

# **GCSE Ancient Languages**

## Consultation on Conditions and Guidance



December 2014

Ofqual/14/5576

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## About this consultation

New GCSEs are being introduced in England. The primary purpose of the new qualifications is 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, they 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 announced our policy and technical arrangements relating to those subjects that are due to be introduced for first teaching in 2015.<sup>1</sup>

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 consulting now 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 ancient languages. We are consulting in parallel on the Conditions and Guidance that will apply to new GCSEs in geography, history and modern foreign languages. We will consult at a later date on the Conditions and Guidance that will be specific to other 2016 subjects,<sup>2</sup> 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 in the national archives, 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.<sup>3</sup>

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<sup>1</sup> New GCSEs in English language, English literature and mathematics will be taught from September 2015.

<sup>2</sup> 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.

<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/modern-foreign-and-ancient-languages>

<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-ancient-languages-conditions-and-guidance>.
- email your response to [consultations@ofqual.gov.uk](mailto: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*<sup>4</sup> that apply to all regulated qualifications;
- (ii) the published *GCSE (9 to 1) Qualification Level Conditions and Requirements*<sup>5</sup> 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 ancient languages.

The way the Conditions of Recognition work alongside our other regulatory tools is set out in Appendix A.

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<sup>4</sup> [www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)

<sup>5</sup> [www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions](http://www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions)

# 1. Draft GCSE Subject Level Conditions and Guidance for Ancient Languages

## Ancient languages

1.1 Current GCSEs in ancient languages are only offered by one awarding organisation (OCR). However, other awarding organisations may choose to offer new GCSEs in ancient languages. Latin is currently a tiered qualification, but all other ancient language qualifications are untiered.

## Content requirements in ancient languages

1.2 The Department for Education has published the new content for GCSE ancient languages. New GCSEs in ancient languages must comply with the content requirements.<sup>6</sup>

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

<b>Condition</b>	<b>Compliance with content requirements</b>
<b>GCSE(Ancient Languages)1</b>	<b>In respect of each GCSE Qualification in Ancient Languages which it makes available, or proposes to make available, an awarding organisation must –</b>
<b>GCSE(Ancient Languages)1.1</b>	<b>(a) comply with the requirements relating to that qualification set out in the document published by the Secretary of State entitled ‘Ancient languages GCSE subject content’<sup>7</sup>, document reference DFE-00347-2014,</b>
	<b>(b) have regard to any recommendations or guidelines relating to that qualification set out in that document, and</b>
	<b>(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.</b>
<b>GCSE(Ancient Languages)1.2</b>	<b>In respect of each GCSE Qualification in Ancient Languages which it makes available, or proposes to</b>

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<sup>6</sup> [www.gov.uk/government/publications/gcse-ancient-foreign-languages](http://www.gov.uk/government/publications/gcse-ancient-foreign-languages)

<sup>7</sup> [www.gov.uk/government/publications/gcse-ancient-foreign-languages](http://www.gov.uk/government/publications/gcse-ancient-foreign-languages)

**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.**

## **Guidance on subject content**

- 1.4 The content published by the Department for Education requires students to study and be assessed on some literature; it is not specific on the amount. We propose to introduce guidance on the amount of literature that is to be studied as part of both the compulsory and non-compulsory literature components of GCSEs in ancient languages.
- 1.5 There is likely to be a relationship between the amount of literature to be studied and the level of demand of the literature components. Guidance will reduce the risk that awarding organisations will include in their ancient language qualifications different requirements as to the amount of literature students must study and in turn reduce the risk that competing exam boards might seek to reduce the literature requirement in order to make their qualifications more attractive to schools than those of their competitors.
- 1.6 We received representations from the relevant awarding organisations on the amount of literature that should be studied at GCSE level, and also commissioned subject expertise in order to reach a judgement on the appropriate amount of text to be studied in the literature components. We also considered the fact that the new GCSEs will be untiered qualifications, and will thus need to differentiate across the whole range of abilities. Current GCSEs in Latin (which is a tiered qualification) requires the study of approximately 100 lines of text in the ancient language at foundation tier, and approximately 135 lines of text at higher tier. GCSE Classical Greek (an untiered qualification) requires the study of approximately 135 lines of text. We believe that the study of 120 lines of text in the ancient language in the new untiered qualification will be appropriate.
- 1.7 We set out below our draft guidance on this component of the subject content requirements. In line with the obligations set out in Condition GCSE(Ancient Languages)1.1(c), we would expect awarding organisations to be able to demonstrate how they have had regard to this guidance.

