

# **Developing New GCSE, A Level and AS Qualifications for First Teaching in 2016 – Parts 2 and 3**

Equality Analysis Report



February 2015

Ofqual/15/5617

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## **1 Introduction**

In September 2014 we published a consultation on developing new GCSE, A level and AS qualifications for first teaching in 2016.<sup>1</sup> This consultation followed a similar consultation in July 2014 which considered other subjects for first teaching in September 2016.

We sought views on the assessment arrangements and assessment objectives of these new qualifications:

GCSE	A level and AS qualifications
Citizenship studies	Drama and theatre
Drama	
Cooking and nutrition	
Design and technology <sup>2</sup>	

In November 2014 we also undertook a further consultation on our proposals for GCSE and A level and AS qualifications in religious studies.<sup>3</sup>

To help people consider the possible impacts (identified and unidentified) of the reforms, we included in the consultation our initial analysis of the potential positive and negative impacts the proposals could have on students who share different protected characteristics.<sup>4</sup>

In light of the responses to the consultations we have reconsidered our initial analysis. This report sets out our final analysis of the potential impact of the proposed reforms on different groups of students.

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<sup>1</sup> *Developing New GCSE, A Level and AS Qualifications for First Teaching in 2016 – Part 2.*  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf)

<sup>2</sup> As DfE has subsequently announced that reform of the GCSE in design and technology has been deferred to first teaching in 2017, this report has not included our equality analysis of this subject.

<sup>3</sup> *Developing New GCSEs, A Levels and AS Qualifications for First Teaching in 2016 – Part 3.*  
[www.gov.uk/government/consultations/religious-studies-gcse-as-and-a-levels-new-qualifications-for-2016](http://www.gov.uk/government/consultations/religious-studies-gcse-as-and-a-levels-new-qualifications-for-2016)

<sup>4</sup> We use the term ‘protected characteristics’ to refer to people protected under the Equality Act 2010 because this is the term used in the Act. We have set out the types of characteristics in section 1.2.

## **1.1 Our role, objectives and duties**

Ofqual is a statutory body, established by the Apprenticeships, Skills, Children and Learning Act 2009. The Act sets out our objectives (Apprenticeships, Skills, Children and Learning Act 2009).

Our statutory objectives include the qualifications standards objective, which is to make sure that the qualifications we regulate:

- give a reliable indication of knowledge, skills and understanding; and indicate:
  - a consistent level of attainment (including over time) between comparable regulated qualifications; and
  - a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) which we do not regulate.

We must, therefore, regulate so that 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 Act to consider the reasonable needs of:

- relevant students, including those with special educational needs and disabilities;
- employers; and
- the higher education sector.<sup>5</sup>

We must also consider aspects of government policy when we are directed to do so by the Secretary of State.<sup>6</sup>

As a public body we are under the public sector equality duty (PSED)<sup>7</sup>, which requires us to have regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct which is prohibited under the Equality Act 2010;

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<sup>5</sup> Apprenticeships, Skills, Children and Learning Act 2009, section 129(2).

<sup>6</sup> Ibid. section 129(6).

<sup>7</sup> Equality Act 2010, section 149.

- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

GCSEs, A level and AS qualifications are designed and awarded by bodies described in the Equality Act 2010 as “general qualifications bodies”, which, for the purposes of those qualifications, we call exam boards. These bodies are required by the Equality Act 2010 to, among other things, make reasonable adjustments for disabled people taking their exams, except where we have specified that the exam board is not subject to that duty or that certain adjustments should not be made.

When we decide whether these adjustments should not be made, we must consider:

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

We have set out our equality duties in more detail in appendix A.

The law sets out the framework within which we must operate. We are under 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 make sure 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 student may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because she or he has a protected characteristic. This could put her or him 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 make sure both that qualifications give a reliable indication of knowledge, skills and understanding and that equality of opportunity between people who share a protected characteristic and people who do not is advanced. We must review all the available evidence and actively consider all the available options before coming to a decision that seeks to balance our various duties and objectives.

The bodies we regulate have an obligation to comply with the *General Conditions of Recognition*.<sup>8</sup> These are the rules that exam boards and the other awarding bodies that we regulate must follow. They require exam boards to:

- design qualifications that give a reliable indication of students' knowledge, skills and understanding;
- identify features of a qualification that could make a qualification more difficult for a student to achieve because he or she has a protected characteristic;
- where such features are unjustifiable, remove them;
- where such features are justifiable, keep a record of that justification and have in place clear arrangements for making reasonable adjustments as appropriate.

## 1.2 Our approach to equality

Qualifications cannot be used to mitigate inequalities or unfairness in the education system or in society more widely which might affect, for example, students' readiness to take the qualification and the assessments within it. Whilst 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.

In setting the overall framework within which exam boards will design, assess and award the reformed GCSEs, A levels and AS qualifications, we want to understand the possible impacts of the proposals on people 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

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<sup>8</sup> *General Conditions of Recognition*. [www.ofqual.gov.uk/documents/general-conditions-of-recognition](http://www.ofqual.gov.uk/documents/general-conditions-of-recognition)

- Sex
- Sexual orientation.

Note that we are not required to consider the impact of the reforms on those who are married or in a civil partnership.<sup>9</sup>

### **1.3 Gathering evidence**

Our analysis of the potential impact of the proposed reforms to GCSE, A level and AS qualifications has been informed by:

- meetings with members of our Equality Advisory Group and the Access Consultation Forum (see appendix B for details of the membership of these groups);
- workshops at which we discussed our proposals with teachers and a wide range of individuals from awarding organisations, professional and subject organisations, and representatives of people sharing protected characteristics;
- academic research reports;
- the external literature review<sup>10</sup> we commissioned for the June 2013 GCSE reform consultation;
- our recent equality analysis reports on reforms to GCSEs, A levels and AS qualifications;<sup>11</sup>
- responses to our public consultations as discussed below.

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<sup>9</sup> Equality Act 2010, section 149

<sup>10</sup> Caplan, A. and Jackson, J. (2013) *GCSE Reform Equality Analysis: Literature Review*.  
<http://webarchive.nationalarchives.gov.uk/20141031163546/http://www.ofqual.gov.uk/files/2013-06-11-annex-2-gcse-reform-equality-analysis-literature-review.pdf>

<sup>11</sup> *GCSE Reform: Equality Analysis Report*.  
<http://webarchive.nationalarchives.gov.uk/20131202164839/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

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



We asked three questions in our consultation which specifically targeted the impact of our proposals on equality.<sup>12</sup>

Q.27: We have identified a number of ways the proposed requirements for reformed GCSEs, A levels and AS qualifications 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?

Q.28: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic? If so, please comment on the additional steps we could take to mitigate negative impacts.

Q.29: Have you any other comments on the impacts of the proposals on persons who share a protected characteristic?

Similar questions were also asked in relation to our part 3 consultation on religious studies<sup>13</sup> (questions 12, 13 and 14 in that document). The responses to these questions (see appendix C) and some comments made in response to other questions, have informed our understanding of the potential impact of our proposals on students who share protected characteristics.

