

# **GCSE Physical Education (short course)**

Consultation on Conditions and guidance



March 2016

Ofqual/16/5860

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## 1. Introduction

- 1.1 As most readers will know, changes are being made to GCSEs, AS and A levels taken by students in England.
- 1.2 We and the Department for Education (DfE) have already consulted on – and confirmed – our requirements for new GCSEs in physical education.<sup>1</sup> These will be taught in schools and colleges from September 2016.
- 1.3 When the DfE published in January 2015 the subject content for reformed GCSEs in physical education, it did not identify the content which would be needed for a short-course GCSE.
- 1.4 The DfE has now consulted on<sup>2</sup> and published subject content<sup>3</sup> for short-course GCSEs in physical education.
- 1.5 Following our own consultation on assessment arrangements, we have now confirmed<sup>4</sup> that – in line with the full-course GCSEs - short-course GCSEs in physical education will:
  - have 40 per cent of total marks allocated to non-exam assessment, with the remaining 60 per cent allocated to exams; and
  - not be tiered.
- 1.6 We also confirmed the assessment objectives for short-course GCSEs in physical education. Three of the assessment objectives are the same as the full-course, but the fourth is different – reflecting the different subject content requirements.

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<sup>1</sup> See [www.gov.uk/government/publications/gcse-physical-education](http://www.gov.uk/government/publications/gcse-physical-education) and

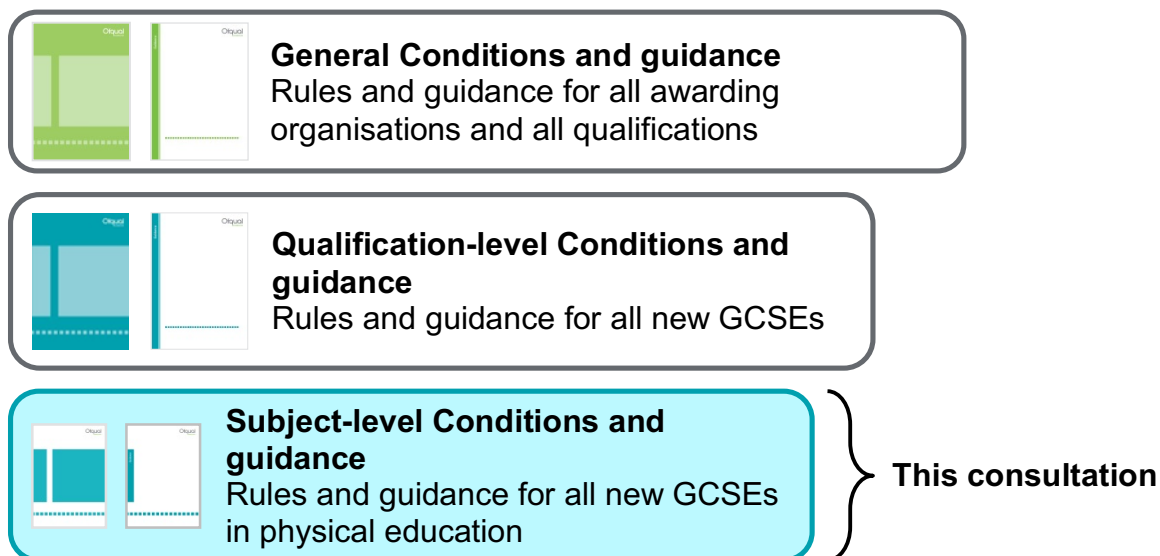
[www.gov.uk/government/collections/gcses-9-to-1-requirements-and-guidance#physical-education](http://www.gov.uk/government/collections/gcses-9-to-1-requirements-and-guidance#physical-education)

<sup>2</sup> [www.gov.uk/government/consultations/gcse-and-a-level-reform-geology-and-politics-pe-short-course](http://www.gov.uk/government/consultations/gcse-and-a-level-reform-geology-and-politics-pe-short-course)

<sup>3</sup> <https://www.gov.uk/government/publications/gcse-physical-education-short-course>

<sup>4</sup> [www.gov.uk/government/consultations/developing-geology-politics-and-pe-short-course-for-2017-teaching](http://www.gov.uk/government/consultations/developing-geology-politics-and-pe-short-course-for-2017-teaching)

## Scope of this consultation



1.7 This consultation sets out, and seeks views on, the changes we need to make to our existing rules and guidance for new GCSEs in physical education to accommodate the different subject content requirements for the short-course.

