

GCSE Citizenship Studies

Consultation on Conditions and Guidance



February 2015

Ofqual/15/5623

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About this consultation

We are seeking views on the regulatory requirements we propose to put in place for new GCSEs in citizenship studies. These new qualifications are due to be taught in England from September 2016.

We do not repeat the policy proposals for this qualification on which we consulted during 2014 or the options we considered when we did so. You can find the outcome of that consultation on our website,¹ along with a summary of the responses to the consultations and our equality and regulatory impact assessments.

Further information about the reform of GCSE/A level/AS can be found at www.gov.uk/government/publications/get-the-facts-gcse-and-a-level-reform.

Summary of our proposals – GCSE citizenship studies

- New GCSEs in citizenship studies must comply with the Department for Education's subject content requirements, and with our assessment objectives.
- In line with our previous decisions, new GCSEs in citizenship studies will be untiered, and assessed solely by examinations, set and marked by the awarding organisation.
- For full-course GCSEs, schools will submit a statement confirming that each student has completed the required citizenship action. Awarding organisations will treat non-submission of the statement as malpractice and/or maladministration.

¹ www.gov.uk/government/consultations/gcses-as-and-a-levels-reform-of-subjects-for-september-2016

How to respond to this consultation

The closing date for responses is 27th March 2015.

Please respond to this consultation in one of three ways:

- complete the online response at www.surveygizmo.com/s3/2027665/gcse-citizenship-studies-consultation-on-conditions-and-guidance;
- email your response to consultations@ofqual.gov.uk
Please include the consultation title (Citizenship Studies Consultation 2015) 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: Citizenship Studies Consultation 2015, 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 27th March 2015.

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*² that apply to all regulated qualifications;
- (ii) the published *GCSE (9 to 1) Qualification Level Conditions and Requirements*³ 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.

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

² www.gov.uk/government/publications/general-conditions-of-recognition

³ www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions

1. Draft GCSE Subject Level Conditions and guidance for citizenship studies

Content requirements in citizenship studies

1.1 The Department for Education has published a document that sets out the new content for GCSE citizenship studies. New GCSEs in citizenship studies must comply with the requirements of that document,⁴ and with our assessment objectives.

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

Condition	Compliance with content requirements
GCSE(Citizenship Studies)1	

GCSE(Citizenship Studies)1.1	In respect of each GCSE Qualification in Citizenship Studies which it makes available, or proposes to make available, an awarding organisation must –
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- (a) comply with the requirements relating to that qualification set out in the document published by the Secretary of State entitled ‘Citizenship Studies GCSE subject content’,⁵ document reference DFE-00037-2015,**
- (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(Citizenship Studies)1.2	In respect of each GCSE Qualification in Citizenship Studies 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.
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⁴ www.gov.uk/government/publications/gcse-citizenship-studies

⁵ www.gov.uk/government/publications/gcse-citizenship-studies

Assessment arrangements and requirements

1.3 We have already consulted on and announced our decision that GCSEs in citizenship studies will be assessed solely through assessment by examination.

1.4 For full-course GCSEs in citizenship, the subject content also states that:

Examination papers must include questions that draw on the knowledge and understanding students have gained from taking citizenship action. These questions will have to account for 15 per cent of the marks for the full course GCSE and should focus on the following knowledge, understanding and skills:

- understand the range of methods and approaches that can be used by governments, organisations, groups and individuals to address citizenship issues in society, including practical citizenship actions
- formulate citizenship enquiries, identifying and sequencing research questions to analyse citizenship ideas, issues and debates
- present their own and other viewpoints and represent the views of others, in relation to citizenship issues, causes, situations and concepts
- plan practical citizenship actions aimed at delivering a benefit or change for a particular community or wider society
- critically evaluate the effectiveness of citizenship actions to assess progress towards the intended aims and impact for the individuals, groups and communities affected.