The following equality organisations responded to our consultation:

British Association of Teachers of the Deaf (BATOD);

Dyslexia SpLD Trust.

Where an equality organisation has responded, we have directly quoted its views on specific aspects of how a reform will impact on people with protected characteristics. These organisations have a good insight into the issues faced by those with protected characteristics and, therefore, we have given due weight to their views. In addition we have considered all other responses to the consultation and quoted directly from many different respondents where appropriate.

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<sup>12</sup> Ofqual (2014) *Developing New GCSEs, A Levels and AS Qualifications for First Teaching in 2016 – Part 2*. [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf)

<sup>13</sup> Ofqual (2014) *Developing New GCSEs, A Levels and AS Qualifications for First Teaching in 2016 – Part 3*. [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/371790/2014-10-29-developing-new-qualifications-for-first-teaching-in-2016-part-3.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/371790/2014-10-29-developing-new-qualifications-for-first-teaching-in-2016-part-3.pdf)

## **1.4 Structure of this report**

In this report we have considered, for the points on which we have consulted, the potential impact of our proposals on students who share protected characteristics and whether, and if so how, potential negative impacts could be mitigated. We have also considered the cumulative effect of all the proposals.

We have considered the potential impact our proposals may have in relation to socio-economic status, in addition to protected characteristics, where concerns have been identified. There is evidence that social class intersects with certain protected characteristics such as racial group (Croxford, 2000). We have received a number of concerns from respondents to the consultation about how our proposals may impact on students from disadvantaged backgrounds. However, socio-economic status is not, in itself, a protected characteristic, and therefore students who are disadvantaged by their socio-economic status are not protected by the Equality Act 2010 simply by virtue of having that status. Where, however, a student has a protected characteristic as defined by the Equality Act 2010, that student will, of course, be afforded protection in respect of that characteristic.

Where relevant, we have directly drawn on research carried out for the *GCSE Reform: Equality Analysis Report*<sup>14</sup> and responses to the associated *GCSE Reform Consultation: June 2013*. This is because our current proposals for GCSEs, A level and AS qualifications raise similar concerns in terms of the impact on students with protected characteristics.

The data analysis of the responses to the consultation questions specific to the equality impacts of our proposals has been reproduced in appendix C.<sup>15</sup>

## **1.5 Out of scope**

We received a number of comments in the consultation which directly referred to subject content. However, subject content is managed by the Department for Education. We will consider these comments together with the Department for Education's equality analysis on its proposed subject content when deciding whether or not to incorporate that content into our regulatory framework.

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<sup>14</sup> *GCSE Reform: Equality Analysis Report*.

<http://webarchive.nationalarchives.gov.uk/20131202164839/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

<sup>15</sup> *An Analysis of Consultation Responses: Developing New GCSE, A Level and AS Qualifications for First Teaching in 2016 (Parts Two and Three)*.

## **1.6 Summary of the key impact identified**

Our consultation and other research identified that students who do not perform well in exams, perhaps because of their disability, could be negatively affected if all assessment is by exam rather than by a combination of exam and non-exam assessment, particularly where assessment takes place only at the end of the course. These students may also be adversely affected where the proportion of non-exam assessment has been reduced relative to current GCSE, A level and AS qualifications.

## 2. Proposals for assessing new GCSE, A level and AS qualifications

### 2.1 Assessment in new GCSE, A level and AS qualifications

GCSE, A level and AS qualifications are currently assessed in several ways:

- exams set and marked by the exam boards;
- written assessments completed under non-exam conditions in which students complete written assessment tasks, set either by the exam board or by the teacher. The tasks are usually marked by a teacher, with samples of marked work checked by exam-board moderators, who can adjust the marks to bring them in line with national standards. For some subjects, exam boards mark the tasks directly; and/or
- practical assessments, such as performance in physical education or drama, usually marked by a teacher. In some cases, marks for these can be adjusted by exam boards in a similar way to those for written non-exam assessment. In other cases there is no evidence of each candidate's performance available for moderators to check, and teachers' marks therefore stand. Some exam boards visit schools and college to mark performances directly.

We published two pieces of research in 2012: *Fit for Purpose*,<sup>16</sup> which looked at perceptions of A levels among university staff, employers and teachers; and a report comparing A levels with similar qualifications internationally.<sup>17</sup> Subsequently we consulted on A level reform.<sup>18</sup>

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<sup>16</sup> *Fit for Purpose? The View of the Higher Education Sector, Teachers and Employers on the Suitability of A Levels*. Commissioned by Ofqual. [www.gov.uk/government/publications/are-a-levels-fit-for-purpose-views-of-those-who-use-them](http://www.gov.uk/government/publications/are-a-levels-fit-for-purpose-views-of-those-who-use-them)

<sup>17</sup> International Comparisons in Senior Secondary Assessment. [www.ofqual.gov.uk/standards/research/international-comparability](http://www.ofqual.gov.uk/standards/research/international-comparability)

<sup>18</sup> The findings report that followed our consultation is available from: <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/a-level-regulatory-requirements-october-2013/>

Our new principles for reformed GCSEs were published in November 2013<sup>19</sup> and are as follows.

- Non-exam assessment should only be used when it is the only valid way to assess essential elements of the subject.
- Non-exam assessment must strike a balance between valid assessment of essential knowledge and skills, sound assessment practice and manageability.
- Any non-exam assessment arrangements should be designed to fit the requirements of the particular subject, including the relative weighting of written exams and other components assigned to it.
- Non-exam assessment should be designed so that the qualification is not easily distorted by external pressures from the wider system.

### **Proposal**

In order to strike a better balance between exam and non-exam assessment, in our consultation we proposed three main changes to the way in which qualifications in the subjects on which we are consulting are assessed.<sup>20</sup> In summary, we proposed to:

- a) Define the percentage of marks to be allocated to exam and non-exam assessment, removing any current flexibility and promoting comparability between exam boards;
- b) Remove non-exam assessment from GCSE citizenship studies and reduce the proportion of non-exam assessment we have permitted in GCSE drama and A/AS level drama and theatre.

A summary of the current and proposed assessment arrangement for the subjects we consulted on can be found in appendix D and our consultation document.<sup>21</sup>

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<sup>19</sup> Full details of our GCSE consultation, including the final reports, are available from:  
<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

<sup>20</sup> GCSE cooking and nutrition is a new subject.

<sup>21</sup> *Developing New GCSE, A Level and AS Qualifications for First Teaching in 2016 – Part 2.*  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf)

## **Impact**

In this section we look at the general concerns regarding assessment of GCSE, A level and AS qualifications considered in this consultation. We discuss respondents' subject-specific concerns in Section 3 of this report.

