

Developing new AS and A levels in modern foreign languages (alternative content for languages with smaller cohorts) for first teaching in 2018

covering:

AS and A levels in modern foreign languages (Alternative content for languages with smaller cohorts):

- Arabic
- Bengali
- Gujarati
- Modern Greek
- Modern Hebrew
- Japanese
- Panjabi
- Persian
- Polish
- Portuguese
- Turkish
- Urdu



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1. Introduction

The scope of this consultation

- 1.1 As most readers will know, changes are being made to GCSEs, AS and A levels taken by students in England. The new qualifications are being introduced in four phases. New qualifications in the first phase were introduced in September 2015 and those in the second phase in from September 2016. Those in the third phase will be taught from September 2017.¹ This consultation is about further new qualifications that will first be taught from September 2018.
- 1.2 In our *Consultation on Conditions and guidance for GCSEs, AS and A levels in modern foreign languages* for first teaching in September 2017,² we noted that the Department for Education (DfE) was considering the possible development of new subject content for AS and A level qualifications in some less-taught languages that would be developed to be of comparable demand to that already in place for other AS and A levels in modern foreign languages. The DfE is now consulting on the proposed content for AS and A level qualifications in modern foreign languages (alternative content for languages with smaller cohorts), which has been developed for the following languages:
- Arabic
 - Bengali
 - Gujarati
 - Modern Greek
 - Modern Hebrew
 - Japanese
 - Panjabi
 - Persian
 - Polish
 - Portuguese

¹ For details of when all new GCSEs, AS and A levels will become available see: www.gov.uk/government/publications/get-the-facts-gcse-and-a-level-reform

² www.gov.uk/government/consultations/gcse-as-and-a-level-reform-regulations-for-modern-foreign-languages

- Turkish
- Urdu

- 1.3 The DfE has proposed new AS and A level content for these languages that does not require students to be assessed on their spoken language skills. The government's consultation³ sets out the rationale for proposing different content requirements for these languages. The DfE has also proposed that this content has a different title from other AS and A level modern foreign languages to make clear the distinction between qualifications based on this content, and those based on the content for other AS and A level modern foreign languages, given there are differences in the requirements. We would expect the differences in content to be reflected in qualification titles.
- 1.4 The DfE has not proposed new content for GCSEs in these languages. Some of the GCSEs in these languages have been developed for first teaching in 2017⁴, and it has been announced⁵ that new reformed GCSEs in most other languages currently available at GCSE will be developed to be taught in schools from 2018. These qualifications must meet the requirements already in place for modern foreign language qualifications at GCSE.
- 1.5 In this consultation we are seeking views on the assessment arrangements and assessment objectives for new qualifications in modern foreign languages (alternative content for languages with smaller cohorts) in the languages detailed above.
- 1.6 As noted above, the DfE is consulting in parallel on the content for this subject. Our proposals are informed by the content the DfE plan to introduce, so we suggest you read the DfE consultation alongside ours. If you wish to comment on the proposed content, please respond to that consultation.
- 1.7 We will make decisions on the structure and assessment of qualifications in these languages in light of responses to this consultation. We will then consult

³ <https://www.gov.uk/government/consultations/as-and-a-level-subject-content-for-modern-foreign-languages-with-smaller-cohorts>

⁴ GCSEs in Arabic, Bengali, Chinese, Italian, Japanese, Modern Greek, Modern Hebrew, Panjabi, Polish, Russian and Urdu have been submitted for accreditation for first teaching in 2017. Details on their accreditation status can be found at: <https://www.gov.uk/government/publications/accreditation-of-gcse-as-a-levels-for-teaching-from-2017/gcse-as-and-a-level-subjects-accredited-to-be-taught-from-2017>.

⁵ The expectation that exam boards will develop reformed GCSEs in Gujarati, Persian, Portuguese, and Turkish can be seen here: <https://www.gov.uk/government/news/community-languages-saved-to-ensure-diverse-curriculum-continues>.

on the technical regulatory requirements that exam boards wishing to design, deliver and award the qualifications must meet.

