

GCSE Modern Foreign Languages

Consultation on Conditions and Guidance

covering:

French

German

Spanish



December 2014

Ofqual/14/5581

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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 consulting now on more technical matters – that is, on the regulatory arrangements that we must put in place to make sure awarding organisations design, deliver and award the new qualifications in line with the policy decisions we have already taken. This consultation is on the specific Conditions and related Guidance that will apply to new GCSEs in modern foreign languages (French, German, Spanish). We are consulting in parallel on the Conditions and Guidance that will apply to new GCSEs in ancient languages, geography and history. 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/modern-foreign-and-ancient-languages>

<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-modern-foreign-languages-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 modern foreign languages (French, German and Spanish).

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 Modern Foreign Languages

1.1 Following our previous consultation on modern foreign languages,⁶ we announced our decision that only French, German and Spanish GCSEs will be developed for first teaching in 2016. Other modern foreign language subjects will be developed for first teaching in 2017. We also confirmed that new GCSEs in French, German and Spanish would be tiered.

Content requirements in modern foreign languages (French, German, Spanish)

1.2 The Department for Education has published a document that sets out the new content for GCSE modern foreign languages. GCSEs in modern foreign languages must comply with the requirements of that document.⁷

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

Condition	Compliance with content requirements
GCSE(Modern Foreign Languages (French, German, Spanish))1	
GCSE (Modern Foreign Languages (French, German, Spanish))1.1	In respect of each GCSE Qualification in French, German or Spanish which it makes available, or proposes to make available, an awarding organisation must – (a) comply with the requirements relating to that qualification set out in the document published by the Secretary of State entitled ‘Modern languages: GCSE subject content’⁸, document reference DFE-00348-2014, (b) have regard to any recommendations or guidelines relating to that qualification set out in that document, and

⁶ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/modern-foreign-and-ancient-languages>

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

⁷ www.gov.uk/government/publications/gcse-modern-foreign-languages

⁸ www.gov.uk/government/publications/gcse-modern-foreign-languages

(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 (Modern Foreign Languages (French, German, Spanish))1.2

In respect of each GCSE Qualification in French, German or Spanish 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.

Guidance on subject content

- 1.4 The subject content document⁹ requires translation exercises to be set within both the writing and reading assessments. We propose to introduce guidance indicating the amount of translation that we would normally expect to see. Such guidance should help make sure that all modern foreign language GCSEs are of a similar level of demand.
- 1.5 The subject content document also requires students to “recognise and respond to key information, important themes and ideas in more extended written text”. It is likely that there will be a relationship between the length of the text and its level of demand. We therefore propose to introduce guidance on the length of the extended written text.
- 1.6 We also propose to introduce guidance on how Stimulus Materials should be treated for the purposes of the section of the subject content document on the “use of the assessed language in questions and rubrics”, again with a view to securing a similar level of demand between awarding organisations’ qualifications.
- 1.7 Our draft guidance on these areas of subject content is set out below. In line with the obligations set out in Condition GCSE(Modern Foreign Languages (French, German, Spanish))1.1(c), awarding organisations would have to have regard to any such guidance.

⁹ www.gov.uk/government/publications/gcse-modern-foreign-languages

Guidance in relation to subject content for GCSE Qualifications in French, German or Spanish

The subject content for GCSE Qualifications (graded 9 to 1) in French, German or Spanish is set out in the Department for Education's *Modern languages: GCSE subject content*, document reference DFE-00348-2014 (the 'Content Document').

Condition GCSE(Modern Foreign Languages (French, German, Spanish))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(Modern Foreign Languages (French, German, Spanish))1.1(c) below.

Length of translation exercises

The Content Document states that GCSE Qualifications in French, German and Spanish must require Learners to –

'translate a short passage from the assessed language into English' as part of the assessment of their ability to understand and respond to written language,

and

'translate sentences and short texts from English into the assessed language' as part of the assessment of their ability to communicate in writing.

We expect the length of any such "short passage" or "short text" in an assessment to be –

- for the foundation tier, a minimum of 35 words; and
- for the higher tier, a minimum of 50 words.

