



Department  
for Education

# **Functional Skills English and mathematics subject content: equality impact assessment**

**February 2018**

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## Introduction

This document assesses the impact of the revised subject content for Functional Skills English and mathematics qualifications on people with protected characteristics. Section 149 of the Equality Act 2010 requires the Secretary of State, when exercising the functions of the Secretary of State, to have due regard to the need:

- to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- to advance equality of opportunity between people who share a protected characteristic and those who do not; and
- to foster good relations between people who share a protected characteristic and those who do not.

Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.<sup>1</sup>

Students with Special Educational Needs (SEN) and students who do not have English as their first language are not groups covered specifically by the Equality Act 2010 (although people within those groups may otherwise share a protected characteristic), but have been included in this analysis wherever possible. This is because those groups can be over-represented among low-attaining students and we are keen to ensure the difficulties they face are not unnecessarily compounded by the qualification reforms. They have not been included as a proxy for groups with protected characteristics.

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<sup>1</sup> [Equality Act 2010, section 4](#)

## Engagement and involvement

The public consultation opened on 12 September 2017 and closed on 7 November 2017. We received 333 responses from a range of stakeholders, including further education institutions, apprenticeships providers, practitioners, subject experts, councils, charities, forums, membership organisations, adult community learning organisations, other education providers, employers, Awarding Organisations, higher education establishments, prison education sector organisations and organisations representing teachers and students. As part of this, we also received responses from organisations representing people with disabilities.

In developing the new subject content, we worked alongside Ofqual, employers, the Education and Training Foundation and their delivery partners, as well as subject and sector experts to establish what changes were needed to ensure the new qualifications are fit for purpose. Subject experts included the Education and Skills Funding Agency, Pye Tait, Department for Education (DfE) officials, the Association of Colleges, the National Association for Teaching English and other Community Languages to Adults, the Learning and Work Institute, Teach to Read, the Federation of Awarding Bodies and other organisations.

Prior to consultation the Education and Training Foundation delivery partners contacted 531 employers across the following sectors to obtain their views on Functional Skills qualifications<sup>1</sup>: agriculture, construction (including engineering), creative and the arts, digital, information and communications, education, energy, catering/tourism, health and social care, manufacturing, professional and business services, public administration and defence, retail (including car dealers), transport, distribution and wholesale and voluntary.

During the consultation, DfE officials met with Awarding Organisations to gauge feedback and seek clarification on points raised. DfE officials also attended a wider consultation event which was attended by employers, practitioners, sector bodies and education providers to provide context to the consultation responses.

After the closure of the consultation, we made further revisions to the subject content whilst continually consulting with stakeholders to ensure that the content is robust, rigorous and assessable.

## Description of the policy

Functional Skills English and mathematics qualifications are studied primarily by adults, apprentices and students in 16-18 study programmes. They are important qualifications that offer a practical route for students wanting to improve their English and mathematics. Their purpose is to secure basic literacy and numeracy skills and to help people function effectively in work, life and study, by focusing on the practical application of these skills in real situations. This includes communication, team working, presentation and problem solving skills that are then transferable to other areas of education, training, life and work.

The Government is reforming English and mathematics Functional Skills qualifications to improve their relevance by equipping students with the knowledge and underpinning skills required for everyday life and work, and to improve their recognition and credibility with employers. This equality impact assessment relates to the proposed subject content for Functional Skills qualifications. The proposed subject content for English and mathematics sets out the learning aims, outcomes and expectations for students at each level of Functional Skills qualification.

Reformed English and mathematics Functional Skills qualifications will be taught from September 2019. These changes are not being introduced in isolation, but rather relate to wider policies to improve quality across the post-16 sector, including the efforts to build a world-class technical education system, the introduction of T levels, continued focus on delivering quality apprenticeships, access to full funding for adult English and mathematics courses, the devolution of the Adult Education Budget and reform to prisoner education.

## Evidence base

Our analysis of the potential impact of the proposed Functional Skills subject content in English and mathematics has been informed by:

- meetings with employers, stakeholders, subject associations and Awarding Organisations;
- a review of relevant literature, as referenced throughout the equality impact assessment; and
- responses to our Functional Skills English and mathematics subject content consultation. DfE asked the following question in the consultation on the Functional Skills English and mathematics qualifications under analysis here:
  - Do any of the proposals have potential to have a disproportionate impact, positive or negative, on specific student groups, in particular the 'protected characteristic' groups? If the proposals have potential for an adverse impact, how can this be reduced?