Some respondents asserted that female students would be adversely affected, relative to male students, by the removal/reduction of non-exam assessment, because of the perception that female students perform better in coursework assessment. We considered responses similar to these in our earlier consultations about GCSE reform and the new regulatory requirements for A level and AS qualifications. We found there was a lack of conclusive evidence to support this position. We have looked at the available research on the relative performance of male and female students in exams and other forms of assessment, as detailed in appendix E.1. As part of the work we carried out for the GCSE reforms, we analysed the relative performance of male and female students in GCSE English between 1990 and 2000, and GCSE mathematics between 1988 and 1998, which does not support the view that female students have benefited more than male students in those subjects from the use of non-exam assessment (appendix E.2). These dates were selected for our analysis due to changes to the weightings of GCSE coursework during this time, and the principles remain relevant to our current proposals.<sup>22</sup>

We have been told in many responses to our consultation that students who do not perform well in exams will be disadvantaged if they cannot compensate for poor exam performance by a stronger performance in non-exam assessment. Students might not perform well for a wide range of reasons. For example, they may find the exam experience stressful, they may experience fatigue because of a disability or because they are fasting or their performance may be adversely affected by hay fever.

The response by the British Association for Teachers of the Deaf (BATOD) in relation to our Citizenship proposals exemplifies such concerns:

As we have stated in many submissions to equality impact assessments that deaf students and others with linguistic difficulty, whatever their ability, suffer a deleterious effect if they have to rely on their memory after two years' course work. It is much more accessible to them and allows them to

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<sup>22</sup> In our *GCSE Reform: Equality Analysis Report*, we also considered the results from the National Curriculum assessments:

<http://webarchive.nationalarchives.gov.uk/20131202164839/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

show much better what they know and can do if all is not concentrated in a final examination... Thus we do not agree with your statement in 4.7...<sup>23</sup>

In previous consultations we have been alerted to concerns that students who do not live in stable environments conducive to study, for example asylum seekers<sup>24</sup> who are not in settled accommodation, will be disadvantaged if most assessment is by way of exams.

Conversely, a model in which students are required to do assessments at many points throughout a two-year course can also provide challenges for students whose schooling and home lives may be disrupted. Such disadvantages are not always determined by students' protected characteristics as they can affect students from all backgrounds and with a range of protected characteristics. This can pose particular problems for asylum seekers housed by the government, who are susceptible to being moved at any time as such moves are not within their control.

A pregnant student who gives birth before, or is due to give birth during, the exam period will not be able to take exams at other times of the year. The same is true for a student who is undergoing gender reassignment during the exam period. However, non-exam assessments can be potentially taken at different times of the year and therefore a reduction or removal of non-exam assessment may disadvantage these students, and those with disrupted home and school lives, as they will be unable to acquire as many marks towards the overall grade.

We appreciate that:

- some students with certain types of disabilities;
- students with the protected characteristic of pregnancy and maternity;
- students who are seeking asylum, or whose parents or guardians are seeking asylum; and
- students who are fasting

may be negatively affected by our proposed reduction of non-exam assessment and that existing reasonable adjustments may be incapable of mitigating this entirely.

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<sup>23</sup> In paragraph 4.7 of the Part 2 consultation document we said "We have not identified that our proposal that GCSE citizenship studies should be assessed by exam only or our proposed assessment objectives, will have a negative impact on students because of their disability..."

<sup>24</sup> In this context, asylum seeking status is a proxy for national origin and hence racial group, a protected characteristic under the Equality Act 2010.

Nevertheless, we have taken the decision to reduce, and in some cases remove, non-exam assessment in view of the problems that we have identified in regard to the maintenance of standards when non-exam assessment is used.<sup>25</sup> Those problems with standards will lower the quality of assessments for all students and it is in no student's interest to have a qualification which, although he or she may have secured a higher grade, is potentially not a valid indication of knowledge, skills and understanding or which does not have public confidence.

We did not identify any adverse impacts of the proposals on the basis of the age, or the sexual orientation of the student. Nor has any adverse impact been communicated to us either through our meetings with representative groups or by respondents to our consultation.

## 2.2 Changes to assessment objectives

The assessment objectives for each subject describe the principal abilities that candidates taking that qualification must be given the opportunity to develop and demonstrate.

### Proposal

We worked with subject and assessment experts to develop and improve the current assessment objectives. In revising these, we aimed to make sure they are as clear as possible and that they:

- fulfil their core purpose of describing the abilities that a candidate taking the relevant qualification should be required to demonstrate;

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<sup>25</sup> The problems we have identified can be found in more detail in the following reports:

- *Fit for Purpose? The View of the Higher Education Sector, Teachers and Employers on the suitability of A levels.* [www.gov.uk/government/publications/are-a-levels-fit-for-purpose-views-of-those-who-use-them](http://www.gov.uk/government/publications/are-a-levels-fit-for-purpose-views-of-those-who-use-them)
- *Consultation on New A Level Regulatory Requirements.*  
<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/a-level-regulatory-requirements-october-2013/>
- The report of the findings from our consultation: [www.ofqual.gov.uk/documents/analysis-of-the-consultation-carried-out-into-higher-education-involvement-in-gce-a-levels-and-amended-gce-a-level-criteria-design-rules](http://www.ofqual.gov.uk/documents/analysis-of-the-consultation-carried-out-into-higher-education-involvement-in-gce-a-levels-and-amended-gce-a-level-criteria-design-rules)



- specify only the abilities that candidates should be required to demonstrate, not the content itself;
- relate to each qualification as a whole, and so address the full range and balance of abilities that are relevant;
- are sufficiently precise and detailed that they can be used consistently for setting and evaluating assessments;
- provide a degree of flexibility in their application to enable alternative approaches where these are legitimate.

We also developed the proposed assessment objectives so that they help to reflect and promote progression between GCSE, A level and AS qualifications.

### **Impact**

We did not identify any general adverse impacts of our proposed changes to assessment objectives on the basis of any protected characteristic. Nor has any general adverse impact been communicated to us either through our meetings with representative groups or by respondents to our consultation. We discuss respondents' subject-specific concerns in Section 3 of this report.

## **2.3 The structure of GCSEs**

We have previously confirmed that new GCSEs should only be tiered where a single set of assessments cannot in a valid and manageable way assess students across the full ability range.<sup>26</sup> We decided that tiering should be used in new GCSEs only when essential.

### **Proposal**

None of the GCSE subjects on which we consulted (see above for full details) are currently tiered. We proposed that the new GCSEs in these subjects and the new GCSE in cooking and nutrition should, likewise, be untiered.

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<sup>26</sup> *GCSE Reform Technical Consultation – December 2013.*

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

## Impact

In this section we look at the general concerns regarding tiering in the GCSE qualifications considered in this consultation. We discuss respondents' subject-specific concerns in Section 3 of this report.

We found in the GCSE reform equality analysis that tiering could have a negative impact on students who had the potential to achieve a top grade but could not do so because they were entered for the foundation tier. On the other hand, students who faced with questions they could not attempt to answer because they were inappropriately entered for the higher tier could fail to achieve any grade at all and/or be demotivated by the experience.

In an untiered qualification teachers do not have to take decisions about the tier for which an individual student should be entered. This addresses the concerns that have been identified by some researchers that some teachers can underestimate a student's potential to achieve the higher grades and that such underestimation is more likely to occur for students from certain racial groups (Wilkin et al, 2010<sup>27</sup>) and, for mathematics and science, for girls (Elwood, 2005<sup>28</sup>). The potential impact of teacher expectation is also indicated by Hamer et al (2013, p. 23) in their suggestion that the decision to enter students in different tiers is influenced by "factors such as socio-economic status".<sup>29</sup> Our proposal that the GCSE qualifications considered in this consultation should remain untiered would address these concerns as they might otherwise be manifested in those subjects.