Length of extended written text in reading assessment

The Content Document states that GCSE Qualifications in French, German and Spanish must require Learners to –

recognise and respond to key information, important themes and ideas in more extended written text and authentic sources, including some extracts from relevant abridged or adapted literary texts.

We expect an awarding organisation to interpret the reference to an 'extended written text' as being to a text which is –

- for the foundation tier, a minimum of 90 words in length; and
- for the higher tier, a minimum of 150 words in length.

Rubrics and instructions

The Content Document states that:

The overall rubrics containing instructions to candidates may continue to be in English, as at present. Questions for the majority of modern languages may be set in the assessed language or English, as appropriate to the task. They should be set in the language in which the candidate is expected to respond.

Awarding organisations should interpret the reference to 'rubrics' to include any Stimulus Materials provided to a Learner.

Tiering in GCSE modern foreign languages (French, German and Spanish)

- 1.8 Current GCSEs in French, German and Spanish are tiered qualifications, and will remain so. The assessments of each of the skills (reading, listening, speaking and writing) will each be tiered. Students must take all assessments in one or other of the higher or the lower tier; they must not take assessments in a combination of tiers.
- 1.9 The GCSE Qualification Level Condition GCSE 1.1, which requires awarding organisations to design and set every assessment so that it allows every specified level of attainment to be demonstrated by students, will not apply to GCSEs in French, German or Spanish.
- 1.10 We propose to put in place the following Conditions:

Condition	Assessing the full range of abilities
GCSE(Modern Foreign Languages (French, German, Spanish))²	
GCSE (Modern Foreign Foreign	In respect of each GCSE in French, German or Spanish Qualification that an awarding organisation makes

**Languages
(French, German,
Spanish))2.1**

available, or proposes to make available –

(a) Condition GCSE1.1 does not apply, and

(b) the awarding organisation must ensure that the qualification, and each assessment for it, complies with any requirements which may be published by Ofqual and revised from time to time.

- 1.11 We have previously consulted on the approach to tiering that should be used for GCSEs in French, German and Spanish. We have decided that an overlapping tiers model should be used.
- 1.12 The only other subject where tiering has been adopted so far is GCSE mathematics, for which we have set out detailed requirements in relation to the targeting of questions at specific grades, and the use of questions common to both tiers.
- 1.13 The nature of the skills being assessed in French, German and Spanish means that – compared to Mathematics – a broader range of approaches, item types and task types could be used. GCSE French, German and Spanish will have more and shorter assessments than GCSE Mathematics – raising different technical challenges for those setting, marking and awarding the qualifications.
- 1.14 We do not propose to set out detailed requirements for the design of tiered assessments as this may constrain options for assessment, and could prevent awarding organisations from proposing equally (or more) valid approaches.
- 1.15 We therefore propose to set out high-level requirements for the tiered assessment, and place the onus on awarding organisations to set out in their assessment strategies a compelling rationale for their chosen approach.
- 1.16 The draft requirements on tiering GCSE Qualifications in French, German or Spanish, with which we propose awarding organisations should comply, are set out below.

Tiering requirements – GCSE Qualifications in French, German or Spanish

Condition GCSE(Modern Foreign Languages (French, German, Spanish))2.1(b) allows us to specify requirements relating to assessing the full range of abilities for GCSE Qualifications (graded 9 to 1) in French, German or Spanish.

In accordance with Condition GCSE(Modern Foreign Languages (French, German, Spanish))2.1(b) an awarding organisation must design, deliver and award a GCSE Qualification in French, German or Spanish that it makes available, or proposes to make available, in accordance with the requirements set out below.

Use of the overlapping tiers model

1. All GCSE Qualifications in French, German or Spanish must be tiered. An awarding organisation must design and set the assessments for a GCSE Qualification in French, German or Spanish that it makes available, or proposes to make available, using an overlapping tiers model.
2. Such a model must use two tiers – a foundation tier and a higher tier – and each assessment must be designed and set in such a way as to fall within one of those two tiers only.