- 1.8 It is intended that the exam boards will develop new qualifications in the languages listed above ready for first teaching by schools and colleges from September 2018.
- 1.9 We have summarised below the key features of all new AS and A levels. We do not repeat here the reasons why AS and A levels are being reformed, the options about the general approach to the structure and assessments of AS and A levels we have considered, or the full range of decisions we have already taken. This information can be found on our website.⁶ We also set out in Appendix A some of the documents relating to the background to these important reforms and progress so far.
- 1.10 Much of the information set out below on the purpose, key features and structure of AS and A levels, and in the following section on the assessment of new AS and A levels, is a repeat of the information included in our earlier consultations.⁷ It has been included here to provide context for our proposals for the benefit of those who did not have the opportunity to read those consultations.

AS and A levels – purpose and key features

1.11 The objectives of A levels are to:

- define and assess achievement of the knowledge, skills and understanding that will be needed by students planning to progress to undergraduate study at a UK higher education establishment, particularly (although not only) in the same subject area, and to provide a strong foundation for further academic and vocational study and for employment;
- set out a robust and internationally comparable post-16 academic course of study to develop that knowledge, skills and understanding;
- permit UK universities to accurately identify the level of attainment of students;

⁶ <https://www.gov.uk/government/collections/reform-of-as-and-a-level-qualifications-by-ofqual>

⁷ www.gov.uk/government/consultations/development-of-new-gcses-and-a-levels-for-teaching-from-2017

www.gov.uk/government/consultations/developing-new-gcses-as-and-a-levels-for-first-teaching-in-2017

- provide a basis for school and college accountability measures at age 18; and
- provide a benchmark of academic ability for employers.

1.12 The objectives of AS qualifications are to:

- provide evidence of students' achievements in a robust and internationally comparable post-16 course of study that is a subset of A level content; and
- enable students to broaden the range of subjects they study.

The structure of AS and A levels

1.13 AS and A levels will be linear. There will be less non-exam assessment than there has been in the past in most subjects. A levels will continue to be graded A* to E and AS qualifications graded A to E. As now, students' performance may be unclassified (U), in which case they will not receive a certificate.

1.14 In line with government policy, the AS will be a stand-alone qualification. Students will not have to enter for an AS qualification in order to be awarded an A level. Students who do take an AS qualification and who progress to the A level will have to take all of the assessments for the A level. They will not be given credit towards the A level for any AS assessments they have taken.

1.15 The content for AS qualifications must be drawn from the content for the corresponding A level. Exam boards may design their AS and A level qualifications to facilitate co-teaching, although they must not compromise the quality of their A level qualifications in order to do so.

2. Assessing new AS and A levels

- 2.1 Assessments can take many forms, but they can broadly be divided into exams – which are taken by all students at once, under formal supervision, and which are set and marked by exam boards – and other forms of assessment.
- 2.2 Exams are traditionally used to assess knowledge and understanding. Many practical skills, such as spoken language skills, should be assessed in other ways.
- 2.3 The term ‘non-exam assessment’ covers a range of different forms of assessment. A spoken language assessment, for example, is considered to be a non-exam assessment because, although it may be undertaken under controlled conditions and marked by a visiting exam board assessor, not all students will be assessed simultaneously.

Assessment in current AS and A levels

- 2.4 AS and A levels are currently assessed in several ways:
- Exams set and marked by the exam boards.
 - Written assessments completed under non-exam conditions in which students complete written assessment tasks.
 - Practical assessments, such as the assessment of spoken language skills.

Assessment in new AS and A levels

- 2.5 When considering whether a qualification in a subject should include non-exam assessment, we have applied the principles that we have already adopted for other reformed AS and A levels. These are as follows:
- Non-exam assessment must be used when it is the only valid way to assess essential elements of the subject.
 - Non-exam assessment must strike a balance between valid assessment of essential knowledge and skills, sound assessment practice and manageability.
 - Any non-exam assessment arrangements must be designed to fit the requirements of the particular subject, including the relative weighting of exams and other components assigned to it.
 - Non-exam assessment must be designed so that the qualification is not easily distorted by external pressures from the wider system.