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<sup>27</sup> Wilkin, A., C. Derrington, R. White, K. Martin, B. Foster, K. Kinder and S. Rutt (2010) *Improving the outcomes for Gypsy, Roma and Traveller pupils: Final Report and Literature Review*, Research Report DFE-RR043. [www.gov.uk/government/publications/improving-the-outcomes-for-gypsy-roma-and-traveller-pupils-final-report](http://www.gov.uk/government/publications/improving-the-outcomes-for-gypsy-roma-and-traveller-pupils-final-report)

<sup>28</sup> Elwood, J. (2005) 'Gender and Achievement: What Have Exams Got to Do With It?' *Oxford Review of Education* 31 (3) pp. 373–93 in Caplan, A. and J. Jackson (2013) *GCSE Reform Equality Analysis: Literature Review*.  
<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

<sup>29</sup> Hamer, J., R. Murphy, T. Mitchell, A. Grant and J. Smith (2013) *English Baccalaureate Certificate (EBC) Proposals: Examining With and Without Tiers*, Alpha Plus in Caplan, A. and J. Jackson (2013) *GCSE Reform Equality Analysis: Literature Review*.  
<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

We did not identify any general adverse impacts of our proposed retention of untiered GCSEs on the basis of age, disability, religion or belief, pregnancy or maternity or sexual orientation or as a result of gender reassignment. Nor has any general adverse impact been communicated to us either through our meetings with representative groups or by respondents to our consultation.

### 3. Subject-specific proposals and impacts

#### 3.1 GCSE citizenship studies

##### Proposal

Citizenship studies is currently assessed with 60 per cent non-exam assessment. We proposed that it should be assessed wholly by exam. We also proposed that the qualification should not be tiered.

##### Impact

Two comments were made that changing to 100 per cent exam assessment would have an equality impact. Both were in relation to, or could potentially relate to, the protected characteristic of disability:

As we have stated in many submissions to equality impact assessments that deaf students and others with linguistic difficulty, whatever their ability, suffer a deleterious effect if they have to rely on their memory after two years' course work. It is much more accessible to them and allows them to show much better what they know and can do if all is not concentrated in a final examination. (BATOD, equality organization, official response.)

A 100 per cent written examination will likely penalise those students with poorer written skills and fail to assess their growth as responsible and effective citizens ... For a start, a student's ability to write has little or no bearing on their ability as a citizen, yet that is the only way you intend to assess it. Students that have difficulty writing often show good levels of citizenship knowledge, understanding and skills when assessed in a non-exam environment. Moving to 100 per cent written examination will penalise these students in particular... (Citizenship Foundation, official response)

Section 2.1 above in this report considers the potential effect of reducing or removing non-exam assessment upon students with certain protected characteristics and we have identified nothing in the specific comments we have received in relation to GCSE Citizenship which has caused us to revise our general position.

##### Tiering

A few respondents argued that tiering of exam papers would be desirable from an equalities perspective:

BATOD's view is that in order to allow the most able candidates to shine but also to ensure that less able candidates can show what they know and can do tiering should be used wherever possible. (BATOD, equality organization, official response.)

Tiering the subject may support raising its importance in education and within institutions. It may also allow more access for those with SEN and stretch the more able. (Teacher, personal response)

However, many others commented in favour of the proposed exam not being tiered, and the AlphaPlus Consultancy Ltd consultation analysis report found that more than twice as many people agreed or strongly agreed with our proposal that the qualification should be untiered than disagreed or strongly disagreed.<sup>30</sup>

We have previously set out our principle that tiering should only be used when it is not possible to adequately assess all students using the same examination questions.

BATOD also disagreed with the initial equality analysis statement we made in our consultation document (section 4.6):<sup>31</sup>

We do not agree, as is suggested in the impact assessment, that certain types of ‘taking citizenship action’ could impact on students with particular disabilities who may not be able to take part in certain chosen citizenship actions (for example, students with hearing or speaking difficulties may find it difficult to take part in citizenship action involving advocacy skills) *as long as candidates are permitted to use their usual forms of communication such as British Sign Language or Sign Supported English* (emphasis added).

Consistent with their comments, BATOD recommended that we should:

Reduce the extent of examination assessment and introduce tiering.  
(BATOD, equality organization official response)

We have not identified anything about our proposals that would have a negative impact on students because of their racial group, sex, age, religion or belief, pregnancy or maternity or sexual orientation, or as a result of gender reassignment.

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<sup>30</sup> *An Analysis of Consultation Responses: Developing New GCSE, A Level and AS Qualifications for First Teaching in 2016 (Parts Two and Three)*. [www.gov.uk/government/consultations/gcses-as-and-a-levels-new-subjects-to-be-taught-in-2016](http://www.gov.uk/government/consultations/gcses-as-and-a-levels-new-subjects-to-be-taught-in-2016) and [www.gov.uk/government/consultations/religious-studies-gcses-as-and-a-levels-new-qualifications-for-2016](http://www.gov.uk/government/consultations/religious-studies-gcses-as-and-a-levels-new-qualifications-for-2016)

<sup>31</sup> *Developing New GCSE, A Level and AS Qualifications for First Teaching in 2016 – Part 2*. [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf)

Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

### **3.2 GCSE qualifications in cooking and nutrition**

#### **Proposal**

This GCSE is a new qualification drawing on elements of three existing GCSE qualifications:

- design and technology: food technology;
- home economics: food and nutrition;
- hospitality and catering.

It also adds some new content, such as the scientific knowledge underpinning food preparation techniques. We proposed that assessment should use both exam and non-exam assessments, with 50 per cent of marks allocated to each. We proposed that the qualification should not be tiered.

#### **Impact**

In the consultation survey response, one response expressed concern about the title of the qualification, suggesting it would reinforce gender stereotypes. This feedback has been shared with DfE who may wish to consider it as part of their consultation on subject content – it is not concerned with our consultation on proposed assessment arrangements.

There were a few comments about impact on students with special educational needs and disabilities:

Some candidates may not be able to carry out practical work unaided due to disabilities. The assessment criteria should allow for aided practical work to allow candidates to access some marks in AO3. (Deputy head and food teacher, official school response)

Some students who have SEN have a good understanding of the subject but find it difficult to structure written work or to answer long questions, however they are able to share their knowledge and understanding verbally. If a student then gets a grade E in food this might not look good to an employer as there is a focus on grade C and above being good. In some cases this student would get an E because they have poor written skills but if they had another way to be assessed e.g. verbally or through practical work they would be able to access the higher marks. (Teacher, personal response)

This is a practical subject and one of the reasons it so popular with students. More assessment should be on the practical skills. This is particularly important for students with SEN who often know and understand the course content etc. but struggle with written work.  
(Teacher, personal response)

We identified in our initial equality analysis<sup>32</sup> that some disabled students may be unable to demonstrate skills in the subject or have a more limited range of choices than others about the form in which they demonstrate their skills. However, we also noted that appropriate reasonable adjustments could be made to the conduct of the assessment to remove or reduce the disadvantage a disabled student would otherwise experience. A student must not, however, use a practical assistant to demonstrate the skills being assessed.<sup>33</sup> The JCQ publication also provides the regulations and details the adjustments for candidates with disabilities that can be approved. The principle that guides the regulations is that:

Disabled students are entitled to have reasonable adjustments to the way their exams are conducted, where, because of their disability, they would be significantly disadvantaged relative to others, provided the examination still gives a reliable indication of attainment.<sup>34</sup>

We recognise that both exam and non-exam assessment of practical skills can require reasonable adjustments for disabled students. There are competing equality considerations between those who will potentially be disadvantaged by practical work and those who will potentially be disadvantaged by exams. Those competing considerations need to be balanced, within the overarching need to maintain standards.

