

GCSE Geography

Consultation on Conditions and Guidance



December 2014

Ofqual/14/5579

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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 now consulting 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 our policy decisions. This consultation is on the specific Conditions and related Guidance that will apply to new GCSEs in geography. We are consulting in parallel on the Conditions and Guidance that will apply to new GCSEs in history, ancient languages and modern foreign languages. 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/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-geography-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 geography.

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 Geography

Content requirements in Geography

1.1 The Department for Education has published a document that sets out the new content for GCSE geography. New GCSEs in geography must comply with the requirements of that document.⁶

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

Condition

Compliance with content requirements

GCSE(Geography)1

GCSE(Geography)1.1 In respect of each GCSE Qualification in Geography 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 ‘Geography GCSE subject content’⁷, document reference DFE-00345-2014,**
- (b) have regard to any recommendations or guidelines relating to that qualification set out in that document, and**
- (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(Geography)1.2 In respect of each GCSE Qualification in Geography 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.

⁶ www.gov.uk/government/publications/gcse-geography

⁷ www.gov.uk/government/publications/gcse-geography

Guidance on subject content

- 1.3 The subject content document⁸ states that six different areas of knowledge, skills and understanding “should be assessed through the fieldwork assessment” in the written exam:
- (i) Understanding of the kinds of question capable of being investigated through fieldwork and an understanding of the geographical enquiry processes appropriate to investigate these.
 - (ii) Understanding of the range of techniques and methods used in fieldwork, including observation and different kinds of measurement.
 - (iii) Processing and presenting fieldwork data in various ways including maps, graphs and diagrams.
 - (iv) Analysing and explaining data collected in the field using knowledge of relevant geographical case studies and theories.
 - (v) Drawing evidenced conclusions and summaries from fieldwork transcripts and data.
 - (vi) Reflecting critically on fieldwork data, methods used, conclusions drawn and knowledge gained.
- 1.4 The content document states that the exam must assess a student’s own experience of fieldwork covering at least two of the six areas. The areas are not all of an equal level of demand. Some areas would be more suited to being assessed through longer, and others through shorter, questions. If an awarding organisation included questions in each of the six areas in every exam series, the assessments would be likely to include a number of short questions and become predictable over time.
- 1.5 To encourage approaches that would secure valid assessments, of comparable levels of demand, we propose to introduce guidance on how these areas should be assessed.
- 1.6 We propose that the guidance should set out our expectation that at least four of the six areas of knowledge, skills and understanding (including two of the three more demanding areas – (iv), (v), (vi)) should be covered in each exam series. Our draft guidance is set out below.

⁸ www.gov.uk/government/publications/gcse-geography

- 1.7 We have also drafted guidance on the terms “data collected in the field” and “fieldwork data”, both of which appear within the subject content document. Without guidance, each awarding organisation could interpret these terms differently, leading to inconsistent approaches. The draft guidance on this is also set out below.
- 1.8 In line with the obligations set out in draft Condition GCSE(Geography)1.1(c), awarding organisations would be required to have regard to any such guidance.

Guidance in relation to subject content for GCSE Qualifications in Geography

The subject content for GCSE Qualifications (graded 9 to 1) in Geography is set out in the Department for Education's *Geography: GCSE subject content*, document reference DFE-00345-2014 (the 'Content Document').

Condition GCSE(Geography)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(Geography)1.1(c) below.

Fieldwork knowledge, skills and understanding

The Content Document states that the following six areas of knowledge, skills and understanding (together 'the areas') 'should be assessed through the fieldwork assessment' –

- (i) Understanding of the kinds of question capable of being investigated through fieldwork and an understanding of the geographical enquiry processes appropriate to investigate these.
- (ii) Understanding of the range of techniques and methods used in fieldwork, including observation and different kinds of measurement.
- (iii) Processing and presenting fieldwork data in various ways including maps, graphs and diagrams.
- (iv) Analysing and explaining data collected in the field using knowledge of relevant geographical case studies and theories.
- (v) Drawing evidenced conclusions and summaries from fieldwork transcripts and data.
- (vi) Reflecting critically on fieldwork data, methods used, conclusions drawn and knowledge gained.

The Content Document states that '[fieldwork] will be assessed by examination only'. This is reinforced through Condition GCSE4.1 which requires all assessments for a GCSE Qualification in Geography to be Assessments by Examination.