- 2.6 Where subject content can be validly assessed by exams that are set and marked by exam boards, this should be the default method of assessment. But we recognise that other forms of assessment have their place.
- 2.7 In making our proposals for AS and A levels in modern foreign languages (alternative content for languages with smaller cohorts), we have taken advice from experts and have considered the requirements of the new proposed subject content. We have also considered any evidence we have about how well the current assessments in the relevant languages are working – for example, the extent to which they are validly assessing the skills, knowledge and understanding that they are intended to assess and the effectiveness and fairness with which the assessments discriminate between students.
- 2.8 There is a view that subject content and other requirements that will not be assessed will not be taught. There is no doubt that the assessment structure of a qualification can lead teachers to deliver the curriculum in a way that will help their students to get the best marks. However, it is not possible to design qualifications that will assess validly and reliably all the knowledge and skills needed for a broad and deep study of each subject; so if teaching is focused narrowly on the test, the quality of education is likely to suffer. The design of assessments should not be compromised in order to regulate the delivery of the curriculum.
- 2.9 In order to strike a better balance between exam and non-exam assessment we are proposing three main changes to the way in which AS and A level qualifications in modern foreign languages (alternative content for languages with smaller cohorts) are assessed. We propose, in summary, to:
- define the percentage of marks to be allocated to exam and non-exam assessment;
 - reduce or maintain the proportion of non-exam assessment that we have in the past permitted in AS and A levels; and
 - remove non-exam assessment from subjects where the content can be assessed by exam.

Our proposal

- 2.10 In existing AS and A level modern foreign language qualifications up to 40% of the marks could be assessed by NEA. In the modern foreign language AS and A level qualifications that have been reformed already, we have decided that 30% of the marks will be for NEA. We propose that new AS and A levels in modern foreign languages (alternative content for languages with smaller cohorts) will be assessed by exam only. This difference reflects the

requirements of the subject content as we explain in more detail in section 3 below.

Changes to assessment objectives

2.11 The assessment objectives for each subject describe the principal abilities that students taking that qualification must be given the opportunity to develop and demonstrate. The assessment objectives have a key regulatory role in ensuring that:

- students are assessed on the relevant abilities for the subject and on an appropriate balance of those abilities; and
- requirements are comparable between different exam boards' qualifications, and over time.

2.12 Assessment objectives are included within the current subject criteria for AS and A levels. Exam boards must design qualifications so that students are given opportunities to demonstrate that they have met the assessment objectives in the context of the subject content.

2.13 Exam boards use the assessment objectives when they are designing and setting their assessments to ensure that the key abilities for the subject are targeted consistently, appropriately and proportionately. We use assessment objectives when considering whether exam boards' proposed qualifications meet our expectations through our accreditation process and when we monitor the design and delivery of assessments throughout the life of the qualification.

2.14 We have worked with subject and assessment experts to develop and improve the assessment objectives in place in unreformed AS and A levels. In revising these, we have aimed to make sure that they are as clear as possible and that they:

- fulfil their core purpose of describing the abilities that a student taking the relevant qualification should be required to demonstrate;
- specify only the abilities that students should be required to demonstrate, not the content itself;
- relate to each qualification as a whole, and so address the full range and balance of abilities that are relevant;
- are sufficiently precise and detailed that they can be used consistently for setting and evaluating assessments; and

- provide a degree of flexibility in their application to enable alternative approaches where these are legitimate.
- 2.15 We have also developed the proposed assessment objectives so that they reflect and help promote progression between AS and A levels.
- 2.16 Following this consultation, we will finalise the assessment objectives on which we are consulting. We will make it a regulatory requirement that exam boards design their qualifications and their assessments in accordance with these objectives.
- 2.17 The draft assessment objectives on which we are consulting are set out in the section below. We have also included for comparison the assessment objectives for the current unreformed qualifications in these languages and those for the new reformed AS and A levels in other modern foreign languages. We explain how and why the assessment objectives we propose differ from both those currently in place and those we have put in place for other AS and A levels in modern foreign languages. We have developed the proposed set of assessment objectives to be consistent with the content proposals on which the DfE is consulting. Changes to those content proposals may therefore require us to reconsider the draft assessment objectives.

