisations' versions of the qualifications. The awarding organisations cooperate in a range of ways to make sure that the standards of their respective qualifications are comparable. To make sure standards are maintained and comparability is secured, we review GCSEs before they can be made available, by applying an accreditation requirement to the qualifications, and we oversee the awarding of GCSEs.

We do not wish to close down opportunities for awarding organisations to design and deliver their qualifications in different ways. Indeed, we have a statutory duty to have regard to the desirability of facilitating innovation in connection with the provision of regulated qualifications and a statutory objective with regard to the efficiency with which the qualifications market works. If we adopt a regulatory approach in which all aspects of a qualification are very tightly defined, we could effectively remove scope for awarding organisations to distinguish their qualifications from others and stop choice for schools or colleges. On the other hand, if awarding organisations have too much scope to vary their approach their qualifications might not be comparable.

In striking a balance, we use a range of tools to regulate qualifications and the awarding organisations that provide them. The main regulatory tools we use for the qualifications in this consultation are explained below.

Conditions of Recognition

Awarding organisations must comply at all times with our Conditions of Recognition. These are the main regulatory rules that we use. We can take regulatory action against an awarding organisation that breaches or is likely to breach a Condition.

There are three sets of Conditions that will apply to new GCSEs (together 'the Conditions'):

- (i) the published *General Conditions of Recognition*¹⁴ that apply to all regulated qualifications;

¹⁴ www.gov.uk/government/publications/general-conditions-of-recognition

- (ii) GCSE (1 to 9) Qualification Level Conditions and Requirements¹⁵ that apply to all new GCSEs;
- (iii) GCSE Subject Level Conditions that apply to a new GCSE in a specific subject – we are consulting now on draft GCSE Subject Level Conditions for history.

Regulatory documents

In some Conditions we refer to published regulatory requirements. We publish these in regulatory documents. The Conditions require awarding organisations to comply with such documents.

We are not proposing to introduce any new regulatory documents for GCSEs in history.

Statutory guidance

We publish Guidance to help awarding organisations identify the types of behaviour or practices they could use to meet a Condition. Awarding organisations must have regard to such guidance, but they do not have to follow this Guidance in the same way that they must comply with the Conditions; they are free to meet the outcomes of the Conditions in their own ways. An awarding organisation that decides to take a different approach to that set out in Guidance must still be able to show that it is meeting the Condition or Conditions to which the Guidance relates.

We are consulting now on draft Guidance for history.

¹⁵ www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions

Appendix B: Ofqual's role, objectives and duties

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

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

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

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant students, including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

As a public body, we are subject to the public sector equality duty.¹⁶ This duty requires us to have due regard to the need to:

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

The exam boards that design, deliver and award GCSE, A level and AS qualifications are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications, except where we have specified that such adjustments should not be made.

¹⁶ Equality Act 2010, section 149.

When we decide whether such adjustments should not be made, we must have regard to:

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

Legislation therefore sets out a framework within which we must operate. We are subject to 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 secure that a qualification gives a reliable indication of 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 person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them 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 both secure that qualifications give a reliable indication of knowledge, skills and understanding and advance equality between people who share a protected characteristic and those who do not. We must review all the available evidence and actively consider all the available options before coming to a final, rational decision.

Qualifications cannot be used to mitigate inequalities or unfairness in the education system or in society more widely than might affect, for example, students' preparedness to take the qualification and the assessments within it. While 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.

We require the exam boards to design qualifications to give a reliable indication of the knowledge, skills and understanding of those on whom they are conferred. We also require the exam boards to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a student to achieve because they have a particular protected characteristic. We require exam boards to monitor whether any features of their qualifications have this effect.

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

The protected characteristics under the Equality Act 2010 are:

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

It should be noted that with respect to the public sector equality duty under section 149 of the 2010 Act, we are not required to have due regard to impacts on those who are married or in a civil partnership.

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Office of Qualifications and Examinations Regulation

Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB

2nd Floor
Glendinning House
6 Murray Street
Belfast BT1 6DN

Telephone 0300 303 3344

Textphone 0300 303 3345

Helpline 0300 303 3346