The areas are aspects of subject content. As with all subject content, we expect an awarding organisation to ensure its assessments sample the areas over time in a way which:

- Ensures balanced coverage over time;
- Is at an appropriate level of demand; and

- Minimises predictability of the assessments.

As part of this, we expect each set of assessments⁹ to cover –

- at least four of the areas; and
- at least two of areas (iv), (v), and (vi) in the list outlined above.

Awarding organisations should interpret both ‘fieldwork data’ and ‘data collected in the field’ as including:

- data collected by a Learner, or group of Learners, as part of a fieldwork experience; and
- exemplar data provided by the awarding organisation.

Requirements for fieldwork statements

1.9 The subject content document¹⁰ states that students must be given the opportunity to carry out fieldwork. It further states that specifications must require at least two separate fieldwork opportunities, and that awarding organisations should “require evidence” of this “in the form of a written statement from centres”. The subject content document also sets out minimum information that must be included in the statement.

1.10 Centres must provide fieldwork opportunities for their students. This does not go so far as to oblige centres to ensure that all of their students take part in the fieldwork. There is always a risk that an individual student may miss the arranged fieldwork, for example because of illness. It could be costly for the school to run additional fieldwork opportunities for the student. However, the opportunity to take part in fieldwork must be given to all students. Students who do not take up the opportunity may be disadvantaged, as there will be questions on fieldwork in the GCSE geography assessments.

⁹ For the purposes of this guidance, a ‘set of assessments’ means the assessments to be taken by a particular Learner for a GCSE qualification in Geography. For clarity, the assessments taken by Learners may vary, depending on any possible routes through the qualification. These assessments will be taken by each Learner during the period outlined in Condition GCSE6.1.

¹⁰ www.gov.uk/government/publications/gcse-geography

1.11 The subject content document requires awarding organisations to secure evidence that opportunities for fieldwork have been provided in the form of a written statement from centres providing at least the date, location, numbers of students participating, the main issues/questions investigated during fieldwork, and the relationship of the fieldwork to the specification content.

1.12 However, the subject content document is silent on:

- the extent to which an awarding organisation needs to verify the information provided by centres in the statement; and
- what an awarding organisation should do if a centre fails to provide a statement that contains the necessary information.

1.13 In practice, it would be difficult for an awarding organisation to verify the information provided by a school (beyond checking it complies with the requirements in the subject content and any additional requirements laid down by the awarding organisation or Ofqual). Any further verification would require checks of the actual fieldwork carried out by centres, which would place a disproportionate burden on both awarding organisations and schools.

1.14 We do propose to specify what an awarding organisation should do if a school does not provide a fieldwork statement that is in line with the requirements set out in the subject content. This will provide assurances that one awarding organisation will not be either harsher or more lenient in its approach than the others.

1.15 We have considered three options:

- preventing centres from entering students for the qualification until a completed fieldwork statement is received from the centre;
- preventing awarding organisations from awarding the qualification to students until a completed fieldwork statement is received from their centre; and
- requiring the awarding organisations to treat the non-submission of the fieldwork statement by a centre as malpractice and/or maladministration.

1.16 Schools are responsible for providing fieldwork opportunities, but the first two options would penalise the students. Under the third option, a school that did not submit a fieldwork statement would be investigated by the awarding organisation under its malpractice and/or maladministration procedures and sanctions would be imposed on the school as appropriate. We believe the third approach is the most appropriate of the options.

1.17 We therefore propose to introduce the following Condition relating to fieldwork statements:

Condition	Fieldwork statements
GCSE(Geography)2	
GCSE (Geography)2.1	<p>In respect of each assessment cycle for a GCSE Qualification in Geography which it makes available, an awarding organisation must –</p> <ul style="list-style-type: none">(a) take all reasonable steps to ensure that each Centre provides a fieldwork statement to the awarding organisation, and(b) treat any failure by a Centre to provide a fieldwork statement to the awarding organisation in a timely manner as malpractice and/or maladministration (under General Condition A8 (<i>Malpractice and maladministration</i>)).
GCSE (Geography)2.2	<p>For the purposes of this condition, a 'fieldwork statement' is a written statement made by a Centre to an awarding organisation which provides at least the following information in respect of the Learners to which that Centre has delivered the assessments to be taken in a particular assessment cycle for a GCSE Qualification in Geography which the awarding organisation makes available –</p> <ul style="list-style-type: none">(a) confirmation that each Learner has been provided with opportunities to undertake geographical fieldwork on at least two occasions and with respect to at least two contrasting environments, and(b) in respect of each of those opportunities –<ul style="list-style-type: none">i. the date on which it was provided,ii. the location at which it was provided,iii. the environment to which it related,iv. the number of Learners who participated, andv. a description of how the tasks undertaken by Learners met the requirements for geographical

fieldwork detailed in the specification.