1.5 We propose to introduce guidance which clarifies how awarding organisations should design their assessments for full-course GCSEs to meet the requirements set out in the subject content. To do so, we propose to introduce the following Condition:

Condition	Assessment
GCSE(Citizenship Studies)2	
GCSE(Citizenship Studies)2.1	An awarding organisation must ensure that in respect of each assessment for a GCSE Qualification in Citizenship Studies which it makes available it complies with any requirements, and has regard to any guidance, which may be published by Ofqual and revised from time to time.

1.6 To support this Condition, we also propose to introduce the following guidance on assessment:

Guidance in relation to assessments for GCSE Qualifications in Citizenship Studies

Condition GCSE(Citizenship Studies)2.1 allows us to specify requirements and guidance in relation to assessments for GCSE Qualifications in Citizenship Studies.

We set out our guidance for the purposes of Condition GCSE(Citizenship Studies)2.1 below.

Assessment of taking citizenship action

The subject content for GCSE Qualifications (graded 9 to 1) in Citizenship Studies is set out in the Department for Education's *Citizenship Studies: GCSE subject content*,⁶ document reference DFE-00037-2015 (the 'Content Document').

Paragraph 9 of the Content Document states that:

Examination papers must include questions that draw on the knowledge and understanding students have gained from taking citizenship action. These questions will have to account for 15 per cent of the marks for the full course GCSE and should focus on the following knowledge, understanding and skills:

- understand the range of methods and approaches that can be used by governments, organisations, groups and individuals to address citizenship issues in society, including practical citizenship actions
- formulate citizenship enquiries, identifying and sequencing research questions to analyse citizenship ideas, issues and debates
- present their own and other viewpoints and represent the views of others, in relation to citizenship issues, causes, situations and concepts
- plan practical citizenship actions aimed at delivering a benefit or change for a particular community or wider society
- critically evaluate the effectiveness of citizenship actions to assess progress towards the intended aims and impact for the individuals, groups and communities affected.

⁶ www.gov.uk/government/publications/gcse-citizenship-studies

As with all other content, we expect each awarding organisation to ensure that its assessments sample this content in sufficient depth over time, in a way which avoids predictability and secures valid assessment of Learners' knowledge, skills and understanding.

Evidence of citizenship action

1.7 The subject content requires students taking full-course GCSEs in citizenship studies to carry out “an in-depth, critical investigation leading to citizenship action”. It also states that “awarding organisations must require confirmation of this in the form of a written statement from centres”.

1.8 We therefore propose to introduce the following Condition relating to these written statements:

Condition	Evidence of citizenship action
GCSE(Citizenship Studies)3	
GCSE (Citizenship Studies)3.1	In respect of each assessment cycle for a GCSE qualification in Citizenship Studies which it makes available, which is not a short course qualification, an awarding organisation must – (a) require each Centre to provide a citizenship action statement to the awarding organisation, (b) treat any failure by a Centre to provide a citizenship action statement to the awarding organisation in a timely manner as malpractice and/or maladministration (under General Condition A8 (Malpractice and maladministration)).
GCSE (Citizenship Studies)3.2	For the purposes of this condition – (a) a ‘citizenship action statement’ is a true and accurate written statement made by a Centre to an awarding organisation which confirms that each Learner to which that Centre has delivered the assessments to be taken in a particular assessment cycle for a GCSE qualification in Citizenship Studies which the awarding organisation makes available has undertaken citizenship action, and (b) ‘citizenship action’ is action which meets the requirements set out in paragraphs 7 and 8 of the

document published by the Secretary of State entitled ‘Citizenship Studies GCSE subject content’,⁷ document reference DFE-00037-2015.

Assessment objectives

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

	Objective	Weighting
AO1	Demonstrate knowledge and understanding of citizenship concepts, terms, and issues.	30%
AO2	Apply knowledge and understanding of citizenship concepts, terms and issues to contexts and actions.	30%
AO3	Analyse and evaluate a range of evidence relating to citizenship issues, debates and actions, including different viewpoints, to develop reasoned, coherent arguments and make substantiated judgements.	40%

Guidance on assessment objectives

1.10 The draft guidance on assessment objectives explains how we expect awarding organisations to interpret the assessment objectives in terms of:

- the different ‘strands’ within each of the assessment objectives;
- the discrete ‘elements’ within each assessment objective and its strands, 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.