1.8 As explained in Appendix A, and illustrated in the figure above, these amended rules and guidance will continue to sit alongside our existing rules and guidance for:

- all qualifications,<sup>5</sup> and
- all new GCSE qualifications.<sup>6</sup>

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<sup>5</sup> [www.gov.uk/guidance/awarding-organisations-understanding-our-regulatory-requirements#requirements-for-all-awarding-organisations-and-all-regulated-qualifications](http://www.gov.uk/guidance/awarding-organisations-understanding-our-regulatory-requirements#requirements-for-all-awarding-organisations-and-all-regulated-qualifications)

<sup>6</sup> [www.gov.uk/government/collections/gcse-9-to-1-requirements-and-guidance](http://www.gov.uk/government/collections/gcse-9-to-1-requirements-and-guidance)

## How to respond to this consultation

The closing date for responses is **8 April 2016**

Please respond to this consultation in one of three ways:

- Complete the online response at <https://www.surveymzmo.com/s3/2620032/GCSE-reform-regulations-for-physical-education-short-course>
- Complete the consultation questions at the end of this document and email your response to [consultations@ofqual.gov.uk](mailto:consultations@ofqual.gov.uk). Please include the consultation title (PE Short Course Consultation 2016) in the subject line of the email and make clear who you are and in what capacity you are responding
- Post your response to: PE Short Course Consultation 2016, Ofqual, Spring Place, Herald Avenue, Coventry, CV5 6UB, making clear who you are and in what capacity you are responding

## 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 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 respond by **8 April 2016**

## 2. Changes to our rules and guidance

2.1 Currently, our rules and guidance would require students taking any new GCSE in physical education (whether full-course or short-course) to:

- be assessed against all the topics required for the full course;
- within the non-exam assessment:
  - participate in three sports/activities (including at least one individual sport/activity, and at least one team activity) – with performance in these sports/activities contributing 30 per cent of total marks; and
  - carry out analysis and evaluation of performance – this activity is worth 10 per cent of the total marks.

2.2 As we explained in paragraph 1.5, DfE has, since we published our rules and guidance, published the subject content for new short-course GCSEs in physical education.<sup>7</sup> This differs from the equivalent full-course content in three important ways:

- there are fewer theoretical topics – reflecting the reduced expected teaching time;
- students are required to participate in fewer sports/activities – two (one individual, one team) for the short-course, compared to three (with at least one individual, and at least one team) for the full-course; and
- students taking the short course are not expected to analyse and evaluate performance, whereas students taking the full-course must do so.

2.3 We are proposing to amend our rules and guidance for the short-course GCSE to reflect this revised subject content. In particular, we are proposing to make changes which ensure that:

- short-course GCSEs only have to comply with the short-course subject content – and not the more extensive theoretical and practical requirements from the full-course content;
- short-course GCSEs are required to comply with the appropriate assessment objectives, and not the full-course assessment objectives;

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<sup>7</sup> <https://www.gov.uk/government/publications/gcse-physical-education-short-course>

- the only activity required within the non-exam assessment for short-course GCSEs is participation in physical activity/sport. This means that students taking the short-course will not have to carry out analysis and evaluation. It also means that all the non-exam assessment marks (40 per cent of total marks) will be allocated to performance in physical activity/sport; and
- students taking the short course only have to participate in two sports, as required by the short-course content.

2.4 The substantive content of the current rules, conditions and guidance that apply to new full-course GCSEs in physical education will remain unchanged. The changes being made to the Conditions, requirements and guidance to allow for short-course GCSEs in physical education will not affect the accreditation requirements for full-course GCSEs in physical education, and will not require any changes to be made to full course qualifications that have already been accredited.