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<sup>32</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf)

<sup>33</sup> Details about the reasonable adjustments and access arrangements available for GCSEs, A levels and AS qualifications can be found in the Joint Council for Qualification's document *Access Arrangements and Reasonable Adjustments 2014–15*: [www.jcq.org.uk/Download/exams-office/access-arrangements-and-special-consideration/regulations-and-guidance/access-arrangements-and-reasonable-adjustments-2014-2015](http://www.jcq.org.uk/Download/exams-office/access-arrangements-and-special-consideration/regulations-and-guidance/access-arrangements-and-reasonable-adjustments-2014-2015). Exam boards may offer alternative reasonable adjustments to those set out in this document in order to fulfil their public sector equality duty.

<sup>34</sup> See p. 13 of *GCSE Reform: Equality Analysis Report November 2013* Ofqual/13/5336. <http://webarchive.nationalarchives.gov.uk/20131202164839/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

One respondent identified pupils who come from low waged families who earn just a bit above the free school meal threshold as likely to be affected by the proposals. She suggested an action to mitigate any negative impact resulting from the proposals would be to “insist that schools provide ingredients” (teacher, personal response).

A similar point was also made by the Children’s Food Campaign:

Cost of ingredients – should be met by school not pupils so as not to discriminate against any pupil who cannot afford to buy them and thus would be at a disadvantage. (Children’s Food Campaign, official response)

Socio-economic status is not, in itself, a protected characteristic, and therefore students who are disadvantaged by their socio-economic status are not protected by the Equality Act 2010 simply by virtue of having that status. These comments are more appropriately for consideration by the Department for Education as they relate to issues beyond the scope of Ofqual’s responsibility and this equality impact assessment.

Section 2.1 above in this report considers the potential effect of reducing or removing non-exam assessment upon students with certain protected characteristics, and we have identified nothing in the specific comments we have received in relation to GCSE cooking and nutrition which has caused us to revise our general position.

## **Tiering**

We proposed that the qualification should not be tiered. We received a few comments in support of tiering:

Food and nutrition is often a subject that weaker students choose, with considerable success when it used to be tiered. The examination is particularly challenging for some, due to the wording of some of the questions. (Teacher, personal view.)

BATOD’s view is that in order to allow the most able candidates to shine but also to ensure that less able candidates can show what they know and can do tiering should be used wherever possible. (BATOD, equalities organization, official response)

Students require a tiered system to suit the learning needs and requirements of all learners. (Teacher, personal response.)

By contrast, there were more comments made about the problems that teachers had experienced with previous tiering and in support of the qualification not being tiered. These included:

As a teacher who has taught when food was a tiered approach I do not think this helps the accessibility of the course. (School, official response)



Food technology used to be tiered. Many of my pupils taking the subject are C/D borderline. Many achieve a higher grade, but would have had to be entered for the foundation due to their target grade. Tiering will prevent less able pupils to progress. Exam papers with a mixture of exam responses gaining in complexity would be best.’ (Teacher, personal response)

Students can be tiered based on numeracy and literacy but actually be very good in this subject. Tiering can cap students and there has been experience of students not achieving lower grades because they were entered for the higher paper. (Teacher, personal response)

The present food specification is not tiered and we can see no advantage to have different papers for different candidates. If the examination paper is fair and accessible to all candidates only one tier is required. (School, official response)

We have previously set out our principle that tiering should only be used when it is not possible to adequately assess all students using the same examination questions, and we do not consider that the potential equalities considerations which have been expressed to us justify a departure from that principle.

We have not identified anything in our planned approach to cooking and nutrition that would have a negative impact on students because of their racial group, gender, age, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

### **3.3 GCSE in drama, A level and AS qualifications in drama and theatre**

#### **Proposal**

We proposed to reduce the current flexible percentage of non-exam assessment of 60–100 per cent for the GCSE to a fixed weighting of 60 per cent, with 40 per cent of marks weighted to examination. This balance takes account of the requirement to study a greater range of texts for the subject, and allows for the direct assessment of students’ ability to apply their theatrical skills to create and perform drama.

Similarly, we proposed that both A levels and AS qualifications should require non-exam assessment and exam assessment with fixed weightings of 60:40 per cent of marks, reflecting the similarity of the proposed structure for these qualifications and the GCSE.

## **Impact**

In our initial impact assessment we said that the performance skills required for the subject may be difficult for some disabled students to demonstrate. However, the skills can be shown in different ways, making the subject accessible to most disabled students, with or without the need for a reasonable adjustment. Some disabled students might not be able to undertake the performance elements because of their disability. We have specified, using our powers under the Equality Act 2010 that a disabled student can be exempt from a maximum of 40 per cent of the assessments for a GCSE, A level or AS qualification and have their marks from the assessment they are able to take scaled up.

There were some survey responses that expressed concern about the impact that increasing the percentage of assessment by examination to 40 per cent may have, particularly if exams are written:

It is a practical subject so the majority of the exam should be practical. We also need to allow for pupils who struggle with literacy and under exam pressure the ability to achieve. Too much weighting on written exams would stop this from happening. (Teacher, personal response)

Far higher percentage should be available for practical assessment. This could be as at present, with internal assessment / external moderation, or with a combination of this with an externally examined practical performance. The weighting of 40 per cent written discriminates against talented performers who have difficulties with the written word. Before the written element was introduced this was often the one subject these students could excel in. No longer! The skills examined in the written exam are covered within English literature. Drama is not a "division" of the English dept. and should not be viewed that way. PLEASE, cut back on the written exam! (Head of drama, official school response)

By your own definition of terms, you do not recognise the final performance as an exam. A written exam paper would advantage students who are good at English rather than those who are good at drama. The nature of the subject makes it one where really able, intelligent and creative students, who may be dyslexic, EAL or have other issues with written English, can still achieve highly. Are you sure you wish to disadvantage them further? (Head of drama, personal view)

Drama is a subject in which students who might not be as confident at writing (or reading, or who speak English as a second language) should be able to succeed if they apply themselves to the requirements of the subject. The value of verbal response and ensemble working must not be lost in favour of written work simply because some people do not

understand the rigours which already exist in the subject. (Head of drama, personal view)

In contrast, there were some who commented favourably about the proposal in relation to the potential impact on students with certain protected characteristics, as exemplified below:

This weighting is fair to both students who are stronger in exams and those who are better in non-exam assessment. This weighting gives greater validity to the subject as an academic subject, worthy of GCSE study and equates to the demands made by other subjects at this level. Having taught GCSE drama in a range of educational establishments e.g. state comprehensive schools, single sex schools, sixth form colleges and FE colleges, in rural, inner city and multi-cultural schools, in my experience this weighting stretches the most able (including potential Oxbridge students) and is also accessible to the lower ability range. As a senior examiner and moderator this balance of marks is appropriate.  
(Educational specialist, personal view)

In our consultation document we characterised assessment of exams as being set by the exam board and designed to be taken by all students at once under conditions specified by the exam board.