Preclusion of mixed tier entry

3. An awarding organisation must ensure that each Learner is permitted to take assessments in either the foundation tier or the higher tier only.

Grades available at each tier

4. The questions or tasks in foundation tier assessments must be targeted at the Level of Demand required for the award of GCSE grades 1 to 5. A Learner who takes foundation tier assessments must be awarded a grade within the range of 1 to 5, or be unclassified.
5. The questions or tasks in higher tier assessments must be targeted at the Level of Demand required for the award of grades 4 to 9. A Learner who takes higher tier assessments must be awarded a grade within the range of 4 to 9, or be unclassified. However, if the mark achieved by such a Learner is a small number of marks below the 4/3 grade boundary, that Learner may be awarded a grade 3.
6. The 3/U grade boundary for higher tier assessments is provisionally set by subtracting half the mark interval between the 5/4 and 4/3 grade boundaries (rounding up half marks) from the 4/3 boundary.

Assessing the full range of abilities

7. An awarding organisation must ensure that the assessments within each tier allow each specified level of attainment available for that tier to be reached by a Learner who has attained the required level of knowledge, skills and understanding.
8. An awarding organisation must ensure that the assessments both within each tier, and taken together across both tiers –
 - a. ensure consistent and sufficient differentiation¹⁰ between Learners;
 - b. ensure consistent and sufficient discrimination¹¹ between Learners; and
 - c. ensure the accurate and consistent setting of grades across the full range of attainments demonstrated by Learners.
9. In designing assessments, an awarding organisation must take all reasonable steps to ensure, at each tier, that Learners achieving the lowest targeted grade have demonstrated attainment with regard to a sufficient range of the subject requirements, in terms of the areas of content, content domains and the assessment objectives. Equally, an awarding organisation must take all reasonable steps to ensure, at each tier, that Learners achieving the higher targeted grades must have demonstrated attainment with regard to suitably stretching and challenging requirements, in terms of the areas of content, content domains and the assessment objectives.

The overlap at grades 4 and 5

10. An awarding organisation must design the assessments and awarding processes to secure that the level of attainment indicated by grades 4 and 5 is comparable regardless of the tier for which a Learner is entered. Each awarding organisation must demonstrate in its assessment strategy how this comparability between tiers will be secured, including on an ongoing basis. The securing of such comparability may include, but is not restricted to, the use of common questions/tasks between tiers.

¹⁰ For the purposes of these requirements, 'differentiation' means the provision of opportunities in an assessment for Learners to generate evidence demonstrating different levels of attainment according to their knowledge, skills and understanding.

¹¹ For the purposes of these requirements, 'discrimination' means the rank ordering of Learners on the basis of the different levels of attainment they have demonstrated in an assessment or set of assessments.

Assessment requirements for modern foreign languages

We propose to publish a range of requirements and guidance (see below). To give effect to these, we propose to introduce the following Conditions:

Condition	Assessment
GCSE(Modern Foreign Languages (French, German, Spanish))³	
GCSE (Modern Foreign Languages (French, German, Spanish))^{3.1}	An awarding organisation must ensure that in respect of each assessment for a GCSE Qualification in French, German or Spanish which it makes available, or proposes to make available, it complies with any requirements, and has regard to any guidance, which may be published by Ofqual and revised from time to time.

- 1.17 Currently the awarding organisations take different approaches to the use of vocabulary lists. In new GCSEs, if vocabulary lists are provided by awarding organisations as a guide to teachers, assessment tasks should not be restricted to the vocabulary lists, as this could make assessments predictable. We have drafted requirements stating that at foundation tier, students should expect to deal with common/familiar words that are not on any vocabulary list, and at higher tier, candidates should be expected to deal with less familiar words, particularly in authentic sources.
- 1.18 There is likely to be a strong relationship between the length of speaking and listening assessments and their level of demand. To help make sure that awarding organisations' qualifications are of a similar level of demand, we propose to introduce guidance on the length of these assessments.
- 1.19 We also propose to introduce requirements on the length of preparation time allowed in relation to the speaking assessments, as again this could affect the level of demand of a specification.
- 1.20 Finally, we propose to introduce requirements on the activities that must be covered within speaking assessments, again to help secure comparability between specifications.
- 1.21 The draft requirements on the assessment of GCSE Qualifications in French, German or Spanish, with which we propose awarding organisations should comply under the above Condition, are set out below.