**Question 1: To what extent do you agree or disagree with the proposed changes to our rules and guidance to allow for short-course GCSEs in physical education?**

### 3. Our proposed revised Conditions and guidance

3.1 In this section, we set out our proposed revised Conditions, requirements and guidance for GCSE physical education in full.

#### Proposed revised Conditions and requirements for GCSE physical education

3.2 In line with our current rules, our proposed revised Conditions and requirements include:

- a Condition covering compliance with subject content and assessment objectives – we are proposing to revise the current Condition to refer to both the full-course and short-course subject content;
- a Condition which permits non-exam assessment, specifies the percentage of exam and non-exam assessment, and allows us to set more detailed rules and guidance for non-exam assessment – the current Condition will achieve this;
- our assessment objectives – which we are proposing to revise to incorporate a different version of AO4 for the short-course; and
- our non-exam assessment rules – which we are proposing to revise to reflect the different expectations in the short-course subject content.

3.3 All the proposed changes from our current rules for new GCSEs in physical education are shown in bold text in square brackets.

<b>Condition GCSE(Physical Education)1</b>	<b>Compliance with content requirements</b>
GCSE(Physical Education)1.1	In respect of each GCSE qualification in Physical Education which it makes available, or proposes to make available, an awarding organisation must – <ul style="list-style-type: none"> <li>(a) comply with the requirements relating to that qualification set out in                             <ul style="list-style-type: none"> <li>(i) <b>[for a GCSE Qualification in Physical Education which is not a short course qualification]</b> the document published by the Secretary of State entitled ‘Physical Education</li> </ul> </li> </ul>



<p>GCSE(Physical Education)1.2</p>	<p>GCSE subject content<sup>8</sup>, document reference DFE-00697-2014, [or]</p> <p><b>(ii) [for a GCSE short course qualification in Physical Education, the document published by the Secretary of State entitled ‘Physical Education GCSE short course subject content<sup>9</sup>, document reference DFE-00057-2016,]</b></p> <p>(b) have regard to any recommendations or guidelines relating to that qualification set out in <b>[that-those]</b> document<b>[s]</b>, and</p> <p>(c) interpret <b>[that-those]</b> document<b>[s]</b> in accordance with any requirements, and having regard to any guidance, which may be published by Ofqual and revised from time to time.</p> <p>In respect of each GCSE Qualification in Physical Education 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.</p>
<p><b>Condition</b> <b>GCSE(Physical Education)2</b></p>	<p><b>Assessment</b></p>
<p>GCSE(Physical Education)2.1</p>	<p>Condition GCSE4.1 does not apply to any GCSE Qualification in Physical Education which an awarding organisation makes available or proposes to make available.</p>
<p>GCSE(Physical Education)2.2</p>	<p>In respect of the total marks available for a GCSE Qualification in Physical Education which it makes available, an awarding organisation must ensure that –</p> <p>(a) 60 per cent of those marks are made available through Assessments by Examination, and</p>

<sup>8</sup> <https://www.gov.uk/government/publications/gcse-physical-education>

<sup>9</sup> <https://www.gov.uk/government/publications/gcse-physical-education-short-course>

(b) 40 per cent of those marks are made available through assessments set by the awarding organisation that are not Assessments by Examination.

GCSE(Physical Education)2.3

An awarding organisation must ensure that in respect of each assessment for a GCSE Qualification in Physical Education which it makes available which is not an Assessment by Examination it complies with any requirements, and has regard to any guidance, which may be published by Ofqual and revised from time to time.

### Assessment objectives – GCSE Qualifications in Physical Education

Condition GCSE(Physical Education)1.2 allows us to specify requirements relating to the objectives to be met by any assessment for all GCSE Qualifications in Physical Education.

The assessment objectives set out below constitute requirements for the purposes of Condition GCSE(Physical Education)1.2. Awarding organisations must comply with these requirements in relation to all GCSE Qualifications in Physical Education they make available or propose to make available.