One person said that whether they would agree with the proposed weightings of assessment objectives depended on the nature of the examination:

If the exam is a practical exam, assessed by a Visiting Examiner. Written examinations in drama at GCSE level severely disadvantage pupils who are more able to demonstrate skills and knowledge in practice than on paper. (Teacher, personal response)

There were some more general comments about how the proposed assessment arrangements would impact on candidates:

I am however quite horrified to read...your section regarding students with disabilities. Surely now is the time to operate an inclusive qualification. All we need to involve students with disability is a little imagination and it is these very students who have the most creative and innovative ways of theatre making in the 21st century. I find the ignorance of this group of students very troubling indeed – this amendment must not sneak through.  
(Head of drama, personal response)

The changes to GCSE drama (essentially making it GCSE theatre studies) will discriminate against students who do not speak fluent/confident English, students with special needs (perhaps who cannot read, or who have speech problems), students who are bullied (who do not wish to

draw attention to themselves or stand out in a crowd), or students with mobility issues (as a big part of performance assessment criteria involves movement). These changes only cater to a small minority, and will discriminate against many protected groups.

Revise the assessment criteria for GCSE drama to remove the requirements for performance and focus on theatre skills. Doing so will broaden the scope of the subject to cater for the needs of individuals in the group of persons who share a protected characteristic. Provide an opportunity for all students of drama to express themselves, not just those interested in theatre and performance. (General public, personal response)

SEN students should not be disadvantaged by making the qualifications written based. (Teacher, personal response)

In relation to the first of these comments, it is not our intention to “sneak through” an amendment, which is why we undertake public policy consultations. The information provided in the consultation document (paragraphs 4.20 to 4.25<sup>35</sup>) reflects the existing arrangements on exemption published by JCQ.<sup>36</sup>

The second comment suggests amendments to the wording of assessment objectives to reflect a view that the qualification should be about a broader view of drama rather than theatrical performance or live theatre. This will be considered in the light of the total response to the consultation through the independent consultation analysis report, conducted separately from this equality analysis report.

There was also a comment that indicated concerns about the impact of assessment requirements on female students and SEN students:

The shift towards end of course examinations and away from non-examination forms of assessment will penalise female students. There are also a significant number of groups of SEN students for whom this will be a negative step. (Drama teacher, personal response)

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<sup>35</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364516/2014-09-25-developing-new-qualifications-for-first-teaching-in-2016-part-2.pdf)

<sup>36</sup> Council for Qualifications, *Access Arrangements and Reasonable Adjustments 2014–15*. [www.jcq.org.uk/Download/exams-office/access-arrangements-and-special-consideration/regulations-and-guidance/access-arrangements-and-reasonable-adjustments-2014-2015](http://www.jcq.org.uk/Download/exams-office/access-arrangements-and-special-consideration/regulations-and-guidance/access-arrangements-and-reasonable-adjustments-2014-2015) (accessed 23/10/2014). See section 5.17 page 72 on exemptions.

We have previously addressed the lack of conclusive evidence to support the view that girls would be adversely affected relative to boys by the removal of controlled assessment in more detail in our equality analysis reports relating to GCSE reform<sup>37</sup> and the new A level regulatory requirements.<sup>38</sup>

Section 2.1 above in this report considers the potential effect of reducing or removing non-exam assessment upon students with certain protected characteristics and we have identified nothing in the specific comments we have received in relation to GCSE, A level and AS qualifications in drama and theatre which has caused us to revise our general position.

## **Tiering**

Most comments received supported the proposal that the GCSE in drama should not be tiered (48 out of 53 according to the AlphaPlus Consulting Ltd consultation analysis report.<sup>39</sup>) There were two responses which commented that tiering would be preferable, of which one related to an equality impact:

As mentioned in previous answers the lack of tiering and the extent of examination assessment will have a deleterious effect on the performance of deaf candidates, others who may have linguistic difficulties and those on the autistic spectrum. (BATOD, equality organisation, official response)

We have previously set out our principle that tiering should only be used when it is not possible to adequately assess all students using the same examination questions. Our original GCSE Equality Impact Assessment recognised that concerns exist about the language and complexity of questions in untiered papers relative to foundation tier papers. We already have in place a general Condition of Recognition (general Condition G3) requiring exam boards to use language and stimulus materials that are appropriate to the qualification in question, avoid ambiguity, except

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<sup>37</sup> <http://webarchive.nationalarchives.gov.uk/20131202164839/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

<sup>38</sup> <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/a-level-regulatory-requirements-october-2013/>

<sup>39</sup> *An Analysis of Consultation Responses: Developing New GCSE, A Level and AS Qualifications for First Teaching in 2016 (Parts Two and Three)*. [www.gov.uk/government/consultations/gcse-as-and-a-levels-new-subjects-to-be-taught-in-2016](http://www.gov.uk/government/consultations/gcse-as-and-a-levels-new-subjects-to-be-taught-in-2016) and [www.gov.uk/government/consultations/religious-studies-gcse-as-and-a-levels-new-qualifications-for-2016](http://www.gov.uk/government/consultations/religious-studies-gcse-as-and-a-levels-new-qualifications-for-2016)

where ambiguity forms part of the assessment, and takes into account the age of learners. The consultation response has not given us reason to change our position that GCSE qualifications in drama should not be tiered.

We have not identified anything in our planned approach to GCSE in drama and AS and A level drama and theatre studies, that would have a negative impact on students because of their age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

### **3.4 GCSE, A level and AS qualifications in religious studies**

#### **Proposal**

We proposed that the GCSE in religious studies should not be tiered. We also proposed that all assessment is by exam, as currently. We also proposed that the current permitted weighting ranges of assessment objectives should be replaced with an absolute weighting to ensure comparability between different qualifications in this subject.

In current A levels and AS qualifications all assessment is by exam, and we proposed that this would be the same in the reformed qualifications. We proposed assessment objectives with fixed weightings rather than ranges, and a difference in weighting between A levels and AS qualifications to help to promote differentiation.

#### **Impact**

Overall, the AlphaPlus analysis of consultation responses survey found that a large majority of respondents agreed or strongly agreed with the assessment being entirely by exam (over 80 per cent for GCSE, 72 per cent for the AS qualification, and 73 per cent for A levels).

There were some comments that expressed concerns about examination being the form of assessment.