3. Proposals for assessment in AS and A levels in modern foreign languages (alternative content for languages with smaller cohorts)

Proposed assessment arrangements

- 3.1 Pre-reform AS and A levels in this group of languages are assessed through a mix of exam and non-exam assessment, with some languages including the assessment of spoken and/or listening skills, and some not assessing either of these skills. Up to 40% of the marks⁸ in these languages can be allocated to non-exam assessments.
- 3.2 Reformed AS and A levels in other modern foreign languages⁹ will also be assessed through a mix of exam and non-exam assessment. 30% of the assessment in the new A level and AS qualifications in modern foreign languages will be by non-exam assessment. This reflects the subject content for those languages which requires students to develop their spoken skills by presenting, discussing and responding spontaneously to different themes, and through initiating face-to-face interactions in the target language. We decided that these skills could only be directly assessed by non-exam assessments.
- 3.3 Unlike the subject content that applies to other reformed modern foreign languages, the subject content for new AS and A levels in modern foreign languages (alternative content for languages with smaller cohorts) does not require the assessment of a student's spoken skills in a language. As a result, we do not believe that there are any essential skills required in the content which cannot be assessed by exam assessment alone. We therefore propose that AS and A level qualifications in modern foreign languages (alternative content for languages with smaller cohorts) are assessed by exam only.

⁸ There is provision for some pre-reform languages not to test spoken and/or listening skills, and the percentage of non-exam assessments in those subjects vary accordingly with many languages subject to this consultation not, in fact, being assessed using NEA although in theory it was permitted. See the table in Appendix B for more information.

⁹ These qualifications will be taught from 2016 and 2017. AS and A level French German and Spanish qualifications will be taught in schools from 2016, with Chinese, Italian and Russian qualifications taught from 2017. Full details of all qualifications available in each year can be found at: www.gov.uk/government/publications/get-the-facts-gcse-and-a-level-reform

- 3.4 As set out above there is currently flexibility over whether pre-reform modern foreign language qualifications must include speaking and/or listening assessments. While it is proposed that new modern foreign languages qualifications (alternative content for languages with smaller cohorts) will not include speaking assessments, we are proposing that all of these qualifications should include listening assessments. This is to reflect the requirements of the draft subject content. We think these skills can be assessed by exam.

Proposed assessment objectives – modern foreign languages (alternative content for languages with smaller cohorts)

- 3.5 The draft subject content requires coverage of many of the same skills, and follows a similar structure to the content for other reformed modern foreign languages qualifications. We therefore take the view that a similar approach to the wording of the assessment objectives is appropriate for these languages. However, with the removal of the requirement for students to demonstrate their ability to speak the relevant languages, we have made some consequential amendments to the wording of the assessment objectives for modern foreign languages (alternative content for languages with smaller cohorts).
- 3.6 This means, like the assessment objectives we have put in place for other reformed modern foreign language AS and A levels, the assessment objectives proposed in this consultation differ from those in place currently for these languages. To make the proposed assessment objectives coherent with the draft content proposed for this subject, they include a new emphasis on the culture and society of the country or countries where the language is spoken, and a requirement for critical analysis and evaluation when compared with the existing objectives.
- 3.7 The weightings of each of the assessment objectives is the same as for other reformed AS and A levels in modern foreign languages. We remain of the view that the weightings are appropriate for new AS and A levels in modern foreign languages (alternative content for languages with smaller cohorts), as they reflect the importance of the different skills as set out in the draft subject content, and the requirement for integrated skill assessment.
- 3.8 Absolute weightings have been assigned to these assessment objectives rather than the ranges often used for AS and A level qualifications in other subjects. This is to promote, so far as is possible, comparability of requirements across all of the different languages that will be assessed using the same assessment objectives.
- 3.9 We have also proposed that a single set of assessment objectives will apply to all languages developed to meet the new subject content requirements, unlike

the current position where different assessment objectives apply to different languages. This is because the current subject content requirements, unlike those in place previously, require the same skills to be assessed in each of the different languages.

3.10 The assessment objectives we propose are set out in the table below.

	Assessment objective	Weighting	
		A level	AS
AO1	Understand and respond in writing to spoken language drawn from a variety of sources.	20%	20%
AO2	Understand and respond in writing to written language drawn from a variety of sources.	30%	30%
AO3	Manipulate the language accurately, in written form, using a range of lexis and structure.	30%	30%
AO4 (AS)	Show knowledge and understanding of, and respond critically to, different aspects of the culture and society of countries/ communities where the language is spoken.	n/a	20%
AO4 (A level)	Show knowledge and understanding of, and respond critically and analytically to, different aspects of the culture and society of countries/communities where the language is spoken.	20%	n/a

Assessment objectives in reformed modern foreign language qualifications

3.11 For modern foreign language qualifications developed for first teaching in 2016 and 2017 the following assessment objectives apply:

	Assessment objective	Weighting	
		A level	AS
AO1	Understand and respond: <ul style="list-style-type: none"> ■ in speech to spoken language including face-to-face interaction; ■ in writing to spoken language drawn from a variety of sources. 	20%	20%
AO2	Understand and respond: <ul style="list-style-type: none"> ■ in speech to written language drawn from a variety of sources; 	30%	30%

	<ul style="list-style-type: none"> ■ in writing to written language drawn from a variety of sources. 		
AO3	Manipulate the language accurately, in spoken and written forms, using a range of lexis and structure.	30%	30%
AO4 (AS)	Show knowledge and understanding of, and respond critically to, different aspects of the culture and society of countries/communities where the language is spoken.	n/a	20%
AO4 (A level)	Show knowledge and understanding of, and respond critically and analytically to, different aspects of the culture and society of countries/communities where the language is spoken.	20%	n/a

Pre-reform assessment objectives for modern foreign languages qualifications

3.12 For pre-reform specifications with both speaking and listening assessments the following assessment objectives apply:

	Assessment objective	Weighting		
		AS	A2	A level
AO1	Understand and respond, in speech and writing, to spoken language.	35-40%	25-30%	30-35%
AO2	Understand and respond, in speech and writing, to written language.	35-40%	45-50%	40-45%
AO3	Show knowledge of and apply accurately the grammar and syntax prescribed in the specification.	25%	25%	25%

3.13 For pre-reform specifications without a speaking assessment, the following assessment objectives apply:

	Assessment objective	Weighting		
		AS	A2	A level
AO1	Understand and respond, in writing, to spoken language.	25-30%	15-20%	20-25%

AO2	Understand and respond, in writing, to written language.	45-50%	55-60%	50-55%
AO3	Show knowledge of and apply accurately the grammar and syntax prescribed in the specification.	25%	25%	25%

3.14 For pre-reform specifications with neither a speaking nor a listening component, the following assessment objectives apply:

	Assessment objective	Weighting		
		AS	A2	A level
AO1	n/a			
AO2	Understand and respond, in writing, to written language.	75%	75%	75%
AO3	Show knowledge of and apply accurately the grammar and syntax prescribed in the specification.	25%	25%	25%

Question 1: To what extent do you agree or disagree that AS qualifications in modern foreign languages (alternative content for languages with smaller cohorts) should be assessed entirely by exam?

Question 2: To what extent do you agree or disagree that A levels in modern foreign languages (alternative content for languages with smaller cohorts) should be assessed entirely by exam?

Question 3: To what extent do you agree or disagree that the proposed assessment objectives are appropriate for AS and A levels in modern foreign languages (alternative content for languages with smaller cohorts)?

Question 4: To what extent do you agree or disagree that the proposed weightings of the assessment objectives are appropriate for AS qualifications in modern foreign languages (alternative content for languages with smaller cohorts)?

Question 5: To what extent do you agree or disagree that the proposed weightings of the assessment objectives are appropriate for A levels in

modern foreign languages (alternative content for languages with smaller cohorts)?

Question 6: Do you have any further comments relating to the assessment of this subject?¹⁰

¹⁰ Please note that any comments relating to the subject content should be directed to the DfE.

4. Equality analysis

Ofqual's role, objectives and duties

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

Equality analysis relating to proposed changes to GCSEs, AS and A levels

- 4.2 We have considered in detail the potential impact on students who share protected characteristics¹¹ of the application of the principles and features that will apply to all new AS and A levels. We have also considered specific issues that have arisen for the subjects on which we have already consulted. Our equality impact analyses for our earlier consultations on AS and A level reform are therefore of interest and we encourage you to read them.¹²
- 4.3 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 additional specific issues that are relevant to the subjects on which we are now consulting.
- 4.4 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.

¹¹ For the purposes of the public sector equality duty, the protected characteristics are sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation and gender reassignment.

¹² We have included below links to our consultations that consider issues related to all AS and A levels and to other modern foreign languages. Consultations that consider the impact for other subjects and to reform of GCSEs are available on our website.