	Objective	Weighting
AO1	Demonstrate knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport	25%
AO2	Apply knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport	20%
AO3	Analyse and evaluate the factors that underpin performance and involvement in physical activity and sport	15%
[AO4 (GCSE short course qualifications)]	<b>[Demonstrate and apply relevant skills and techniques in physical activity and sport]</b>	<b>[40%]</b>
AO4 [(other GCSE	<ul style="list-style-type: none"> <li>■ Demonstrate and apply relevant skills and techniques in physical activity and sport</li> </ul>	40%

<p><b>qualifications other than short course)]</b></p>	<ul style="list-style-type: none"> <li>■ Analyse and evaluate performance</li> </ul>	
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**Requirements in relation to assessments for GCSE Qualifications in Physical Education**

Condition GCSE(Physical Education)2.3 allows us to specify requirements and guidance in relation to assessments which are not Assessments by Examination for GCSE Qualifications in Physical Education.

We set out our requirements for the purposes of Condition GCSE(Physical Education)2.3 below. **[Except where specified, these requirements apply to all GCSE Qualifications in Physical Education which an awarding organisation makes available or proposes to make available.]**

**Forms of non-examination assessment**

Condition GCSE(Physical Education)2.2(b) states that an awarding organisation must ensure that of the total marks available for a GCSE Qualification in Physical Education, 40 per cent of those marks shall be made available through assessments set by the awarding organisation which are not Assessments by Examination.

In respect of that 40 per cent, an awarding organisation must ensure that –

(a) **[for a GCSE qualification in Physical Education which is not a short course qualification – ]**

- (i) 30 per cent of the total marks available for the qualification are made available through tasks which assess a Learner’s performance in physical activity and sport (the ‘Performance Assessment’), and
- (ii) 10 per cent of the total marks available for the qualification are made available through a task which assesses a Learner’s ability to analyse and evaluate performance to bring about personal improvement in physical activity and sport (the ‘Performance Analysis Assessment’), and

(b) **[for a GCSE short course qualification in Physical Education, those marks are only made available through tasks which assess a Learner’s performance in physical activity and sport (the ‘Performance Assessment’).]**

### **The Performance Assessment**

~~[An awarding organisation must ensure that each Performance Assessment is designed and set to require each Learner to be assessed in the role of player/performer in three different sports or activities listed in the document published by the Secretary of State entitled ‘GCSE PE activity list’,<sup>10</sup> document reference DFE-00698-2014 (the ‘Activity List’) –~~

~~(a) at least one of which must be drawn from the list of team activities, and~~

~~(b) at least one of which must be drawn from the list of individual activities.]~~

[An awarding organisation must ensure that each Performance Assessment is designed and set to require each Learner to be assessed in the role of player/performer in –

(a) a sport or activity drawn from the list of team activities specified in the document published by the Secretary of State entitled ‘GCSE PE activity list’,<sup>11</sup> document reference DFE-00698-2014 (the ‘Activity List’),

(b) a different sport or activity drawn from the list of individual activities specified in the Activity List, and

(c) for a GCSE qualification in Physical Education which is not a short course qualification, a further different sport or activity drawn from either –

(i) the list of team activities specified in the Activity List, or

(ii) the list of individual activities specified in the Activity List.]

### **The Performance Analysis Assessment**

[The requirements in this section do not apply to GCSE short course qualifications in Physical Education which an awarding organisation makes available, or proposes to make available.]

An awarding organisation must ensure that each Performance Analysis Assessment is designed and set to require each Learner to analyse performance in a sport or activity listed in the Activity List.

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<sup>10</sup> [www.gov.uk/government/publications/gcse-physical-education](http://www.gov.uk/government/publications/gcse-physical-education)

<sup>11</sup> [www.gov.uk/government/publications/gcse-physical-education](http://www.gov.uk/government/publications/gcse-physical-education)

A Learner is not required to analyse, but is not precluded from analysing, his or her performance in one of the sports or activities which he or she has undertaken for the purposes of the Performance Assessment.

