

Developing New GCSEs, AS and A Levels for First Teaching in 2017 – Part 2

Equality Analysis

GCSEs

Ancient history

Classical civilisation

Electronics

Film studies

Media studies

Statistics

AS and A Levels

Accounting

Ancient history

Archaeology

Classical civilisation

Electronics

Film studies

Law

Media studies



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1. Introduction

This document sets out our final equality analysis for the regulatory arrangements that we propose to introduce for a number of the new GCSE, AS and A level qualifications that students will be first taught from September 2017.

We conducted an equality analysis prior to publishing our consultation on assessment arrangements in September 2015¹. This document is based on that analysis and the feedback we received through consultation.

We are subject to the public sector equality duty. Appendix A sets out how this duty interacts with our statutory objectives and other duties.

Our approach to equality

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 impact a student's ability to achieve a particular mark in an assessment, our influence is limited to the way that the qualification is designed and assessed.

In setting the overall framework within which exam boards will design, assess and award the reformed GCSE, AS and A level qualifications, we want to understand the possible impacts of the proposals on people who share a protected characteristic.

The protected characteristics under the Equality Act 2010 are:

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

We are not required to consider the impact of the reforms on those who are married or in a civil partnership.²

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/459753/2015-09-10-developing-new-gcses-as-and-a-levels-for-first-teaching-in-2017-part-2.pdf (section 4)

² Equality Act 2010, section 149.

2. Equality analysis relating to proposed changes to GCSE, AS and A level subjects

We previously considered the potential impact on students who share a protected characteristic³ of the application of the principles and features that will apply to all new GCSEs, AS and A levels. Our equality impact analyses for our earlier consultations on the reform of these qualifications are therefore of interest and we encourage you to read them.⁴

We do not repeat here all of the evidence we considered as this can be found in our earlier reports; instead, we focus on specific issues relevant to the subjects in this equality impact assessment.

We require exam boards to consider the accessibility of their qualifications at the design stage and remove any unjustifiable barriers.

Feedback from the consultation

We have published separately an analysis of all the feedback we received during the consultation.⁵

As part of the consultation, we asked the following three targeted questions about equalities.

Question 87: We have identified a number of ways the proposed requirements for reformed GCSEs, AS and A levels may impact (positively or negatively) on persons who share a protected characteristic. Are there any other potential impacts we have not identified? If so, what are they?

Question 88: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a

³ For the purposes of the public sector equality duty, the 'protected characteristics' are age, disability, gender reassignment, racial group, religion or belief, pregnancy or maternity, sex, sexual orientation.

⁴ GCSE Reform: Equality Analysis Report:

<http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/equality-analysis-report-on-reforms-to-gcses-from-2015>

Equality Analysis of the A level Reform Consultation:

<http://webarchive.nationalarchives.gov.uk/20141031163546/http://www.ofqual.gov.uk/files/2012-06-18-equality-analysis-of-the-a-level-reform-consultation.pdf>

Developing New GCSE, A Level and AS Qualifications for First Teaching in 2016 – Equality Analysis Report: www.gov.uk/government/uploads/system/uploads/attachment_data/file/398244/2015-01-26-developing-new-gcse-a-level-and-as-qualifications-for-first-teaching-in-2016-eia.pdf

⁵ Available at <https://www.gov.uk/government/consultations/developing-new-gcses-as-and-a-levels-for-first-teaching-in-2017>

protected characteristic? If so, please comment on the additional steps we could take to mitigate negative impacts.

Question 89: Have you any other comments on the impacts of the proposals on persons who share a protected characteristic?

We received 152 responses to the consultation across all the subjects we consulted on. None of these were from equality groups or from those with a specific focus on any of the protected characteristics. Not all respondents chose to answer the equality focussed questions. The respondents for each of those questions are listed in the table below. Answers to other consultation questions were also reviewed to identify any additional equality issues raised.