## Evidence review

The following summary of evidence draws on evidence in relevant literature, responses to the public consultation on the Functional Skills English and mathematics subject content, and views expressed by stakeholders in both face-to-face meetings and written correspondence whilst developing the subject content.

In total, all 333 respondents to the public consultation answered the question about potential disproportionate impact on students with relevant protected characteristics. There were 116 respondents who stated that the proposals would have a disproportionate impact on those students with a protected characteristic. Of these 116 responses, 92 respondents provided written comments to support their answer. There were 129 respondents who said the proposals would have no impact and 88 respondents who were not sure if they would have an impact.

In the sections which follow, we have considered those concerns which have been raised by respondents to the consultation alongside other issues which we have identified through our own consideration of the relevant issues. In all cases our consideration of the issues has been informed by our previous work with stakeholders in developing subject content and the relevant literature.

# Functional Skills English

## Phonics, spelling lists and spelling and grammar checker

In the revised English subject content, we included attainment standards that link to the structured teaching of phonics<sup>ii</sup> at Entry Levels 1-3 for 'Reading' and 'Writing'. The subject content aims to teach students the knowledge and skills that provide the building blocks that everyone needs in order to read.

In the Appendix within the revised subject content we have included spelling and reading lists for Entry Levels 1-3, detailing the specific words students are required to both read and spell correctly. The details of the letter/s-sound correspondences for the Entry Levels have been included in the subject content to ensure that students can decode unfamiliar words and recognise that some phonemes have multiple spellings and that some graphemes have multiple pronunciations. In a recent survey, employers also emphasised strongly that they need people to be able to write clearly and coherently, with correct style, spelling, punctuation and grammar.<sup>iii</sup>

In parts of the English subject content we have also removed the use of a spelling and grammar checker. The partial removal of such aids serves to underpin skills, to enable an individual to recognise a correction without placing reliance on a spelling and grammar checker.

## Impact

Twenty respondents felt that the inclusion of phonics within the subject content would negatively affect individuals with a disability or SEN, specifically students who are dyslexic, autistic or deaf. Respondents stated that this is not an appropriate pedagogical approach for students who struggle with sounds, reading and spelling. Six respondents cited the inclusion of phonics within the subject content as a positive step.

Additionally, 14 respondents stated that the associated spelling lists contained within the subject content would not only negatively affect dyslexic students, they would also affect students for whom English is not their first language. Conversely, there were respondents who welcomed the addition of the word lists for spelling as a solution to the longstanding issue of standardisation and expectations across levels as well as securing important spelling and grammar skills for students.

Nineteen respondents felt that the removal of the use of spelling and grammar checkers would also affect students with a disability or SEN who are used to using tools such as online checkers or dictionaries in a functional context to assist them. However, respondents also felt that not being able to use a spelling and grammar checker would support students in retaining information and underpinning their essential skills.



## Conclusion

We have concluded that, following advice from phonics subject experts, the existing evidence suggests there is a place for phonics in the teaching of adult literacy; indeed there are some promising effects from some studies.<sup>iv</sup>

There are indications that phonics-based interventions have found to be effective in teaching students<sup>v</sup> and literacy approaches used for students in mainstream education can also be used to teach students with a disability or SEN. The Equality Act 2010<sup>2</sup> states that where a student has a disability the provider must put in place reasonable adjustments to meet their additional needs. These elements will be taught alongside the approaches deemed appropriate to aid the individual's progress and any reasonable adjustments that may be required. Such reasonable adjustments are not prescriptive and must be tailored specifically to the individual. These approaches will ensure that individuals with a disability or SEN will not be disproportionately affected by the inclusion of phonics within the subject content.

We have listened to concerns surrounding the inclusion of spelling lists within the subject content and have concluded that the inclusion of these lists at Entry Levels ensures consistency and aids comparability for students between both teaching institutions and Awarding Organisations. We have however reduced the size of the spelling lists and simplified these in line with comments received from employers and other stakeholders who assert that while spelling is an important functional aspect, the lists need to be relevant to the workplace and level of qualification. Specific reasonable adjustments may also be used to aid individuals who require these, for example individuals with dyslexia.