Comments on the impact of exams on disabled students included:

Deaf students can gain equal access to the task when coursework is given. This gives the teacher of the deaf time to explain/interpret/communicate the question to the deaf student.' (Educational specialist, personal response)

Students with disabilities may struggle with end of course examinations if there are no options within the assessment and the whole content of the course is assessed in a 3 hour period. (Teacher, personal response)

If Access Arrangements are in place during time of study, as normal way of working, and then in place around time of examination this should not present a barrier to learners with specific learning difficulties (SpLD)... However we believe they will adversely affect these candidates, which is not reflected in the equality impact assessments. Dyslexia-SpLD are most often characterised by a deficit in information processing and working memory, speed of working and difficulty accessing and recording written information. Dyslexia-SpLD related difficulties can be exacerbated in an examination context, due to stress. This can make it particularly difficult for students to demonstrate their ability, knowledge and understanding through one off, timed examinations. The changes will mean that GCSEs

and A levels will have a fully linear structure, with all assessment at the end of the course, bringing an end to modular programmes.

We have concerns that exam boards do not have due regard for the accessibility of their assessments, either in relation to the use of alternative formats for use with assistive technology or overly complicated and unnecessary language used in questions. If subject content is to be devolved to these organisations what safeguards are in place to ensure those candidates with SEND, including dyslexia-SpLD, are not disadvantaged? (Dyslexia-SpLD Trust, official response)

No consideration appears to have been given to the significant number of candidates with sensory disabilities, specific learning difficulties or other special educational needs who benefit from being able to spread assessments over time and who are disadvantaged by having to sit all assessments on a terminal basis in the summer. (Other representative group or body, official response.)

Section 2.1 above in this report considers the potential effect of examinations on students with special educational needs and disabilities, and we have identified nothing in the specific comments we have received in relation to GCSE, A level and AS religious studies which has caused us to revise our general position.

There was also a comment in relation to the effect of examinations and the protected characteristic of religion:

The proposed qualifications are proposed to be assessed by examination only; these examinations are generally available during the summer period. This may disadvantage Muslim students who wish to take this qualification in years when the month of Ramadan falls within the summer examination season. (Other representative or interest group, official response)

In order to mitigate this impact they advised:

To carefully consider when these examinations may be available for assessment during the academic year, or to try to ensure that those students who sit it (and are fasting) during the month of Ramadan are not unduly disadvantaged (e.g. by sitting the modules during the morning session where possible). (Other representative or interest group, official response)



In our earlier *GCSE Reform: Equality Analysis Report*<sup>40</sup> we explained that the effect on Muslim students of Ramadan falling during the exam period had been discussed with the Muslim Council for Great Britain, the charity VIP Minds and the Joint Council for Qualifications (JCQ). VIP Minds found that initial feedback from fasting students was that they would prefer to take their exams in the most critical subjects in the afternoon, because when Ramadan falls in the summer months fasting is broken late at night disrupting normal sleep patterns. The JCQ confirmed that it takes religious festivals and periods of observance into account when constructing the exam timetable. The three parties work together to consider how best the timetable can be constructed to reduce any negative impact of fasting during their exams.

There were a number of comments from respondents who considered that the assessment objectives for GCSEs would affect the participation of students from non-faith backgrounds:

Keeps the course rewarding for students of no faith who would find the faith/religion knowledge angle boring... (Teacher, personal response)

They are far too narrow and are exclusive in their approach rather than inclusive. They do not reflect the huge numbers of students from non-faith backgrounds. (School, official response)

Too heavy an emphasis on study of religions, not enough opportunity for students from non-faith backgrounds to explore non-religious worldviews. (Parent, personal view)

We strongly disagree with the proposed GCSE, AS and A level assessment objectives, which might in some ways be more rigorous but use language that restricts assessment to religions and excludes non-religious worldviews. (British Humanist Association, official response)

Similar comments were made in respect of the A level assessment objectives:

This will reduce A level religious studies once again to a subject for those of committed religious faith. The mass of secular, agnostic or non-believers will not study this A level. (Teacher, personal view)

We have considered the points raised above, alongside other comments received in relation to the assessment objectives, when reviewing the proposed wording of the assessment objectives. Consequently we have revised the wording of the assessment objectives for these subjects to include a reference to 'religion and belief'. This is to make clear that the assessment objectives permit the assessment of

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<sup>40</sup> <http://webarchive.nationalarchives.gov.uk/20131202164839/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

students' knowledge and understanding of religion and belief, including non-religious world-views.

### **Comments on subject content**

Some of the comments we received were more specifically about the subject content rather than Ofqual's proposals for assessment arrangements, and are properly for the consideration of the DfE, who consulted on the proposed subject content. We have shared all such comments with DfE to consider with the responses they receive to their own subject content consultation.<sup>41</sup> The comments were largely in relation to the protected characteristic of religion or belief.

### **Tiering**

According to the AlphaPlus consultation analysis report 80 of the 100 respondents to the consultation who made comments expressed support for our proposal for no tiering, and less than 10 per cent disagreed or strongly disagreed.

Examples of comments in support of no tiering included:

From my research of tiered approaches candidates who could do well are often impeded by their schools from an open access qualification. Schools have a poorer opinion of some pupils, especially boys, who can do well in a non-tiered examination. Given the proposed academic content from the DfE consultation it makes little sense to tier the papers. (Educational specialist, personal view)

There was one response that suggested a possible equality impact:

Some students with special educational needs may struggle with the changes and an untiered system. Will entry level still be an option? (Teacher, personal response)

There were no other comments received indicating that not tiering the qualification would have an equality impact in relation to a protected characteristic.

We have previously set out our principle that tiering should only be used when it is not possible to adequately assess all students using the same examination questions. The consultation response has not changed our view that the GCSE in religious studies should be untiered.

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<sup>41</sup> DfE *Reformed GCSE and A Level Subject Content Consultation*.

[www.gov.uk/government/consultations/gcse-and-a-level-reform-religious-studies](http://www.gov.uk/government/consultations/gcse-and-a-level-reform-religious-studies)

We have not identified anything in our planned approach to GCSE and AS and A level qualifications in religious studies which would have a negative impact on students because of their age, gender, pregnancy or maternity. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

## **Appendix A: Our equality duties**

### **A.1 Public sector equality duty**

We have the following duties under section 149 of the Equality Act 2010:

- To have due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
  - advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and people who do not share it.
- In having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and who do not share it, we must have due regard, in particular, to the need to:
  - remove or minimise disadvantages suffered by people who share a relevant protected characteristic that are connected with that characteristic;
  - take steps to meet the needs of people who share a relevant protected characteristic where their needs are different from the needs of people who do not share it;
  - encourage people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such people is disproportionately low.
- In having due regard to the need to foster good relations between people who share a relevant protected characteristic and people who do not share it we must have due regard, in particular, to the need to tackle prejudice and promote understanding.

The protected characteristics for the purposes of section 149 are:

- Age
- Disability
- Gender reassignment

- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

## **A.2 Additional equality duties**

As the qualifications regulator for England, we have further duties under the provisions of Sections 96(7) and 96(8) of the Equality Act 2010 for “relevant qualifications” (which includes GCSEs, A levels). We must:

- determine any limitations on the use of reasonable adjustments for disabled students;
- when determining any such limitations we must have regard to:
  - the need to minimise the extent to which disabled people are disadvantaged in attaining the qualification because of their disabilities;
  - the need to make sure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred;
  - the need to maintain public confidence in the qualification.