Question	Number of respondents
Question 87 – identification of impacts	119
Question 88 – additional mitigating steps	115
Question 89 – additional comments	114

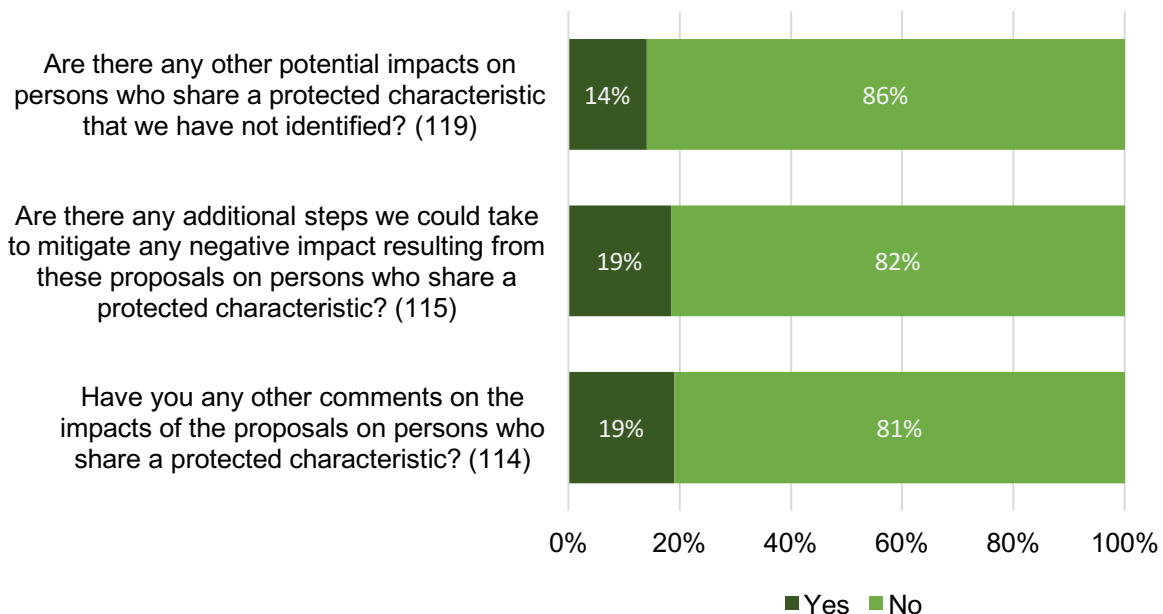


Figure 1 extracted from consultation analysis report

Where respondents to these questions selected responses that indicated they had additional points to raise, they had the opportunity to fill out a free text field and we took the survey responses and additional information submitted by respondents into account.

Assessment by exam

A concern from some respondents was increasing the weighting of exams or using them as the sole assessment method could disadvantage those who would do better in other forms of assessment. Respondents made the point that exams taken at a fixed point in the school year and covering large proportions of the total assessment for a subject have the potential to affect different groups in different ways. This point was raised primarily in relation to film studies and media studies where our proposals were for reductions from the current 50% or 60% of marks coming from non-exam assessment, to 30%. Respondents made their points in relation to both the GCSE and the AS and A level qualifications in these two subjects.

We considered the impact of a greater emphasis on terminal assessment and assessment by exam when these reforms began and no additional issues were raised at this time. Our previous analyses in relation to this issue remains appropriate.⁶

Overall impact by subject

Based on our original assessment we presented in our consultation and responses we received, we have set out below our final analysis for each subject.

GCSE ancient history

GCSEs in ancient history are currently assessed with 25% of the marks attributed to non-exam assessment. We propose to reduce this to 0%. Respondents to the consultation did not raise any issues with us in regard to the removal of non-exam assessment, although we note the same arguments could be made, as in other subjects, this may have an impact on students who perform relatively less well in examinations, compared to other forms of assessment. We considered these issues as set out above in the assessment by exam section.

We did not identify anything further in our planned approach to the assessment of ancient history that would negatively impact on students because of their disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any adverse impact on these groups communicated to us by respondents to our consultation.

⁶ GCSE Reform 2013: <http://webarchive.nationalarchives.gov.uk/+/http://comment.ofqual.gov.uk/gcse-reform-june-2013>

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

Given the content for this qualification can be assessed validly by exam we judge the proposal to assess the subject wholly by exam remains appropriate in this qualification.