Requirements in relation to assessments for GCSE Qualifications in French, German and Spanish

Condition GCSE(Modern Foreign Languages (French, German, Spanish))3.1 allows us to specify requirements and guidance in relation to assessments for GCSE Qualifications French, German or Spanish.

We set out our requirements for the purposes of Condition GCSE(Modern Foreign Languages (French, German, Spanish))3.1 below.

Vocabulary lists

Where an awarding organisation publishes a lists of words which Learners will be expected to use and understand (a 'vocabulary list') for a GCSE Qualification in French, German or Spanish which it makes available, or proposes to make available, it must ensure that –

- any assessment for that qualification is not restricted to use of words on the vocabulary list in such a way as to render the assessment predictable;
- foundation tier assessments for that qualification require Learners to understand and respond to common or familiar words that are not on the vocabulary list; and
- higher tier assessments for that qualification require Learners to understand and respond to words that are not on the vocabulary list and which are less common or familiar than those used in relation to foundation tier assessments.

Speaking assessment

An awarding organisation must design and set each assessment of a Learner's ability to use spoken French, German or Spanish effectively such that:

- each Learner shall have the same amount of formal preparation time (as defined in Condition GCSE(Modern Foreign Languages (French, German, Spanish))5.2) in relation to the assessment and that period of time must be between 10 and 12 minutes;
- the total period of time spent by each Learner in taking such assessments shall be –
 - for foundation tier assessments, between seven and nine minutes; and
 - for higher tier assessments, between 10 and 12 minutes.

Each assessment of a Learner's ability to use spoken French, German or Spanish effectively must include:

- a conversation covering more than one topic, only one of which may be chosen by the Learner in advance of the assessment; and
- two further tasks, each of which must be one of the following:
 - a role play;
 - a response to Stimulus Materials containing pictures only;
 - a response to Stimulus Materials containing text only; or
 - a response to Stimulus Materials containing pictures and text.

Listening assessment

An awarding organisation must take all reasonable steps to design and set each assessment of a Learner's ability to understand spoken French, German or Spanish effectively (which does not assess the Learner's ability to speak the language effectively) on the basis that the total amount of time spent by each Learner in taking such assessments shall be –

- for foundation tier assessments, 35 minutes (including five minutes reading time); and
- for higher tier assessments, 45 minutes (including five minutes reading time).

Guidance on assessment

1.22 We propose to publish additional guidance on the use of vocabulary lists. Our draft guidance is set out below.

Guidance in relation to assessments for GCSE Qualifications in French, German and Spanish

Condition GCSE(Modern Foreign Languages (French, German, Spanish)3.1 allows us to specify requirements and guidance in relation to assessments for GCSE Qualifications in French, German and Spanish.

We set out our guidance for the purposes of Condition GCSE(Modern Foreign Languages (French, German, Spanish)3.1 below.

Vocabulary lists

Awarding organisations are not required to publish vocabulary lists. If they do, they must make sure the requirements set out in the *GCSE Subject Level Conditions and Requirements for Modern Foreign Languages (French, German, Spanish)* are met.

Requirements on the assessment of spoken language

1.23 The speaking assessments in modern foreign language GCSEs are defined as non-exam assessment. This is because they are not taken simultaneously by all relevant students. Nevertheless, the assessments are to be both set and marked by the awarding organisation. The student's performance in the assessment must be recorded so that the awarding organisation is able to mark it.

1.24 We propose that all speaking assessments must be taken within a fixed period of time. We propose that there should be a five-week period in April/May during which all spoken language assessments are taken. This will mean that all students have about the same time to prepare for the assessment. Although in practice the assessments might be completed in a shorter period of time, the period will allow for school holidays that typically take place in the spring.