### **Marking of assessments**

Evidence generated by a Learner in an assessment for a GCSE Qualification in Physical Education which is not an Assessment by Examination may be marked –

- (a) by the awarding organisation or a person connected to the awarding organisation,
- (b) by a Centre, or
- (c) through a combination of (a) and (b).

In any event, the awarding organisation must demonstrate to Ofqual's satisfaction in its assessment strategy that –

- (a) it has taken all reasonable steps to identify the risk of any Adverse Effect which may result from its approach to marking of assessments (and moderation where appropriate), and
- (b) where such a risk is identified, it has taken all reasonable steps to prevent that Adverse Effect or, where it cannot be prevented, to mitigate that Adverse Effect.

In respect of any performance by a Learner which it observes for the purposes of moderation, an awarding organisation must ensure that –

- (a) a complete audiovisual recording is made of the evidence used to support the outcome of that moderation, and
- (b) that recording is retained by the awarding organisation for a sufficient period of time to allow for the completion of –
  - (i) all relevant enquiries about results and appeals, and
  - (ii) all appropriate steps to correct or, where relevant, to mitigate the effect of any failure discovered through such enquiries about results and appeals.

## **Proposed revised guidance for GCSE physical education**

3.4 We are also proposing to revise our guidance on assessment objectives for new GCSEs in Physical Education.

3.5 The only substantive change we are proposing here is to introduce guidance for the short-course version of assessment objective AO4. This guidance (which is set out in full in the table below) duplicates the equivalent guidance for the first strand of the full-course version of AO4. Our guidance for AO1, AO2 and AO3 is unchanged.

3.6 We are also proposing to make the following minor and consequential amendments to our current guidance:

- update the table of assessment objectives on page 4 of the guidance to include the new version of AO4 for the short-course GCSE;
- revise the heading of the current guidance on AO4 to clarify that it does not apply to short-course GCSEs.

AO1: Demonstrate knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport			25%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> <li>■ Full coverage in each set of assessments<sup>12</sup> (but not in every assessment).</li> <li>■ No more than 15% of the total marks for the qualification should reward demonstrating knowledge in isolation.<sup>13</sup></li> </ul>	<ul style="list-style-type: none"> <li>■ Questions/tasks may target knowledge in isolation, but understanding should normally be assessed in combination with knowledge.</li> <li>■ Questions/tasks may target performance and/or involvement in combination or individually.</li> <li>■ Questions/tasks may target sport and/or physical activity in combination or individually.</li> </ul>

<sup>12</sup> 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 Physical Education. For clarity, the assessments taken by Learners may vary, depending on any possible routes through the qualification.

<sup>13</sup> Marks which ‘reward demonstrating knowledge in isolation’ means any mark awarded solely for recalling facts or other knowledge that is part of the specification. It does not include marks awarded for selecting appropriate knowledge (for example, to evidence an argument), or for applying knowledge to a particular context.

AO2: Apply knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport			20%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> <li>Full coverage in each set of assessments (but not in every assessment).</li> </ul>	<ul style="list-style-type: none"> <li>The emphasis here is on the ability of the Learner to apply their knowledge and understanding to make connections between theory and practice.</li> <li>In this context, knowledge and understanding are both prerequisites for application, and should be assessed together.</li> <li>Questions/tasks may target performance and/or involvement in combination or individually.</li> <li>Questions/tasks may target physical activity and/or sport in combination or individually.</li> </ul>



AO3: Analyse and evaluate the factors that underpin performance and involvement in physical activity and sport			15%
Strands	Elements	Coverage	Interpretations and definitions
n/a	1a – Analyse the factors that underpin performance and involvement in physical activity and sport.	<ul style="list-style-type: none"> <li>■ Full coverage in each set of assessments (but not in every assessment).</li> <li>■ Awarding organisations should justify the balance between elements 1a and 1b in their assessment strategies.</li> </ul>	<ul style="list-style-type: none"> <li>■ Questions/tasks may target performance and/or involvement in combination or individually.</li> <li>■ Questions/tasks may target physical activity and/or sport in combination or individually.</li> </ul>
	1b – Evaluate the factors that underpin performance and involvement in physical activity and sport.		

