

Decisions on Conditions and guidance for AS and A level Law



In February 2016 we published a consultation about the rules and guidance we proposed to put in place for new AS and A levels in Law.

This consultation set out draft Subject Level Conditions, requirements and guidance which would apply to all new AS and A levels in this subject.

We have reviewed the responses to the consultation and are now announcing our decisions. We are also publishing a more detailed analysis of the responses alongside this document¹.

Compliance with content requirements

We proposed that all reformed AS and A levels in Law should comply with the subject content requirements published by the Department for Education (DfE),² and with our assessment objectives.

We explain in our analysis document that we received five responses to our consultation that engaged with the questions we asked. The respondents supported this proposal and expressed no concerns in relation to it.

We have therefore decided to confirm our proposals in this area.

Assessment objectives

The wording and weighting of the assessment objectives in AS and A level law were outside the scope of this consultation,³ but a number of respondents nonetheless raised concerns about them:

- One respondent commented that assessment objective AO1, as drafted, did not provide for the assessment of students ‘knowledge and understanding’ of the nature of law. The response suggested that AO1 should be re-worded to provide for this.
- The same respondent commented in relation to assessment objective AO3 that ‘analysis of concepts’ is a higher order skill which relates to A level only, and

¹ www.gov.uk/government/consultations/gcse-as-and-a-level-reform-regulations-for-law

² www.gov.uk/government/publications/gce-as-and-a-level-law

³ We took decisions on the weighting of the assessment objectives following our earlier consultation ‘Developing new GCSEs, AS and A Levels for first teaching in 2017 - Part 2’

that 'issues' should also appear in the wording of AO3 for AS. The respondent argued that 'concepts' should be replaced by 'issues' in the wording of AO3 for AS.

- Another respondent also suggested 'issues' should be included in AO3 for both AS and A level, arguing that 'issues' appeared in the subject content for both. The respondent suggested such an amendment would be helpful for teachers and students.

We have considered these comments and our view is that it is not appropriate to make specific reference to the nature of law within AO1. In designing the assessment objectives, we aim to reach a balance with regard to the amount of detail we include, and whether to include specific references to the subject content. Exam boards are required to make sure their qualifications comply with the content requirements, so the assessment objectives do not need to refer to aspects of the content.

For AO3, our view is that the analysis of concepts is properly part of AS, whereas analysis and evaluation of 'issues' is only a requirement at A level (in line with paragraph 19 of the subject content).

We have therefore decided not to revisit our earlier decisions on the wording of the assessment objectives. We have, however, made changes to our supporting guidance on assessment objectives to help address some of the concerns raised.

Guidance on assessment objectives

In our draft guidance, we included definitions of terms used within our assessment objectives, such as 'legal concepts' and 'legal issues'.

As a result of the feedback we have received (including in relation to the wording of the assessment objectives) it is clear that the proposed definitions of these terms, as well as related terms such as legal principles, could give rise to confusion, or inadvertently narrow assessment. We have therefore removed these definitions, and have instead clarified that all these terms are 'aspects of subject content'.

Next steps

We have published the following documents which formally introduce our rules and guidance for AS and A level Law:

- GCE Subject Level Conditions for Law⁴
- GCE Subject Level Guidance for Law⁵

⁴ www.gov.uk/government/publications/gce-subject-level-conditions-and-requirements-for-law

⁵ www.gov.uk/government/publications/gce-subject-level-guidance-for-law