1.25 In order to give effect to the above, we propose to put in place the following Conditions:

Condition	Assessment of spoken language
GCSE(Modern Foreign Languages (French, German, Spanish))4	

GCSE (Modern Foreign Languages (French, German, Spanish))4.1	In respect of each GCSE Qualification in French, German or Spanish which an awarding organisation makes available, or proposes to make available, Condition GCSE4.1 does not apply to any assessment of a Learner's ability to use spoken French, German or Spanish
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effectively.

GCSE (Modern Foreign Languages (French, German, Spanish))4.2 In respect of each assessment for a GCSE Qualification in French, German or Spanish that it makes available and which is not an Assessment by Examination an awarding organisation must ensure that it –

- (a) sets the assessment,
- (b) marks the evidence generated by a Learner in the assessment, and
- (c) is provided with a recording of the evidence generated by a Learner in the assessment by the centre at which that Learner took the assessment.

GCSE (Modern Foreign Languages (French, German, Spanish))4.3 In respect of each GCSE Qualification in French, German or Spanish that an awarding organisation makes available, or proposes to make available –

- (a) Condition GCSE6.1 does not apply to any assessment of a Learner's ability to use spoken French, German or Spanish effectively,
- (b) the awarding organisation must ensure that each Learner completes any such assessment during the last three weeks in April and the first two weeks in May in any single year, and
- (c) the awarding organisation must take all reasonable steps to minimise the predictability of each such assessment.

Access to bilingual dictionaries

1.26 We propose to introduce rules on the use of dictionaries in GCSE modern foreign language assessments so that all awarding organisation take a common approach.

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

Condition **Access to bilingual dictionaries**
GCSE(Modern Foreign Languages (French, German, Spanish))5

GCSE (Modern Foreign Languages **An awarding organisation must take reasonable steps to**

(French, German, Spanish))5.1

ensure that no Learner has access to a bilingual dictionary –

- (a) when taking any assessment for a GCSE Qualification in French, German or Spanish which it makes available, or
- (b) during any period of formal preparation time prior to such an assessment.

GCSE (Modern Foreign Languages (French, German, Spanish))5.2

For the purposes of this Condition –

- (a) a 'bilingual dictionary' is a dictionary the primary purpose of which is to translate words and/or phrases in one language into another, and
- (b) 'formal preparation time' is a period of time immediately prior to the assessment during which the Learner is provided with previously unseen information relating to the assessment and is allowed to prepare for the assessment under conditions (including conditions as to supervision) which have been specified by the awarding organisation.

Assessment objectives

1.28 We have previously consulted on and announced our decisions on assessment objectives in GCSEs in modern foreign languages. These final assessment objectives are repeated below for completeness.

1.29 We have also set out below the assessment objectives, the requirements around the knowledge and accurate application of grammar and structures of the language prescribed in the subject content.¹²

	Objective	Weighting
AO1	Listening – understand and respond to different types of spoken language.	25%
AO2	Speaking – communicate and interact effectively in speech.	25%
AO3	Reading – understand and respond to different types of written	25%

¹² www.gov.uk/government/publications/gcse-modern-foreign-languages

	language.	
AO4	Writing – communicate in writing.	25%

In each of AO2 and AO4 at least 2.5 per cent of the total marks for assessment objectives AO1 to AO4 (i.e. 10 per cent of the marks available for the AO) must be allocated to knowledge and accurate application of the grammar and structures of the language prescribed in the specification.

Guidance on assessment objectives

1.30 As explained in Appendix A, we have consulted with those awarding organisations who offer current GCSEs in French, German and Spanish on the guidance to be provided on assessment objectives.

1.31 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.

1.32 In line with the obligations set out in draft Condition GCSE(Modern Foreign Languages (French, German, Spanish))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.