AO4 (GCSE short course): Demonstrate and apply relevant skills and techniques in physical activity and sport			40%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This strand is a single element.	<ul style="list-style-type: none"> <li>Full coverage in each set of assessments (but not in every assessment).</li> </ul>	<ul style="list-style-type: none"> <li>In the context of this assessment objective, demonstrate means the practical demonstration of skills and techniques in a performance.</li> <li>Skills and techniques are interchangeable terms, and refer to those outlined in paragraph 13 of the document published by the Secretary of State entitled 'Physical Education GCSE short course subject content',<sup>14</sup> document reference DFE-00057-2016.</li> </ul>

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<sup>14</sup> <https://www.gov.uk/government/publications/gcse-physical-education-short-course>

AO4 (other GCSE qualifications):			40%
<ul style="list-style-type: none"> <li>■ Demonstrate and apply relevant skills and techniques in physical activity and sport</li> <li>■ Analyse and evaluate performance</li> </ul>			
Strands	Elements	Coverage	Interpretations and definitions
<b>1 – Demonstrate and apply relevant skills and techniques in physical activity and sport.</b>	This strand is a single element.	<ul style="list-style-type: none"> <li>■ Full coverage in each set of assessments (but not in every assessment).</li> <li>■ Awarding organisations should justify the balance between elements 2a and 2b in their assessment strategies.</li> </ul>	<ul style="list-style-type: none"> <li>■ In the context of this assessment objective, <b>demonstrate</b> means the practical demonstration of skills and techniques, in a performance.</li> <li>■ <b>Skills</b> and <b>techniques</b> are interchangeable terms, and refer to those outlined in paragraph 16 of the document published by the Secretary of State entitled ‘Physical Education GCSE subject content’<sup>15</sup> document reference DFE-00697-2014.</li> <li>■ Analyse and evaluate should include theoretical content.</li> <li>■ Within strand 2, Learners should be expected to make appropriate recommendations to bring about improvement(s), but should not be assessed on whether or not improvement occurs.</li> </ul>
	<b>2 – Analyse and evaluate performance.</b>		

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<sup>15</sup> [www.gov.uk/government/publications/gcse-physical-education](http://www.gov.uk/government/publications/gcse-physical-education)

## **Questions on proposed Conditions, requirements and guidance**

**Question 2: Do you have any comments on our proposed revisions to our Conditions and requirements for GCSE Physical Education?**

**Question 3: Do you have any comments on our proposed revisions to our guidance for GCSE Physical Education?**

## 4. Equality impact analysis

### Ofqual's role, objectives and duties

- 4.1 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 physical education

- 4.2 We have considered the potential impact on students who share protected characteristics<sup>16</sup> 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 reform<sup>17</sup> is therefore of interest and we encourage you to read it.
- 4.3 Issues concerning the proposed subject content have been considered by DfE, who have published their own Equalities Impact Analysis on their subject content proposals.<sup>18</sup>
- 4.4 We have also previously considered the potential impact on students who share protected characteristics of our decisions on assessment arrangements for short-course GCSEs in physical education.<sup>19</sup>
- 4.5 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 new proposals in this consultation, and from the way in which we are implementing our previous policy decisions.
- 4.6 We have not identified any additional negative impacts on students who share protected characteristics which would result from the proposals in this consultation (beyond those that we and DfE have already identified in our earlier reports).

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<sup>16</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>17</sup> <http://webarchive.nationalarchives.gov.uk/20141031163546/http://comment.ofqual.gov.uk/gcse-reform-june-2013/category/8-equality-impact-analysis/>

<sup>18</sup> [www.gov.uk/government/consultations/gcse-and-a-level-reform-geology-and-politics-pe-short-course](http://www.gov.uk/government/consultations/gcse-and-a-level-reform-geology-and-politics-pe-short-course)

<sup>19</sup> [www.gov.uk/government/consultations/developing-geology-politics-and-pe-short-course-for-2017-teaching](http://www.gov.uk/government/consultations/developing-geology-politics-and-pe-short-course-for-2017-teaching) Our equality analysis for the full course GCSE PE is also relevant and is available at [https://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](https://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)

- 4.7 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.
- 4.8 Exam boards are required to consider the accessibility of their qualifications at the design stage and to remove any unjustifiable barriers.