⁷ www.gov.uk/government/publications/gcse-citizenship-studies

1.11 In line with the obligations set out in draft Condition GCSE(Citizenship Studies)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.

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

AO1: Demonstrate knowledge and understanding of citizenship concepts, terms, and issues			30%
Strands	Elements	Coverage	Interpretations and definitions
n/a	1a – Demonstrate knowledge of citizenship concepts, terms and issues.	<ul style="list-style-type: none"> ■ Full coverage in each set of assessments⁸ (but not in every assessment). ■ No more than 20% of the total marks for the qualification should be allocated to items⁹ which only reward demonstrating knowledge. ■ A reasonable balance between concepts, terms and issues in each set of assessments (but not in every assessment). 	<ul style="list-style-type: none"> ■ Concepts, terms and issues are aspects of subject content, and are often interlinked: <ul style="list-style-type: none"> □ concepts are underlying ideas – for example rights, responsibilities, freedoms, equality, democracy and voting; □ terms are key subject definitions, for example common law, tribunal and juries; □ issues are key questions relating to the concepts and terms. ■ Awarding organisations should explain their approach to targeting concepts, terms and issues in their assessment strategies.
	1b – Demonstrate understanding of citizenship concepts, terms and issues.		

⁸ 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 Citizenship Studies. For clarity, the assessments taken by Learners may vary, depending on any possible routes through the qualification.

⁹ For the purposes of this guidance, the term ‘item’ means any part of the assessment which is allocated separate marks.

AO2: Apply knowledge and understanding of citizenship concepts, terms and issues to contexts and actions			30%
Strands	Elements	Coverage	Interpretations and definitions
n/a	1a – Apply knowledge and understanding of citizenship concepts, issues and terms to citizenship contexts.	<ul style="list-style-type: none"> ■ Full coverage in each set of assessments (but not in every assessment). ■ A reasonable balance between the elements 1a and 1b in each set of assessments (but not in every assessment). ■ Each set of assessments (but not every assessment), should cover local, national and global aspects of citizenship contexts and actions. 	<ul style="list-style-type: none"> ■ Concepts, terms and issues are aspects of subject content, and are often interlinked. Awarding organisations should explain their approach to targeting them in their assessment strategies. ■ Contexts for citizenship include local, national and global aspects. Awarding organisations should explain their approach to coverage of these aspects of contexts in their assessment strategies. ■ Assessments should expect Learners to respond to contexts which are not predictable; this may involve developing ideas or making links. ■ For the full course, the contexts should enable the Learner to draw on their own experience of taking citizenship action. ■ Actions are practical activities that address a citizenship issue or question of concern. There are different ways in which application of knowledge and understanding to actions can be assessed. These may include the Learner: <ul style="list-style-type: none"> □ commenting on other people’s actions; □ suggesting how the Learner or others might act;
	1b – Apply knowledge and understanding of citizenship concepts, issues and terms to citizenship actions.		

AO2: Apply knowledge and understanding of citizenship concepts, terms and issues to contexts and actions			30%
Strands	Elements	Coverage	Interpretations and definitions
			<ul style="list-style-type: none"> □ in the full course, commenting on the Learner’s own experience of taking citizenship action. ■ The emphasis in this assessment objective is on Learners applying their knowledge and understanding in or to a given context or action. <ul style="list-style-type: none"> □ In the short course, both elements should normally be assessed through case studies. □ In the full course, both elements could be assessed through case studies and/or by enabling the Learner to draw on their experience of taking citizenship action. ■ Knowledge and understanding are inter-connected here and should not usually be assessed separately.