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

AO1: Listening – understand and respond to different types of spoken language			25%
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"> ■ The different types of spoken language are aspects of subject content. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ It is not possible to assess Learners' ability to 'understand' and 'respond to' spoken language separately. Rather, Learners should demonstrate their understanding through their responses. ■ Responses should be written, either in the assessed language or in English. ■ Responses to questions in the assessed language may include (but are not limited to): single letters, numbers and/or percentages in figures, names, single words and/or phrases in the assessed language. ■ Responses should only assess the skill of understanding spoken language. Responses in the assessed language should not be assessed for quality of language, but purely for comprehension. ■ The reading requirements in questions and rubrics should not be beyond the level of the language in the listening material, in terms of both complexity and length.

AO2: Speaking – communicate and interact effectively in speech			25%
Strands	Elements	Coverage	Interpretations and definitions
n/a	1a – Communicate in speech. 1b – Interact in speech.	Full coverage in each set of assessments (but not in every assessment).	<ul style="list-style-type: none"> ■ Communicate means conveying information, which includes but is not limited to: presentation, speech and monologue. ■ Interact includes but is not limited to: conversation, discussion, answering and asking questions, and exchanging opinions. ■ Communicate and interact should generally be assessed together. ■ Some tasks may assess communication only, however there should be follow up interaction e.g. questions and discussion. ■ The emphasis here should be on Learners' fluency in their use of spoken language, rather than on accuracy. Learners attempting more complex language and/or demonstrating increased spontaneity should not be penalised if the language is less accurate.

AO3: Reading – understand and respond to different types of written language			25%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> ■ Full coverage in each set of assessments (but not in every assessment). ■ 10% to 15% of marks for AO3 for questions/tasks requiring translation. 	<ul style="list-style-type: none"> ■ The different types of written language are aspects of subject content. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ It is not possible to assess Learners' ability to 'understand' and 'respond to' written language separately. Rather, Learners should demonstrate their understanding through their responses. ■ Responses should be written, either in the assessed language or in English. ■ Responses to questions in the assessed language may include (but are not limited to): single letters, numbers and/or percentages in figures, names, single words and/or phrases in the assessed language. ■ Responses should only assess the skill of understanding written language. Responses in the assessed language should not be assessed for quality of language, but purely for comprehension. ■ The reading requirements in questions and rubrics should not be beyond the level of the language in the reading material and/or texts, in terms of both complexity and length.

AO4: Writing – communicate in writing			25%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> ■ Full coverage in each set of assessments (but not in every assessment). ■ 20% of marks for AO4 for questions/tasks requiring translation. 	<ul style="list-style-type: none"> ■ Communicate means conveying information in writing. ■ Awarding organisations should explain in their assessment strategy how they will assess Learners’ ability to communicate in writing ‘for a variety of purposes across a range of specified contexts’ (as required by the Content Document).

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 characteristics¹³ 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,¹⁴ A level and AS qualification¹⁵ 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. We will also seek views from interested groups during the period of this consultation, including the Access Consultation Forum and our External Advisory Group for Equalities.

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 aspects of the proposed arrangements for new GCSEs in French, German and Spanish that may have a negative impact on students because of age, gender reassignment, pregnancy and maternity, sex or sexual orientation (beyond those that apply generally because of the timing of assessments and as considered in our November 2013 report).

¹³ 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.

¹⁴ www.gov.uk/government/publications/gcse-reform-equality-analysis

¹⁵ www.gov.uk/government/publications/gce-as-and-a-levels-reformed-content

- 2.7 Some disabled students may be at a disadvantage relative to other students when they take speaking and listening assessments for a GCSE in French, German or Spanish. 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.
- 2.8 To remove or reduce this disadvantage, disabled students may have adjustments made to the way that their assessments are conducted.¹⁶ 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 awarding organisation 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.
 - 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 of 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 that 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.
- 2.9 The first of these two forms of reasonable adjustments should continue to be available to students taking a new GCSE in French, German or Spanish. A student will be able to apply for an exemption from any one of the components (speaking, listening, reading or writing) if they cannot attempt any part of the assessment.
- 2.10 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

¹⁶ 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.