**Question 4: We have not identified any ways in which the proposed changes to our rules and guidance for GCSE physical education would impact (positively or negatively) on persons who share a protected characteristic.<sup>20</sup> Are there any potential impacts we have not identified?**

**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?**

**Question 6: Do you have any other comments on the impacts of the proposals on students who share a protected characteristic?**

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<sup>20</sup> '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.

## Appendix A: Regulatory tools

### Comparability and innovation

Exam boards 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. Exam boards must, however, make sure that the levels of attainment indicated by their qualifications are comparable to those of other exam boards' versions of the qualifications. The exam boards 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 AS and A level qualifications before they can be made available, by applying an accreditation requirement to the qualifications, and we oversee the awarding of AS and A level qualifications.

We do not wish to close down opportunities for exam boards 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 exam boards to distinguish their qualifications from others and stop choice for schools or colleges. On the other hand, if exam boards 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 exam boards that provide them. The main regulatory tools we use for the qualifications in this consultation are explained below.

### Conditions of Recognition

Exam boards 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 exam board that breaches or is likely to breach a Condition.

There are three sets of Conditions that will apply to new GCSEs (graded 9 to 1):

- (i) the published *General Conditions of Recognition*<sup>21</sup> that apply to all regulated qualifications;

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<sup>21</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>22</sup> that apply to all new GCSE qualifications;
- (iii) GCSE Subject Level Conditions that apply to new GCSEs (graded 9 to 1) in a specific subject. We are consulting now on changes to our GCSE Subject Level Conditions for Physical Education.

## **Regulatory documents**

In some Conditions we refer to published regulatory requirements. We publish these in regulatory documents. The Conditions require exam boards to comply with such documents.

We are consulting on changes to one of our regulatory documents, which covers the non-exam assessment requirements for GCSE physical education.

These requirements have effect as if they were part of a Condition. As now, they will be set out in a stand-alone section of the Conditions document, simply because they are technical and detailed so they sit better as separate from, rather than within, the Condition itself.

## **Statutory guidance**

We publish guidance to help exam boards identify the types of behaviour or practices they could use to meet a Condition. Exam boards 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 exam board that decides to take a different approach to that set out in our 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 revised guidance for new GCSEs in physical education.

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<sup>22</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 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>23</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 AS and A level 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>23</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 that 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.

## 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)
- 

**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: To what extent do you agree or disagree with the proposed changes to our rules and guidance to allow for short-course GCSEs in physical education?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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**Question 2: Do you have any comments on our proposed revisions to our Conditions and requirements for GCSE Physical Education?**

- Yes  No

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**Question 3: Do you have any comments on our proposed revisions to our guidance for GCSE Physical Education?**

- Yes  No

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**Question 4: We have not identified any ways in which the proposals for GCSE physical education would impact (positively or negatively) on persons who share a protected characteristic.<sup>24</sup> Are there any potential impacts we have not identified?**

Yes  No

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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?**

Yes  No

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**Question 6: Do you have any other comments on the impacts of the proposals on students who share a protected characteristic?**

Yes  No

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.....

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<sup>24</sup> '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.

## Accessibility of our consultations

We want our consultations to be read and understood by as many people as possible. We would appreciate it if you could spare a few moments to answer the following questions.

**We want to write clearly, directly and put the reader first. Overall, do you think we have got this right in this consultation?**

Yes  No

**Do you have any comments or suggestions about the style of writing?**

Yes  No

.....

.....

.....

**How many of our consultations have you read in the last 12 months?**

1

2

3

4

5

More than 5

We wish to make our publications widely accessible. Please contact us at [publications@ofqual.gov.uk](mailto:publications@ofqual.gov.uk) if you have any specific accessibility requirements.



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