AO3: Analyse and evaluate a range of evidence relating to citizenship issues, debates and actions, including different viewpoints, to develop reasoned, coherent arguments and make substantiated judgements			40%
Strands	Elements	Coverage	Interpretations and definitions
n/a	<p>1a – Analyse a range of evidence relating to citizenship issues, debates and actions (including different viewpoints).</p> <p>1b – Evaluate a range of evidence relating to citizenship issues, debates and actions (including different viewpoints) to develop reasoned, coherent arguments.</p>	<ul style="list-style-type: none"> ■ Full coverage in each set of assessments (but not every assessment). ■ A reasonable balance between issues, debates and actions in each set of assessments (but not every assessment). ■ A reasonable balance between the elements 1a, 1b and 1c in each set of assessments (but not every assessment). 	<ul style="list-style-type: none"> ■ In the context of this assessment objective, debates means the different perspectives or views which may be held on citizenship issues. ■ The emphasis in this assessment objective is on the Learner constructing a response to the question which considers a range of perspectives and arrives at an interpretation, based upon the evidence presented. <ul style="list-style-type: none"> □ The emphasis in element 1a is on the Learner analysing a range of appropriate evidence that is relevant to the issue, debate or action. This may include evidence that the Learner selects, for example from a range of sources provided in the examination. □ The emphasis in element 1b is on the Learner constructing an evidence-based response which considers a range of perspectives.

AO3: Analyse and evaluate a range of evidence relating to citizenship issues, debates and actions, including different viewpoints, to develop reasoned, coherent arguments and make substantiated judgements			40%
Strands	Elements	Coverage	Interpretations and definitions
	1c – Evaluate a range of evidence relating to citizenship issues, debates and actions (including different viewpoints) to make substantiated judgements.		<ul style="list-style-type: none"> □ The emphasis in element 1c is on the Learner making a judgement that is substantiated.

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 qualifications

- 2.2 We have considered the potential impact on students who share protected characteristics¹⁰ of the application of the principles and features that will apply to all new GCSE qualifications. Our equality impact analysis for our earlier consultation on GCSE reform¹¹ is therefore of interest and we encourage you to read it.
- 2.3 We have also previously considered the potential impact on students who share protected characteristics of the policy proposals we are implementing for GCSE citizenship studies.¹²
- 2.4 Any issues concerning the proposed content have been considered by the Department for Education, who have published their own Equalities Impact Analysis on their subject content proposals.¹³
- 2.5 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 arise from the way in which we are implementing our previous policy decisions.
- 2.6 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.
- 2.7 We have not identified any negative impacts on students who share protected characteristics which would result from our proposed assessment arrangements in GCSE citizenship studies.

¹⁰ 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.

¹¹ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-june-2013/category/8-equality-impact-analysis/>

¹² www.gov.uk/government/consultations/gcse-as-and-a-levels-new-subjects-to-be-taught-in-2016

¹³ www.gov.uk/government/publications/gcse-and-a-level-subject-content-equality-analysis-3-subjects

- 2.8 Awarding organisations are required to consider the accessibility of their qualifications at the design stage and to remove any unjustifiable barriers.

3. 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 citizenship studies?

Yes No

If yes, please provide them here:

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Question 2

Do you have any comments on the draft guidance in relation to assessments for new GCSE citizenship studies?

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 citizenship studies?

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 citizenship studies would impact (positively or negatively) on persons who share a protected characteristic.¹⁴ Are there any potential impacts we have not identified?

Yes No

If yes, please provide them here:

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¹⁴ ‘Protected characteristic’ is defined in the Equality Act 2010. Here, it means disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation and gender reassignment.

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 so, please comment on the additional steps we could take to mitigate negative impacts 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 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*¹⁵ that apply to all regulated qualifications;

¹⁵ www.gov.uk/government/publications/general-conditions-of-recognition

- (ii) GCSE (1 to 9) Qualification Level Conditions and Requirements¹⁶ that apply to all new GCSEs;
- (iii) GCSE Subject Level Conditions that apply to all new GCSEs in a specific subject – we are consulting now on draft GCSE Subject Level Conditions for citizenship studies.

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 citizenship studies.

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 citizenship studies.

¹⁶ 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.¹⁷ 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 GCSEs, A levels 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.

¹⁷ 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 GCSEs, A levels 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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