

Equality Analysis of English for Speakers of Other Languages (ESOL) Conditions Review



September 2012

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Equality analysis information

Name of policy	English for Speakers of Other Languages (ESOL) Conditions Review
Team conducting the analysis	Reform team
Names and roles of the officers completing the analysis (indicate the lead officer)	Ian Dexter – Reform Coordinator (lead officer) Naomi Nicholson – Development Manager Emma Ramsey – Reform Manager Janet Holloway – Head of Reform Joan Gormley – Head of Operations, Northern Ireland
Is this policy/function contracted out or completely delivered by us, including in Northern Ireland?	The review will be delivered by us. We have established a project advisory board to allow for review by key Government departments, agencies and fellow qualifications regulators.
Does this policy have relevance to the Northern Ireland equality duties, or is it solely relevant to England?	The policy does have relevance to the Northern Ireland equality duties, but there are no specific or different issues in relation to the Northern Ireland equality duties.
Date analysis completed	17th August 2012

Relevance to the equality duties

1.1	<p>Is this a new policy/function or a review of an existing one?</p> <p>If this is an existing policy, please state why it is being assessed.</p>	<p>This is a review of the existing suite of ESOL qualification criteria. It is being assessed as new ESOL Conditions are being proposed.</p>
1.2	<p>What is the main purpose/activity of the policy, and why is it being developed?</p>	<p>The aim of this review is to ensure that requirements for ESOL qualifications allow us to effectively regulate ESOL qualifications. This could result in ESOL Conditions being kept, changed, introduced or withdrawn.</p> <p>ESOL Skills for life qualifications are increasingly being used to support immigration applications. There is evidence that ESOL qualifications are disproportionately subject to malpractice. ESOL qualifications accounted for 12 per cent of all malpractice cases logged with us between October 2010 and December 2011, despite ESOL comprising only 2 per cent of awards. To maintain standards and public confidence in this type of qualification, it is important that the regulatory framework enables us to better regulate ESOL qualifications.</p>
1.3	<p>How does the policy pay due regard to the public-sector equality duties in England and Northern Ireland to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?</p>	<p>The review aims to improve our ability to effectively regulate ESOL qualifications. This should allow all students and users to have greater confidence in these qualifications.</p>

		<p>Our General Conditions of Recognition set out a number of equality-related Conditions that each awarding organisation must meet. These include identifying and removing unjustified disadvantages to groups of students sharing a particular characteristic, and maintaining a record of any disadvantage it believes to be justifiable, and why.</p> <p>As part of our duties under Section 96 of the Equality Act 2010, we have powers to specify where reasonable adjustments should not be made to specified qualifications where, for example, those adjustments may undermine the standard of the qualification. Specification G states that: British Sign Language must not be used as a reasonable adjustment where students are required to demonstrate their ability to speak or listen in English or a modern foreign language.¹ Although Section 96 does not apply to ESOL qualifications, it would not be expected that British Sign Language would be an appropriate reasonable adjustment to speaking and listening components for two reasons:</p> <ol style="list-style-type: none">1. British Sign Language is recognised as a language in its own right2. ESOL qualifications are specifically designed to assess skills in English language and do not include assessment objectives appropriate for the assessment of British Sign Language. <p>The Home Office has recently completed an equality analysis of its proposed</p>
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¹ *Specifications in Relation to the Reasonable Adjustment of General Qualifications*, Ofqual, December 2011. Available at: www.ofqual.gov.uk/for-awarding-organisations/96-articles/824-specifications-in-relation-to-the-reasonable-adjustment-of-general-qualifications

		<p>new settlement requirements. The Home Office allows exemptions to English language requirements for some students who cannot meet them. These include students under the age of 18, those over 65 and those with certain disabilities, for example hearing impairments.</p> <p>It is estimated that introducing external assessment to a high-stakes ESOL qualification could increase the cost of an award by approximately £15 to £30. However, some are already externally assessed, and ESOL qualifications are largely publicly funded, so any increased cost associated with the introduction of external assessment should not significantly impact on students. Moreover, the consultation proposes that external assessment should not be a requirement for all ESOL qualifications; so students studying for an ESOL qualification for low-stakes purposes could choose qualifications without an external assessment requirement.</p>
1.4	<p>What research and other information have you drawn on during this process?</p>	<p>The Department for Business, Innovation and Skills' data² on the ESOL student profile within further education colleges shows that:</p> <ul style="list-style-type: none"> ■ As would be expected, a higher proportion of ESOL students identify themselves as black or minority ethnic than for all further education. The most significant groups represented are white – other (33.2 per cent compared with 7.1 per cent across all further education) and Asian or Asian British (29.7 per cent compared with 7.6 per cent across all further

² *English for Speakers of Other Languages (ESOL) Equality Analysis*, Department for Business, Innovation and Skills, July 2011. Available at: www.bis.gov.uk/assets/biscore/further-education-skills/docs/e/11-1045-english-for-speakers-of-other-languages-equality-impact.pdf

		<p>education).</p> <ul style="list-style-type: none"> ■ ESOL students have a younger age profile compared with the general further education population, particularly for women in the 25-to-34 age range. <p>This data does not include information about ESOL students at non-further education colleges. However, it is reasonable to assume that these findings may reflect the student profile in private training centres.</p> <p>We have also drawn on the following sources as part of our assessment:</p> <ul style="list-style-type: none"> ■ <i>ESOL Criteria Review Consultation</i>, Ofqual, September 2012 ■ Findings from the <i>Review of ESOL Skills for Life (Entry Level 1 to 3 Speaking and Listening) Qualifications</i>, Ofqual, September 2012 ■ <i>General Conditions of Recognition</i>, Ofqual, May 2012 ■ <i>Specifications in Relation to the Reasonable Adjustment of General Qualifications</i>, Ofqual, December 2011 ■ <i>English for Speakers of Other Languages (ESOL) Equality Analysis</i>, Department for Business, Innovation and Skills, July 2011 ■ Independent reports received from two external equality advice consultancies based on the planned consultation document and supporting evidence.
1.5	Does this policy require a more in-depth	The proposal to introduce an external assessment requirement to high-stakes

	equality impact analysis?	<p>ESOL qualifications is proportionate as it aims to reduce the likelihood of students being subject to fraudulent school or college activity and it aims to improve the reliability of the qualifications. Any reduction in malpractice and increase in the reliability of assessment in ESOL qualifications will improve both students' experiences and public confidence in this type of qualification. Ensuring robust standards and high levels of confidence in qualifications is essential, not only to those who require a demonstration of competence (for example employers, education providers, universities and so on) but also, crucially, to the students themselves, whose personal skills, confidence and self-esteem are positively impacted by the achievement of high-quality, highly regarded qualifications. These types of effects have a positive impact for all members of society regardless of whether they are part of a group sharing a protected characteristic.</p> <p>We believe that the changes we propose should have positive impacts on the students who take these qualifications and should not have negative impacts. However, we do propose to ask a specific question about the equality impact of our proposals in our consultation. This will offer an opportunity for students, groups representing students, school or colleges, awarding organisations and other stakeholders to provide information to inform the policy and make us aware of any potential negative or positive equality impacts.</p>
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Note:

Protected characteristics are:

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

Northern Ireland has three additional protected characteristics, these are:

- political opinion
- people with dependants
- marital status.

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Signed	Countersigned
Lead officer	Head of service
Print name	Print name
Date	Date

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