Although we are aware that concerns have been raised in relation to individuals who do not have English as their first language being affected by the inclusion of spelling lists within the subject content, we are confident that the reformed Functional Skills subject content will not disproportionately affect these individuals or treat them less equally. The provider will need to make an assessment based on the individual's English language capability as to whether they are linguistically-equipped to undertake a Functional Skills qualification, or whether an 'English for Speakers of Other Languages' course is more appropriate initially for the student.

We heard on numerous occasions at stakeholder events we attended that it is an important skill for a student to be able to use a spelling and grammar checker effectively. They also felt that the exclusion of such tools in part will allow the student to retain information. We have concluded following discussions with a range of stakeholders and analysis of written evidence that assessing a student's ability to write without the use of

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<sup>2</sup> [Equality Act 2010, section 91](#)

dictionaries or electronic aids, such as a spelling and grammar checker will remain in the subject content as this supports the underpinning skills required for Functional Skills qualifications. Those with a disability or SEN however are entitled to reasonable adjustments to ensure that they are not discriminated against. Ofqual have stipulated that Awarding Organisations must have in place clear arrangements for reasonable adjustments in relation to their qualifications. Awarding Organisations must publish these arrangements stating how students qualify for them and what reasonable adjustments will be made. Therefore we do not consider that the partial removal of spelling and grammar checkers will disproportionately affect these individuals.

# Functional Skills mathematics

## Use of electronic aids

In the revised mathematics subject content, in specific areas we have removed the use of a calculator to check calculations. Within the Making Maths and English Work for All report,<sup>vi</sup> employers stated that they were primarily concerned that their workforce secure practical skills, such as basic mental arithmetic and the ability to check their own calculations. This aspect of the subject content was also changed to enhance students' underpinning skills to allow them to identify where a calculation may not be correct instead of relying on electronic tools such as calculators or spreadsheets.

## Impact

Seventeen of the respondents to the consultation felt that the exclusion of calculators within the subject content would negatively affect students with a disability or SEN, specifically those with dyscalculia. Thirteen respondents felt that having a non-calculator assessment would aid students in retaining information and placing less reliance on such tools. Employers in particular repeatedly expressed that this was an important and valuable skill for the workplace.

## Conclusion

We have concluded, following consultation with employers, education providers, subject experts and Awarding Organisations, that it is an important requirement for students to be able to undertake basic mental arithmetic to enable them to accurately assess whether a calculation is correct or not. Both Awarding Organisations and providers, in the design and delivery of Functional Skills, are required to put reasonable adjustments in place to meet the needs of any disabled or SEN students that require them, as stipulated by the Equality Act 2010.<sup>3</sup> Ofqual have stipulated that Awarding Organisations must have in place clear arrangements for reasonable adjustments in relation to their qualifications, and to publish those arrangements, including how students qualify for them, and what reasonable adjustment will be made.<sup>4</sup>

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<sup>3</sup> [Equality Act 2010, section 91](#)

<sup>4</sup> [Ofqual specifications in relation to the reasonable adjustment of general qualifications](#)

# Functional Skills English and mathematics

## Distinction between levels

In the revised English and mathematics subject content we have provided a clearer distinction between levels. We responded to concerns raised regarding a large jump between levels, in particular Entry Level 3 and Level 1, by analysing specific requests from the consultation to bridge these gaps and working with subject experts to revise and amend both the English and mathematics subject content to even this gap out.

## Impact

Six of the respondents to the consultation felt that the jump between levels was still too great and would negatively affect individuals with a disability or SEN, potentially hindering their progression from Entry Levels to obtaining a qualification at Levels 1 or 2. However some respondents felt that the greater challenge of content ensured that individuals were capable of making the transition from Entry Level 3 to Level 1.

## Conclusion

We have concluded, following discussion and feedback from subject experts, that the amendments made to the subject content sufficiently bridge the gap between levels, particularly between Entry Level 3 and Level 1. It is however the responsibility of the provider to ensure that an individual who requires additional support in studying Functional Skills qualifications receives the specific provisions that they require in order for them to be given the best possible opportunity to develop key English and mathematics knowledge, understanding and skills. If such provisions are put in place this will not hinder an individual's progression and therefore we assess that the subject content will not negatively affect individuals with a disability or SEN.