GCSE (Geography)2.3 For the purposes of this condition, 'geographical fieldwork' is the experience of understanding and applying specific geographical knowledge, understanding and skills to a particular and real out-of-classroom context.

Assessment objectives

1.18 We have previously consulted on and announced our decisions on assessment objectives in new GCSEs in geography. These final assessment objectives are repeated below for completeness.

1.19 We have also specified below the assessment objectives, the weighting for mathematical and statistical techniques in new GCSEs in geography that are required by the content document.

1.20 We consider that specifying the minimum mathematical skills requirements will help secure comparability across specifications and will prevent the use of lower mathematical content being a differentiator between specifications. The use of a minimum weighting for mathematical skills also mirrors the approach we have taken for other subjects that have specified mathematical content.¹¹

1.21 We have also set out below the assessment objectives, the requirements for the allocation of marks for spelling, punctuation and grammar in GCSE geography.

	Requirements	Weighting
AO1	Demonstrate knowledge of locations, places, processes, environments and different scales.	15%
AO2	Demonstrate geographical understanding of: <ul style="list-style-type: none"> ■ concepts and how they are used in relation to places, environments and processes; ■ the inter-relationships between places, environments and processes. 	25%
AO3	Apply knowledge and understanding to interpret, analyse and evaluate geographical information and	35% (10% applied to fieldwork)

¹¹ A levels and AS qualifications in Sciences, Computer Science, Economics and Business.

	issues and to make judgements.	<i>contexts)</i>
AO4	Select, adapt and use a variety of skills and techniques to investigate questions and issues and communicate findings.	<i>25% (5% used to respond to fieldwork data and contexts)</i>

In respect of each GCSE Qualification in Geography which it makes available, or proposes to make available, an awarding organisation must -

- (a) ensure that the total mark for the qualification is the sum of all marks for the assessment objectives AO1 to AO4 (set out above) and all marks used to credit the accuracy of Learners' spelling, punctuation and grammar and their use of specialist terminology,
- (b) ensure that marks for the assessment objectives AO1 to AO4 are allocated across those assessment objectives in line with the weightings outlined above,
- (c) ensure that 10 per cent of marks for the assessment objectives AO1 to AO4 is allocated to the assessment of mathematical and statistical techniques,
- (d) ensure that the ability to use mathematical and statistical techniques is assessed at a level which is appropriate for the qualification, and
- (e) take all reasonable steps to ensure that the marks used to credit the accuracy of Learners' spelling, punctuation and grammar and their use of specialist terminology is 5 per cent of the sum of all marks for the assessment objectives AO1 to AO4.

Guidance on assessment objectives

1.22 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.

1.23 In line with the obligations set out in draft Condition GCSE(Geography)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.

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

AO1: Demonstrate knowledge of locations, places, processes, environments and different scales			15%
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"> ■ Locations, places, processes and environments are aspects of subject content. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ Scales relate to locations, places, processes and environments. There is not a specific defined set of scales, but they should range, as appropriate, from local to global in each set of assessments. ■ We do not expect every set of assessments to cover each aspect of subject content across all scales, or every aspect of subject content at the same scales.

AO2: Demonstrate geographical understanding of: Concepts and how they are used in relation to places, environments and processes The inter-relationship between places, environments and processes			25%
Strands	Elements	Coverage	Interpretations and definitions
1 – Concepts and how they are used in relation to places, environments and processes	This strand is a single element.	<ul style="list-style-type: none"> ■ Full coverage of each strand in each set of assessments (but not every assessment). ■ A reasonable balance between strands 1 and 2 in each set of assessments (but not every assessment). 	<ul style="list-style-type: none"> ■ Places, environments and processes are aspects of subject content. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ The emphasis here is on Learners' understanding. The application of that understanding is addressed by AO3.
2 – The inter-relationship between places, environments and processes	This strand is a single element.		

