

Developing a new GCSE design and technology qualification for first teaching in 2017

Equality impact analysis



November 2015

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1. Introduction

This document sets out our final equality analysis for the regulatory arrangements we are proposing to introduce for the new GCSE Design and Technology qualification due to be taught from September 2017. We conducted an equality analysis prior to publishing our consultation on assessment arrangements in July 2015; this document is based on that analysis and the feedback we received through consultation.

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

2. Equality analysis relating to proposed changes to GCSE design and technology

We have considered the potential impact on students who share protected characteristics¹ of the application of the principles and features that will apply to all new GCSEs, AS and A levels. Our equality impact analyses for our earlier consultations on GCSE reform are therefore of interest and we encourage you to read them².

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 subject on which we are now consulting.

We require exam boards to consider the accessibility of their qualifications at the design stage and to remove any unjustifiable barriers.

¹ 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.

² <http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-analysis-report-on-reforms-to-gcse-from-2015/>

<http://webarchive.nationalarchives.gov.uk/20141031163546/http://www.ofqual.gov.uk/files/2012-06-18-equality-analysis-of-the-a-level-reform-consultation.pdf>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398244/2015-01-26-developing-new-gcse-a-level-and-as-qualifications-for-first-teaching-in-2016-eia.pdf

2.1 Assessment arrangements

Design and technology is a subject that contains a practical element. In our consultation we proposed that the subject should be assessed by a combination of exam and non-exam assessment, with 50 per cent of the marks allocated to each.

We identified that some disabled students might not be able to undertake elements of the non-exam assessment because of their disability. Using our powers under the Equality Act 2010, we have specified that a disabled student can be exempt from a maximum of 40 per cent of the marks available for a GCSE, qualification and have their marks from the assessments they are able to take scaled up. However, students can only be exempted from whole components, and then only when they cannot access any part of the component in question.

If, within a specification, there was a discrete component that assessed the student's practical skills in the subject, worth no more than 40 per cent of the marks, an exemption could be given for that assessment. The student would take the remaining components. This would allow a disabled student who was unable to undertake the practical assessment to be granted an exemption from that assessment and to have their marks from the remaining aspects of the qualification scaled up.

Exam boards decide how to design the qualifications they offer, within the rules we put in place. So we have considered whether we should set the percentage of marks available for non-exam assessment in design and technology at 40 per cent or less to allow a student to be exempted from the whole non-exam assessment. We do not believe that this would be appropriate because the practical aspect of the qualification, to be assessed by non-exam assessment, is a fundamental part of the qualification. If a student is unable to access any of the non-exam assessment then the proposed approach would be relatively less disadvantageous to disabled students unable to complete the non-exam assessment than the current model in which 60 per cent of the marks would be unavailable to them.

Where the non-exam assessment forms one whole component comprising 50% of the marks, a student could not be exempted from it because of the 40% exemption limit. However exam boards could distribute the 50% non-exam assessment marks between two components, allowing an exemption to be given for one component. For example, one component could focus on the design of the product and the other on the making of that product. Currently some of the exam boards chose to structure their design and technology qualifications so that the non-exam assessment is comprised of two components, each less than 40% of the overall qualification – so exemptions are potentially possible. There are currently no regulations that require the exam boards to design their assessment in this way.

We have not yet decided whether it would be appropriate to prescribe the balance of marks between designing and making within the non-exam assessment. As we develop the subject level conditions for this qualification with the awarding organisations we will consider whether we should introduce rules about the balance of marks here. This will include a careful consideration of the equality implications.

2.2 Feedback from the consultation.

We have separately published an analysis of all the feedback we received during the consultation, it is available at: <https://www.gov.uk/government/consultations/gcse-reform-regulations-for-design-and-technology>

As part of the consultation we asked three targeted questions about equalities. They are set out below.

Consultation questions

Question 6: We have identified that disabled students might not be able to complete the proposed non-exam assessment requirements for reformed GCSEs in design and technology. Are there any other potential impacts we have not identified that may impact (positively or negatively) on persons who share a protected characteristic? If so, what are they?

Question 7: 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.

Question 8: Have you any other comments on the impacts of the proposals on persons who share a protected characteristic?

As well as considering the answers to these questions we reviewed the responses to other consultation questions to see if they were equality related.

There were three points made related to equalities issues, each from only a small number of the 58 respondents:

1. A concern that the move to a single qualification title and a focus on a multi materials approach within it would disadvantage students who had previously been able to take forward their study in a single materials title. Implicit in this concern but not expressed by respondents seems to be a view that some materials would be more difficult for students with disabilities to engage with.

2. This concern has been raised with the Department for Education through their consultation on the content requirements for Design and Technology and they have addressed it in their impact assessment
3. The weighting of non-exam assessment. There were two divergent views in this area. First a view that disabled or SEN students perform relatively less well in exam based assessment. Secondly a view that disabled students would not be able to engage with the practical non-exam assessment.
4. Having considered both points in the context of Design and Technology we have decided not to change our requirement on non-exam assessment. We believe that the subject requires a balance of theoretical and practical knowledge and skills and that the way the qualification is assessed should reflect this balance.
5. The expectations of mathematical and science ability and the relationship with assessment. One respondent raised a concern that the inclusion of maths and science content within the qualification may dissuade students with SEN from undertaking the qualification even though they may be able to progress into the industry.
6. This concern has been raised with Department for Education through their consultation on the content requirements for Design and Technology and they have addressed it in their impact assessment. We note that there are other more practical qualifications available in this subject which might better suit students for whom the mathematical and science requirements would be too challenging.

We have not identified anything further about the proposed changes that would have an adverse impact on students because of their racial group, sex, age, religion or belief, pregnancy or maternity, sexual orientation or as a result of gender reassignment.

Appendix A: 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, among others, 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. 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; and
- 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 GCSEs, AS and A levels 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.

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;
and
- 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 GCSEs, AS and A levels, 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 partnership
- Pregnancy and maternity
- Race
- Religion and 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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