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

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

AS and A level modern foreign languages (alternative content for languages with smaller cohorts)

- 4.5 Understanding speech in the target language is an important element of the proposed subject content for modern foreign languages (alternative content for languages with smaller cohorts). The current and proposed assessment arrangements and assessment objectives reflect this.
- 4.6 In pre-reform qualifications, non-exam assessment accounts for up to 40% of A level and AS qualifications in modern foreign languages. There is, however, a provision for some languages not to test spoken and or listening skills.¹³ As a result, in some pre-reform modern foreign language qualifications, there is no non-exam assessment.
- 4.7 We are proposing that all new A level and AS qualifications in modern foreign languages (alternative content for languages with smaller cohorts) should be assessed entirely through examinations, and that this should apply to all languages. This reflects the requirements of the draft subject content which does not include any content which cannot be assessed in an exam. In particular, it is proposed that assessment of students' understanding of spoken language – i.e. assessment that requires listening skills – will be assessed by exam.
- 4.8 Some disabled students may be at a disadvantage relative to other students when they take modern foreign language assessments that are focused on understanding of spoken language. 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.
- 4.9 To remove or reduce this disadvantage disabled students may have adjustments made to the way their assessments are conducted. The reasonable adjustments that are currently made to the conduct of listening assessments for deaf and hearing-impaired students include:
- Students who have sufficient hearing to complete any listening assessment that uses a recording provided by an exam board may need the recording to be played at a higher volume than other students. They may also find it more difficult to hear the recording among any background noise in the exam room. In these cases, students may undertake the assessments in a private room, away from other students, and in the presence of an invigilator only.

¹³ For details of the skills assessed in pre-reform AS and A level modern foreign language qualifications, see table in Appendix B.

- 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 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.

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

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

4.12 We have used this power to limit the percentage of marks from which a student can be exempt in a given qualification. We have limited this to 40%. We believe if a student is exempted from parts of the qualification that constitute more than 40% of the total marks then the qualification cannot be said to give a reliable indication of a student's knowledge, skills and understanding. The assessment objectives we have proposed have a weighting of 20% for students' response to spoken language. We have not put in place any rule to prevent other assessment objectives being assessed, in part, involving a listening assessment. Nor have we set any requirements for how listening assessments are used across the set of assessments for the qualification. If assessments that require students to use listening skills involve more than 40% of the marks for the qualification a student could not be exempted from these parts of qualification. We believe the current marks exemption limit of 40% is appropriate, though this is subject to a separate consultation¹⁴.

4.13 We have not identified anything about the proposed changes that would have an adverse impact on students because of their racial group, age, religion or

¹⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526408/consultation-on-specifications-on-reasonable-adjustments.pdf

belief, pregnancy or maternity, sexual orientation or as a result of gender reassignment.

Question 7: We have identified a number of ways the proposed requirements for reformed GCSEs, AS and A level in modern foreign languages (alternative content for languages with smaller cohorts) may impact (positively or negatively) on persons who share a protected characteristic. Are there any other potential impacts we have not identified? If so, what are they?

Question 8: 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 9: Have you any other comments on the impacts of the proposals on persons who share a protected characteristic?

How to respond to this consultation

If you have an interest in AS and A levels, we hope you will respond to this consultation.

The closing date for responses is 18 January 2017 at 23:45.

You can respond to this consultation in one of three ways:

- Complete the online response at <https://www.surveygizmo.com/s3/3134453/Developing-new-MFL-AS-and-A-levels-for-first-teaching-in-2018>
- Download a copy of the consultation questions from <https://www.gov.uk/government/consultations/developing-new-mfl-as-and-a-levels-for-first-teaching-in-2018> and email your response to consultations@ofqual.gov.uk. Please include the consultation title (Developing new AS and A levels in modern foreign languages (alternative content for languages with smaller cohorts) – 2018) in the subject line of the email and make clear who you are and in what capacity you are responding.
- Post your response to Developing new AS and A levels in modern foreign languages (alternative content for languages with smaller cohorts) – 2018, Ofqual, Spring Place, Herald Avenue, Coventry, CV5 6UB, making clear who you are and in what capacity you are responding.

Evaluating the responses

- 4.21 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.
- 4.22 A third party may evaluate the responses on our behalf. 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.
- 4.23 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 that 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.

Appendix A: Background to the reforms

AS and A level

November 2010

In the White Paper *The Importance of Teaching*, the DfE said: “we are working with Ofqual... to ensure universities and learned bodies can be fully involved in the development [of A levels]” (paragraph 4.47).