## **Guidance in relation to subject content for GCSE Qualifications in Ancient Languages**

The subject content for GCSE Qualifications (graded 9 to 1) in Ancient Languages is set out in the Department for Education’s *Ancient Languages: GCSE subject content*, document reference DFE-00347-2014 (the ‘Content Document’).

Condition GCSE(Ancient Languages)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(Ancient Languages)1.1(c) below.

### **Study of literature**

Paragraph 9 of the Content Document identifies two components to the study of literature:

- The study of “at least one selection of prose and/or verse texts in the original language” (the ‘compulsory literature component’); and
- The study of either “a further selection of prose and/or verse texts” or “at least two different types of ancient sources” (the ‘optional literature component’).

In this context ‘ancient sources’ should be interpreted as meaning sources that originated in the ancient world; they may include (but are not limited to) inscriptions, literature in translation, artefacts and archaeological sites.

The volume of text studied for each component should be proportionate to their relative weightings within the specification.

We expect the compulsory literature component to have a weighting within the specification that is at least equal to that of the optional literature component, and should include the study of at least 120 lines of text in the ancient language.

Where the compulsory literature component has weighting greater than that of the optional literature component, we expect the amount of text studied to increase in proportion to its weighting.

An awarding organisation should explain its approach to addressing the optional literature component in its specifications. This should include an explanation of how the amount of material to be studied is appropriate to the weighting of this component.

## Tiering in ancient languages

- 1.8 In our previous consultation on ancient languages<sup>8</sup> we proposed that new GCSEs in ancient languages should be untiered. Some respondents suggested that more students might take the new ancient language GCSEs if the qualifications were tiered, as the qualifications would be accessible to a wider range of students. Others raised concerns about the future availability of GCSEs in these subjects, particularly if awarding organisations had to provide them in tiered form, and so incur additional costs. We have considered these views.
- 1.9 Taking into account the number of students who might take ancient language GCSEs in the future and the extra costs awarding organisations would incur if they had to make the qualifications available in tiered form, there are risks that awarding organisations would either decide not to offer the qualifications at all, or that the fees charged would deter their schools from entering their students for them. We do not, therefore, propose to require or permit ancient language GCSEs to be tiered.
- 1.10 We will review this position if, in the future, a strong case is made for GCSEs in one or more ancient language to be tiered.

## Assessment objectives

We have previously consulted on and announced our decisions on assessment objectives in GCSE ancient languages. These final assessment objectives are repeated below for completeness.

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<sup>8</sup> <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/modern-foreign-and-ancient-languages>

<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-june-2013>

	Objective	Weighting
AO1	Demonstrate knowledge and understanding of the language.	50% (10–20% of this AO should be attributed to translation into the ancient language (or the permitted alternative))
AO2	Demonstrate knowledge and understanding of literature and/or other ancient sources.	25%
AO3	Analyse, evaluate and respond to literature and/or other ancient sources.	25%

### Guidance on assessment objectives

1.11 In line with the obligations set out in draft Condition GCSE(Ancient Languages)1.2, awarding organisations must have regard to any guidance we publish 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/or
- monitors the qualification to make sure it addresses all elements appropriately.

1.12 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.

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

AO1: Demonstrate knowledge and understanding of the language			50% <i>(10–20% of this AO should be attributed to translation into the ancient language (or the permitted alternative))</i>
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"> <li>■ <b>Knowledge and understanding of the language</b> is an aspect of subject content. Awarding organisations should explain their approach to targeting it in their assessment strategy.</li> <li>■ Paragraph 8 of the Content Document identifies two compulsory components which should be assessed as part of this assessment objective:                             <ul style="list-style-type: none"> <li>□ “translate accurately into English an unseen passage of the ancient language” (the ‘compulsory translation component’); and</li> <li>□ “demonstrate their understanding of a narrative passage or passages of ... ancient language by answering a variety of comprehension questions in English” (the ‘comprehension component’);</li> </ul> </li> </ul> <p>as well as two optional components (one of which must be assessed as part of this assessment objective):</p> <ul style="list-style-type: none"> <li>□ “recognise, analyse and explain syntax and accidence ... within the context of a narrative passage or passages of unseen ... ancient language” (the ‘grammar option’); and</li> <li>□ “translate short sentences from English into the ancient language” (the ‘translation option’).</li> </ul>