AO3: Apply knowledge and understanding to interpret, analyse and evaluate geographical information and issues to make judgements			35% (10% applied to fieldwork context(s))
Strands	Elements	Coverage	Interpretations and definitions
n/a	1a – Interpret geographical information and issues.	<ul style="list-style-type: none"> ■ Full coverage of each strand in each set of assessments (but not every assessment). ■ A reasonable balance in each set of assessments (but not every assessment) between: <ul style="list-style-type: none"> □ Interpret, analyse, and evaluate; □ Information and issues; and □ Make judgements. 	<ul style="list-style-type: none"> ■ Interpret means describing and ascribing meaning. ■ Analyse means deconstructing information and/or issues to find connections and provide logical chain(s) of reasoning. ■ Evaluate means appraising and/or synthesising information and/or issues. ■ Judgements mean coming to decisions and/or conclusions based on evidence. ■ The emphasis here is on application – this should include (for each set of assessments): <ul style="list-style-type: none"> □ novel situations that are not clearly indicated in the specification; □ developing further material that is covered in the specification; or □ making links between such types of material, which are not signalled in the specification.
	1b – Analyse geographical information and issues.		
	1c – Evaluate geographical information and issues.		
	1d – Make judgements.		

AO4: Select, adapt and use a variety of skills and techniques to investigate questions and issues and communicate findings			25% (5% used to respond to fieldwork data and context(s))
Strands	Elements	Coverage	Interpretations and definitions
n/a	<p>1a – Select a variety of skills and techniques to investigate questions and issues.</p> <p>1b – Adapt a variety of skills and techniques to investigate questions and issues.</p> <p>1c – Use a variety of skills and techniques to investigate questions and issues.</p> <p>1d – Communicate findings.</p>	Full coverage in each set of assessments (but not every assessment).	<ul style="list-style-type: none"> ■ Skill and techniques are aspects of subject content. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ Questions are geographical matters requiring resolution or discussion. ■ Issues mean topics about which there can be debate or discussion. ■ The emphasis in this assessment objective should be on the use of skills and techniques – and the weighting of element 1c should reflect this emphasis. ■ Element 1d should be assessed in combination with one or more of the other elements. ■ There are different ways in which findings can be communicated. This may include written responses or data responses. ■ We do not expect individual tasks/questions to cover a variety of skills and techniques. ■ We do not expect individual tasks/questions to cover both questions and issues.

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 characteristics¹² 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,¹³ A level and AS qualification¹⁴ 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.

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 negative impacts on students who share protected characteristics which would result from our proposals (i) to require all assessments to be by exam, (ii) that the qualifications are untiered and (iii) for the assessment objectives.¹⁵

¹² 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.

¹³ www.gov.uk/government/publications/gcse-reform-equality-analysis

¹⁴ www.gov.uk/government/publications/gce-as-and-a-levels-reformed-content

¹⁵ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-june-2013/category/8-equality-impact-analysis>

- 2.7 Any issues concerning the proposed content will be considered by the Department for Education, who will be carrying out their own Equalities Impact Analysis on their subject content proposals.¹⁶

¹⁶ 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 for new GCSE geography?

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 GCSE geography?

Yes No

If yes, please provide them here:

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Question 3

Do you have any comments on the requirements surrounding the weighting of mathematical and statistical techniques, or the requirements surrounding the use of spelling, punctuation and grammar?

Yes **No**

If yes, please provide them here:

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Question 4

Do you have any comments on the draft Guidance on assessment objectives for new GCSE geography?

Yes **No**

If yes, please provide them here:

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Question 5

We have not identified any ways in which the proposed requirements for reformed GCSEs in geography 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 6

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 7

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*¹⁷ that apply to all regulated qualifications;

¹⁷ www.gov.uk/government/publications/general-conditions-of-recognition

- (ii) GCSE (1 to 9) Qualification Level Conditions and Requirements¹⁸ 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 geography.

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 not proposing to introduce any new regulatory documents for GCSEs in geography.

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 geography.

¹⁸ 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.¹⁹ 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.

¹⁹ 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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