- students. We use this power to make sure that 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.
- 2.11 We have used this power to limit the percentage of marks from which a student can be exempt in a given qualification to 40 per cent. We believe that if a student is exempted from parts of the qualification that constitute more than 40 per cent of the total marks available, then the qualification cannot be said to give a reliable indication of a student's knowledge, skills and understanding.
- 2.12 The percentage of marks in new GCSEs in French, German and Spanish allocated to speaking and listening will be set at 25 per cent each.
- 2.13 Currently, a disabled student could in theory be exempted from both the speaking and listening assessments if an awarding organisation had designed its GCSE in French, German or Spanish so that the total marks for speaking and listening were 40 per cent (at the bottom of the permissible range for both skills). Under the new arrangements, a student could be exempt from speaking or listening but not both, as this would account for 50 per cent of the marks.
- 2.14 The awarding organisations have told us that although they occasionally exempt a student from either the listening or the speaking assessment (typically one or two students per exam board per year are given such an exemption), they do not receive requests to exempt students from both the speaking and listening assessments.
- 2.15 We could consider changing the limit we have placed on the percentage of marks from which a student can be exempt to enable a disabled student who could not attempt any part of either the speaking or the listening assessment to be exempt from both. We do not propose to do so, however. We believe the current exemption limit of 40 per cent is appropriate and that we should not make provision for a student who has not demonstrated either speaking or listening skills in the language to have the marks they gain in the reading and writing assessments scaled up.
- 2.16 Currently there are short-course GCSEs available in French, German and Spanish that cover either reading and writing or speaking and listening. We are not proposing to stop such short-form GCSEs from being available in the future. A student who, because of a disability, was unable to attempt either of the speaking or listening assessments, could decide to take instead a short-course GCSE covering reading and writing.
- 2.17 Some disabled students may be at a disadvantage relative to other students when their reading and writing skills are being assessed, for example visually impaired and dyslexic students. The proposed equal allocation of marks

between speaking, listening, reading and writing may help to reduce any disadvantage experienced by students whose speaking and listening skills may be stronger than their reading and writing skills.

2.18 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.¹⁷

¹⁷ 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 Conditions on subject content for new GCSEs in French, German and Spanish?

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 GCSEs in French, German and Spanish?

Yes No

If yes, please provide them here

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Question 3

Do you have any comments on the draft tiering Conditions or requirements for new GCSEs in French, German and Spanish?

Yes No

If yes, please provide them here:

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Question 4

Do you have any comments on the draft Conditions or requirements on assessment for new GCSEs in French, German and Spanish?

Yes No

If yes, please provide them here

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Question 5

Do you have any comments on the draft Guidance on assessment for new GCSEs in French, German and Spanish?

Yes No

If yes, please provide them here

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Question 6

Do you have any comments on the draft Conditions on speaking assessments for new GCSEs in French, German and Spanish?

Yes No

If yes, please provide them here

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Question 7

Do you have any comments on the draft Conditions on access to bi-lingual dictionaries for new GCSEs in French, German and Spanish?

Yes No

If yes, please provide them here

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Question 8

Do you have any comments on the draft Guidance on assessment objectives for new GCSEs in French, German and Spanish?

Yes No

If yes, please provide them here:

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Question 9

We have not identified any ways in which the proposed requirements for reformed GCSEs in French, German and Spanish 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 10

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 11

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*¹⁸ that apply to all regulated qualifications;

¹⁸ www.gov.uk/government/publications/general-conditions-of-recognition

- (ii) GCSE (1 to 9) Qualification Level Conditions and Requirements¹⁹ 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 modern foreign languages (French, German and Spanish).

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 consulting now on two draft regulatory documents: (i) the requirements for tiering in GCSE modern foreign languages (French, German and Spanish); and (ii) the requirements in relation to assessments for GCSE qualifications in French, German or Spanish. The requirements will have effect as if they were part of a Condition. The requirements are in a stand-alone section of the Conditions document, simply because they are technical and detailed so they sit better as separate to, rather than within, the Condition itself.

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 new GCSEs in French, German and Spanish.

¹⁹ 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.²⁰ 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.

²⁰ 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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