AO1: Demonstrate knowledge and understanding of the language			50% (10–20% of this AO should be attributed to translation into the ancient language (or the permitted alternative))
Strands	Elements	Coverage	Interpretations and definitions
			<ul style="list-style-type: none"> <li>■ Any translation of an unseen passage should be considered an AO1 skill.</li> <li>■ We expect the total amount of text in the ancient language which is used in the compulsory translation component and the comprehension component to be at least 300 words.</li> <li>■ In the context of the translation option, a <b>short sentence</b> should be interpreted as meaning a single sentence consisting of a single clause (i.e. not a compound or complex sentence). Learners should be expected to translate at least three sentences, each of which requires the declension of one or more regular nouns and the conjugation of a regular verb in the indicative.</li> <li>■ In the context of the grammar option:             <ul style="list-style-type: none"> <li>□ <b>Recognise</b> suggests identifying an example of a grammatical form;</li> <li>□ <b>Analyse</b> suggests identifying the grammatical form of a word; and</li> <li>□ <b>Explain</b> suggests accounting for the use of a grammatical form in a sentence.</li> </ul> </li> </ul>

AO2: Demonstrate knowledge and understanding of literature and/or other ancient sources			25%
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"> <li>■ <b>Knowledge and understanding of literature and or ancient sources</b> is an aspect of subject content. Awarding organisations should explain their approach to targeting it in their assessment strategy.</li> <li>■ <b>Ancient sources</b> are sources that originated in the ancient world; they may include (but are not limited to) inscriptions, literature in translation, artefacts and archaeological sites.</li> <li>■ Any translation from a set text should be considered an AO2 skill.</li> </ul>

AO3: Analyse, evaluate and respond to literature and/or other ancient sources			25%
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"> <li>■ In the context of literature, <b>analyse</b> suggests (but is not limited to) identifying aspects of content and features of literary style, including the choice of words and word order, rhythm, sounds, length of clauses and common literary devices.</li> <li>■ In the context of ancient sources, <b>analyse</b> suggests (but is not limited to) identifying and explaining aspects of the ideas, values and social practices in the ancient sources studied.</li> <li>■ <b>Evaluate and respond</b> suggests the drawing and expressing of conclusions based on analysis.</li> <li>■ <b>Ancient sources</b> are sources that originated in the ancient world; they may include (but are not limited to) inscriptions, literature in translation, artefacts and archaeological sites.</li> </ul>

## 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 characteristics<sup>9</sup> 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,<sup>10</sup> A level and AS qualification<sup>11</sup> 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 subjects 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.
- 2.7 We recognise that the continuing availability of a GCSE in Biblical Hebrew is a matter that will be of particular interest to members of the Jewish community. We have decided not to require GCSEs in ancient languages to be tiered, a decision that should limit the costs to awarding organisations who wish to make available a GCSE in Biblical Hebrew.

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<sup>9</sup> 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.

<sup>10</sup> [www.gov.uk/government/publications/gcse-reform-equality-analysis](http://www.gov.uk/government/publications/gcse-reform-equality-analysis)

<sup>11</sup> [www.gov.uk/government/publications/gce-as-and-a-levels-reformed-content](http://www.gov.uk/government/publications/gce-as-and-a-levels-reformed-content)

- 2.8 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.<sup>12</sup>

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<sup>12</sup> [www.education.gov.uk/consultations](http://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)

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**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)
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**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

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**May we contact you for further information?**

Yes    No

## Questions

### Question 1

Do you have any comments on the draft Conditions for new GCSE ancient languages?

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 ancient languages?

Yes                       No

If yes, please provide them here:

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**Question 3**

**Do you have any comments on the draft Guidance on assessment objectives for new GCSE ancient languages?**

Yes                       No

**If yes, please provide them here:**

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**Question 4**

**We have not identified any ways in which the proposed requirements for reformed GCSEs in ancient languages 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 5**

**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 6**

**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 co-operate 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*<sup>13</sup> that apply to all regulated qualifications;

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<sup>13</sup> [www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)

- (ii) GCSE (9 to 1) Qualification Level Conditions and Requirements<sup>14</sup> that apply to all GCSEs;
- (iii) GCSE Subject Level Conditions that apply to a specific GCSE in a specific subject – we are consulting now on draft GCSE Subject Level Conditions for ancient languages.

## **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 regulatory documents for GCSEs in ancient languages.

## **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 ancient languages.

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<sup>14</sup> [www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions](http://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.<sup>15</sup> 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.

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<sup>15</sup> 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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