Spring/summer 2012

We published our research on A levels.¹⁵ For this research, we spoke to teachers, employers and other higher education representatives. We also looked at the standards and methods that other countries use to assess students at this point in their education.¹⁶

June to September 2012

We ran an open consultation¹⁷ where we asked education specialists and the general public for their opinions on possible changes to A levels, including removing exams in January. This consultation was supplemented with face-to-face events across the country with a wide range of stakeholders including higher education representatives, teachers and representatives of disability groups.

November 2012

We confirmed that we would remove January exams. There were no A level exams in January 2014.

March 2013

The DfE confirmed that AS qualifications would be ‘decoupled’ from the new A levels.

¹⁵ www.gov.uk/government/uploads/system/uploads/attachment_data/file/377930/2012-04-03-fit-for-purpose-a-levels.pdf

¹⁶ <http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/international-comparisons-in-senior-secondary-assessment-full-report/all-versions>

¹⁷ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/a-level-reform>

September 2013

We published a report by Professor Mark Smith, the independent chair of a group established by the government to review the current curriculum requirements for some A levels and confirm whether they are fit for purpose or need to change.

We also confirmed the timetable for reform.

October 2013

We launched a consultation on assessment arrangements for each subject to be introduced for first teaching in 2015.

Subjects for first teaching 2015

In April 2014 we published our decisions on the features and specific arrangements for A levels to be taught first from September 2015.¹⁸ Following this we consulted on and then published our Conditions and Guidance documents for these subjects.¹⁹

Consultation on subjects for first teaching 2016

In July, September and November 2014 we consulted on and subsequently published our decisions on the design and assessment arrangements for those AS and A level subjects to be taught first in 2016.²⁰ Following this we consulted on and then published our Conditions and Guidance documents for these subjects.²¹

Consultation on subjects for first teaching 2017

In July, September and November 2015 we consulted on and subsequently published our decisions on the design and assessment arrangements for those AS

¹⁸ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://ofqual.gov.uk/news/gcse-a-level-as-qualification-updates-ofqual>

¹⁹ www.gov.uk/government/collections/new-a-level-and-as-level-qualifications-requirements-and-guidance

²⁰ www.gov.uk/government/consultations/gcses-as-and-a-levels-reform-of-subjects-for-september-2016
www.gov.uk/government/consultations/gcses-as-and-a-levels-new-subjects-to-be-taught-in-2016
www.gov.uk/government/consultations/religious-studies-gcses-as-and-a-levels-new-qualifications-for-2016

²¹ www.gov.uk/government/collections/new-a-level-and-as-level-qualifications-requirements-and-guidance

Developing new AS and A levels in modern foreign languages (alternative content for languages with smaller cohorts) for first teaching in 2018

and A level subjects to be taught first in 2017.²² Following this we consulted on and then published our Conditions and guidance for these subjects.²³

Subject content

The government has published the content for all AS and A levels for first teaching in September 2015, September 2016 and September 2017.²⁴

²² www.gov.uk/government/consultations/development-of-new-gcses-and-a-levels-for-teaching-from-2017
www.gov.uk/government/consultations/developing-new-gcses-as-and-a-levels-for-first-teaching-in-2017
www.gov.uk/government/consultations/developing-geology-politics-and-pe-short-course-for-2017-teaching

²³ www.gov.uk/government/collections/new-a-level-and-as-level-qualifications-requirements-and-guidance

²⁴ www.gov.uk/government/collections/gce-as-and-a-level-subject-content

Appendix B: Pre-reform AS and A level qualifications in modern foreign language (alternative content for languages with smaller cohorts) – skills assessed

Subject	Listening	Reading	Speaking	Writing
Arabic		✓		✓
Bengali		✓		✓
Modern Greek		✓		✓
Gujarati	✓	✓		✓
Japanese		✓		✓
Modern Hebrew		✓		✓
Panjabi		✓		✓
Persian	✓	✓		✓
Polish		✓		✓
Portuguese	✓	✓		✓
Turkish	✓	✓		✓
Urdu	✓	✓	✓	✓

Appendix C: 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 that 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.²⁵ 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.

²⁵ 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; 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 that 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 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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Any enquiries regarding this publication should be sent to us at:

Office of Qualifications and Examinations Regulation
Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB

Telephone 0300 303 3344

Textphone 0300 303 3345

Helpline 0300 303 3346