GCSE classical civilisation

GCSEs in classical civilisation are currently assessed with 25% of the marks attributed to non-exam assessment. We propose to reduce this to 0%. Respondents to the consultation did not raise any issues with us in regard to the reduction in non-exam assessment, although we note the same arguments could be made, as in other subjects, that this may impact on students who perform relatively less well in examinations, compared to other forms of assessment. We considered these issues as set out above in the assessment by exam section.

We did not identify anything further in our planned approach to classical civilisation that would have a negative impact on students because of their disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any adverse impact on these groups communicated to us by respondents to our consultation.

Given that content for this qualification can be assessed validly by exam we judge that the proposal to assess the subject wholly by exam remains appropriate in this qualification.

GCSE electronics

GCSEs in electronics are currently assessed with 25% of the marks attributed to non-exam assessment. We propose to reduce this to 20%. Respondents to the consultation did not raise any issues with us in regard to the reduction in non-exam assessment, although we note that the same arguments could be made, as in other subjects, that this may impact on students who perform relatively less well in examinations, compared to other forms of assessment. We considered these issues as set out above in the assessment by exam section.

Our original analysis identified that non-exam assessment tasks in this subject could be difficult to access for students with a disability and that exemptions may be appropriate for them. The reduction in the weighting of the non-exam assessment does not change this position.

We did not identify anything further in our planned approach proposals for this subject that would negatively impact on students because of their disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification we judge the proposals for the relative weighting of the exam and non-exam-assessment remains appropriate in this qualification.

GCSE film studies

GCSEs in film studies are currently assessed with 50% of the marks attributed to non-exam assessment. We propose to reduce this to 30%. Respondents told us that they believed a reduction may impact on students who perform relatively less well in examinations, compared to other forms of assessment. We considered these issues as set out above in the assessment by exam section.

Our original analysis identified the non-exam assessment tasks in this subject could be difficult to access for students with a disability. The proposed reduction in weighting of the non-exam assessment down to 30% would mean an exemption could be applied to this part of the qualifications where appropriate for these students. This was previously not the case.

We did not identify anything else about our proposals for this subject that would negatively impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification we judge the proposals for the relative weighting of the exam and non-exam-assessment remains appropriate in this qualification.

GCSE media studies

GCSEs in media studies are currently assessed with 60% of the marks attributed to non-exam assessment. We propose to reduce this to 30%. Respondents told us they believed a reduction may impact on some students who perform relatively less well in examinations, compared to other forms of non-exam assessment. We considered these issues as set out above in the assessment by exam section.

Our original analysis identified the non-exam assessment tasks in this subject could be difficult to access for some students with a disability. The proposed reduction in weighting of the non-exam assessment down to 30% would mean that an exemption could be applied to this part of the qualifications where appropriate for these students. This was not previously the case.

We did not identify anything else about our proposals for this subject that would negatively impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender

reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification we judge the proposals for the relative weighting of the exam and non-exam-assessment remains appropriate in this qualification.

GCSE statistics

GCSEs in statistics are currently assessed with 25% of the marks attributed to non-exam assessment. We propose to reduce this to 0%. Respondents to the consultation did not raise any issues with us in regard to the reduction in non-exam assessment, although we note that the same arguments could be made, as in other subjects, that this may impact on students who perform relatively less well in examinations, compared to other forms of assessment. We considered these issues as set out above in the assessment by exam section.

We did not identify anything further in our planned approach to statistics that would negatively impact on students because of their disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification can be assessed validly by exam we judge the proposal to assess the subject wholly by exam remains appropriate in this qualification.

AS and A level accounting

AS and A levels in accounting are currently assessed wholly by exam. We do not propose to change this position. We did not identify anything about our proposals that would negatively impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

AS and A level ancient history

AS and A levels in ancient history are currently assessed wholly by exam. We do not propose to change this position. We did not identify anything about our proposals that would negatively impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

AS and A level archaeology

A levels in archaeology are currently assessed 80% exam and 20% non-exam assessment and AS qualifications are exam only. We do not propose to change these positions. We did not identify anything about our proposals that would negatively impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

AS and A level classical civilisation

AS and A levels in classical civilisation are currently assessed wholly by exam. We do not propose to change this position.