## Funding

We have noted additional concerns within the consultation that funds may not be available to allow reasonable adjustments to be made.

For 16-19 year olds, providers can access 'disadvantage funding' in order to make reasonable adjustments for individuals. This funding is allocated by formula within a provider's basic funding programme and is there to help meet the additional needs of students, including those with a disability or SEN.

For students aged 19 and above who are funded by the Adult Education Budget, providers can access 'Learning Support funding' to help them meet the additional needs of adult students and meet the costs of reasonable adjustments as set out in the Equality Act 2010. Learning Support can cover a range of needs, including an assessment for dyslexia, funding to pay for specialist equipment or helpers, and arranging signers or note takers. Learning Support is also available to providers delivering apprenticeships or training funded by the Adult Education Budget.

Under the current funding rules there are three elements to this funding:

- **Fixed monthly rate** - providers claim a fixed monthly rate for each student to fund support for example equipment, an interpreter, support worker.
- **Excess** - if support needs exceed the fixed monthly rate providers can claim excess costs.
- **Exceptional learning support** - if support costs exceed £19,000, providers can apply for 'exceptional learning support', with appropriate supporting evidence.

Some students with profound learning difficulties and/or disabilities may have an Education, Health and Care Plan (EHCP) which includes high needs funding for students up to 25 years of age. This is funded outside of the Adult Education Budget.

## Summary

DfE considers that the subject content should be accessible and appealing to all students regardless of ethnicity, gender, faith, disability, sexual orientation or maternity. Rather than accede to perceived preferences among different groups, DfE strives for a climate in which no subject is, or is seen to be, better suited to students with any specific characteristics. Equality is as much about equality of aspiration as it is about equality of opportunity.

As well as considering each subject content individually, we have also given consideration to any potential cumulative impact of the changes across subject contents. As we are confident that any possible adverse impacts identified in relation to individual subjects have appropriate means of mitigation, we have no reason to judge there will be any additional impact at the cumulative level.

We deem that overall the proposals for reformed Functional Skills English and mathematics subject content examined in this equality impact assessment will have a positive impact on equality of opportunity by providing respected qualifications in which students, employers and education providers can have full confidence.

Equality considerations have been taken into account before, during and after the process of developing new subject content. In examining the evidence and opinions we have collated, we consider the final changes proposed are objectively justified because they will have the effect of improving standards and opportunities. Where concerns have been identified about the potentially negative impact of content, we have responded as set out above.

Consultation and engagement with expert groups, along with a review of the available research, indicates that the risk of disproportionate impact on the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation is low.

The reformed Functional Skills English and mathematics subject content is intended to help raise the value of the qualification to students and education establishments, and its perception among employers. We are confident that where this presents challenges to students with protected characteristics, there are a number of appropriate and available means of mitigation. These include the provision of good quality teaching and support to students experiencing difficulties, such as those with SEN or for whom English is not their first language. The quality of SEN teaching is central to ensuring pupils with SEN are given the best possible opportunities to achieve results in any of the Functional Skills qualifications considered here.

Further means of mitigation are already embedded in legislation or guidance, such as the reasonable adjustments.

## Annex A: References

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<sup>i</sup> Education and Training Foundation and Pye Tait (2016), Findings from the Employer Survey. Harrogate: Pye Tait Consulting.

<sup>ii</sup> [Burton, M., et al. \(2008\), Improving reading: Phonics and fluency. Practitioner Guide, London: NRDC.](#)

<sup>iii</sup> Education and Training Foundation and Pye Tait (2016), Findings from the Employer Survey. Harrogate: Pye Tait Consulting.

<sup>iv</sup> [Burton, M., et al. \(2010\), Progress for adult literacy learners, Research report, London: NRDC.](#)

<sup>v</sup> [McShane, S. \(2005\), Applying Research in Reading Instructions for Adults. First steps for teachers, Washington, DC: The National Institute for Literacy.](#)

<sup>vi</sup> Education and Training Foundation (2015), Making Maths and English Work for All report. London: The Education and Training Foundation.



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