A respondent to our consultation set out a concern that the assessment of knowledge and understanding of visual/material culture would negatively impact on students with visual impairments and the proposed reformed qualification would have this content as mandatory, when it was previously optional. As the respondent noted, this is primarily a content matter and was considered by the Department for Education in their impact assessment.

We did not identify anything about our proposals that would negatively impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

AS and A level electronics

AS and A levels in electronic are currently assessed by between 26 and 30% non-exam assessment. We propose to standardise this between exam boards at 20%. Respondents to the consultation did not raise any issues with us in regard to the reduction in non-exam assessment, although we note the same arguments could be made, as in other subjects, this may impact on students who perform relatively less well in examinations, compared to other forms of non-exam assessment. We considered these issues as set out above in the assessment by exam section.

Our original analysis identified the non-exam assessment tasks in this subject could be difficult to access for students with a disability and that exemptions may be appropriate for those students. The reduction in the weighting of the non-exam assessment does not change this position.

We not identify anything further in our planned approach to statistics that would negatively impact on students because of their disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender

reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification we judge the proposals for the relative weighting of the exam and non-exam-assessment remains appropriate in this qualification.

AS and A level film studies

A levels in film studies are currently assessed by between 45-50% non-exam assessment and AS qualifications 40-50% non-exam assessment. We propose to standardise this between exam boards at 30% for both qualifications. As with this subject at GCSE consultation respondents told us they believed a reduction may impact on students who perform relatively less well in examinations, compared to other forms of non-exam assessment. We considered these issues as set out above in the assessment by exam section.

Our original analysis identified the non-exam assessment tasks in this subject could be difficult to access for some students with a disability. The proposed reduction in weighting of the non-exam assessment down to 30% would mean an exemption could be applied to this part of the qualifications where appropriate for these students.

We did not identify anything else about our proposals for this subject would negatively impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor has any other adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification we judge the proposals for the relative weighting of the exam and non-exam-assessment remains appropriate in this qualification.

AS and A level law

AS and A levels A levels in law are currently assessed wholly by exam. We do not propose to change this position. We did not identify anything about our proposals that would negatively impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

AS and A level media studies

AS and A levels in film studies are currently assessed by between 40-50% non-exam assessment and AS qualifications 40-50% non-exam assessment. We do propose to

standardise this between exam boards at 30% for both qualifications. As with this subject at GCSE consultation respondents told us they believed a reduction may impact students who perform relatively less well in examinations, compared to other forms of non-exam assessment. We considered these issues as set out above in the assessment by exam section.

Our original analysis identified that the non-exam assessment tasks in this subject could be difficult to access for students with a disability. The proposed reduction in weighting of the non-exam assessment down to 30% would mean that an exemption could be applied to this part of the qualifications where appropriate for these students.

We did not identify anything else about our proposals for this subject that would negatively impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification we judge the proposals for the relative weighting of the exam and non-exam-assessment remains appropriate in this qualification.

Appendix A: 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) we do not regulate.

We must therefore regulate so qualifications properly differentiate between students who have demonstrated 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, among others, 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. This duty requires us to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The exam boards that design, deliver and award GCSEs, AS and A levels are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications, except where we have specified such adjustments should not be made.

When we decide whether such adjustments should not be made, we must have regard to:

- (a) the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities;
- (b) the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred;
and
- (c) the need to maintain public confidence in the qualification.

Legislation therefore sets out a framework within which we must operate. We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, from time to time, conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a student's knowledge, skills and understanding, a student who has not been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification. A person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them at a disadvantage relative to others who have been awarded the qualification. It is not always possible for us to regulate so that we can both secure that qualifications give a reliable indication of knowledge, skills and understanding, and advance equality between people who share a protected characteristic and those who do not. We must review all the available evidence and actively consider all the available options before coming to a final, rational decision.

Qualifications cannot be used to mitigate inequalities or unfairness in the education system or in society more widely than might affect, for example, students' preparedness to take the qualification and the assessments within it. While a wide range of factors can impact 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 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 exam boards to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a student to achieve because they have a particular protected characteristic. We require exam boards to monitor whether any features of their qualifications have this effect.

In setting the overall framework within which exam boards will design, assess and award the reformed GCSEs, AS and A levels, we want to understand the possible impacts of the proposals on persons who share a protected characteristic.

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and 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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