We also have a duty under section 129(2)(b) of Apprenticeships, Skills, Children and Learning Act 2009 to consider the reasonable requirements of students, including those with learning difficulties. Under section 129(9) a ‘person with learning difficulties’ means:

- children with special educational needs;
- other people who have a significantly greater difficulty in learning than the majority of people of their age;
- other people who have a disability which either prevents them from or hinders them in making use of educational facilities of a kind generally provided for people of their age.

The awarding organisations we regulate are subject to equality duties in their own right, including making reasonable adjustments where appropriate in both general and vocational qualifications.

## **Appendix B: The Equality Advisory Group and Access Consultation Forum**

As part of our pre-consultation work, we carried out an equality analysis screening exercise and discussed our proposals with our Equality Advisory Group and the Access Consultation Forum.

The Equality Advisory Group provides us with expert external advice, challenge and feedback on equality issues relating to the regulation of qualifications and assessments. We appoint members of the group using an open appointments process so that the membership includes experience of the range of protected characteristics. Group members are appointed for their personal expertise and experience and not as representatives of a particular group or characteristic. The group is invited to consider and advise on:

- the equality implications of significant reforms to qualifications and regulatory arrangements in their early stages and then as the reforms progress;
- the equality issues that arise from issues of strategic importance;
- our arrangements for assessing and managing equality issues in respect of our regulatory role.

The Access Consultation Forum is a multi-stakeholder group which supports our understanding of matters that affect disabled learners accessing qualifications and assessments. The members of the group are drawn principally from awarding organisations and groups representing disabled students and their interests. The Forum advises us on:

- accessibility of the qualifications that we regulate and their assessments;
- reasonable adjustments to assessments.

## **Appendix C: Consultation analysis on developing new GCSE, A level and AS qualifications for first teaching in 2016 – responses to equality impact related questions<sup>42</sup>**

We identified a number of ways in which the proposed requirements for reformed GCSE, A level and AS qualifications may impact (positively or negatively) on people who share a protected characteristic.

We included questions in our Part 2 and 3 consultation documents to explore views on the potential impact of the reform as well as additional steps that we could take to minimise any negative effect(s) from the implementation of the proposed changes.

The extract starting on the next page is the equality impact section from the independent AlphaPlus Consultancy Ltd consultation analysis report.

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<sup>42</sup> Extracted from *An analysis of Consultation Responses: Developing New GCSE, A Level and AS Qualifications for First Teaching in 2016 (Parts Two and Three)*.  
[www.gov.uk/government/consultations/gcses-as-and-a-levels-new-subjects-to-be-taught-in-2016](http://www.gov.uk/government/consultations/gcses-as-and-a-levels-new-subjects-to-be-taught-in-2016) and  
[www.gov.uk/government/consultations/religious-studies-gcses-as-and-a-levels-new-qualifications-for-2016](http://www.gov.uk/government/consultations/religious-studies-gcses-as-and-a-levels-new-qualifications-for-2016)



## Equality impact of proposals

In this section, the responses from both the part 2 and part 3 consultations have been integrated to provide a full description of respondents' perceptions of the equality impact of the proposals.

### Quantitative analysis

The questionnaire contained a section that asked respondents questions that arose from Ofqual's obligations under equality legislation.

Respondents were first asked whether they believed that there were any potential impacts, not identified by Ofqual, on people with protected characteristics.<sup>43</sup>

Responses to this question are quantified in Figure 1.

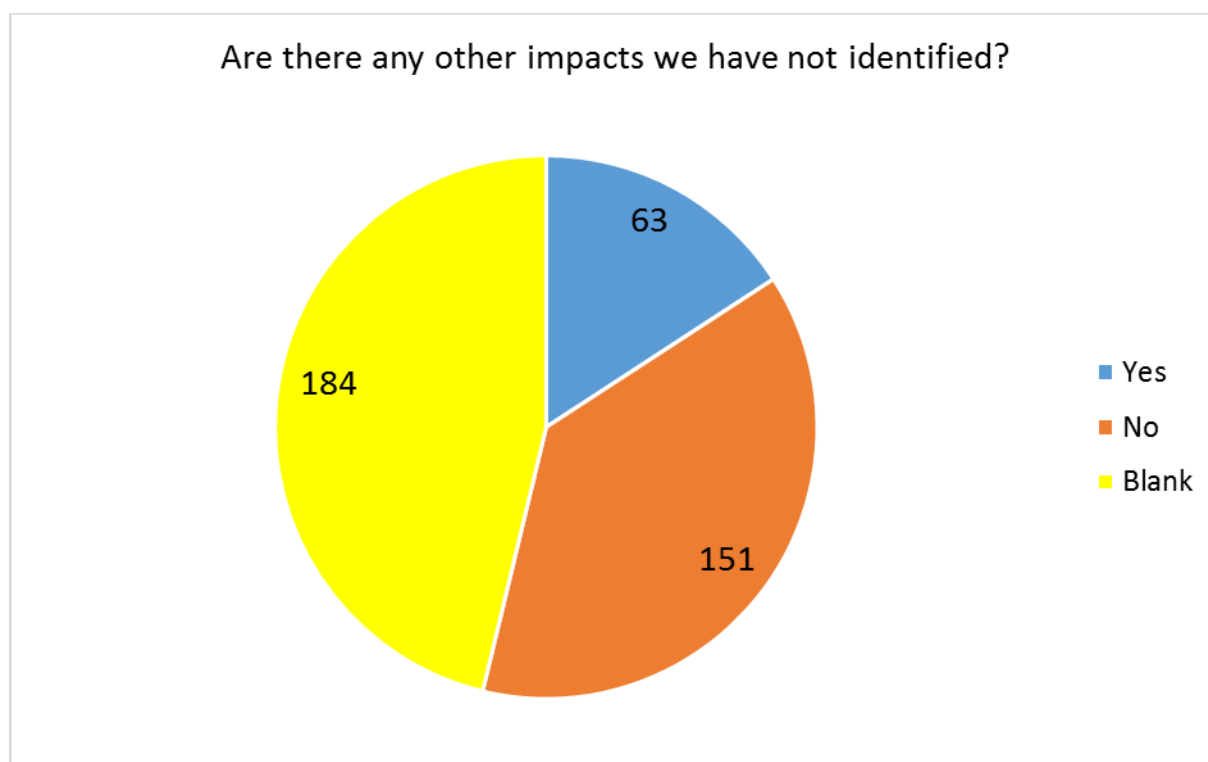


Figure 1: Responses about the likelihood of additional impacts on people with protected characteristics

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<sup>43</sup> Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

A little under half of respondents did not respond to this item. Among the 214 respondents who did, 151 (70 per cent) thought that Ofqual had not overlooked any impacts on people with protected characteristics.

The consultation also asked respondents whether there were any additional steps that the exams regulator could take to mitigate any negative impact arising from the proposals on people protected under the equality legislation. The pie chart in Figure 2 presents the responses to this question.

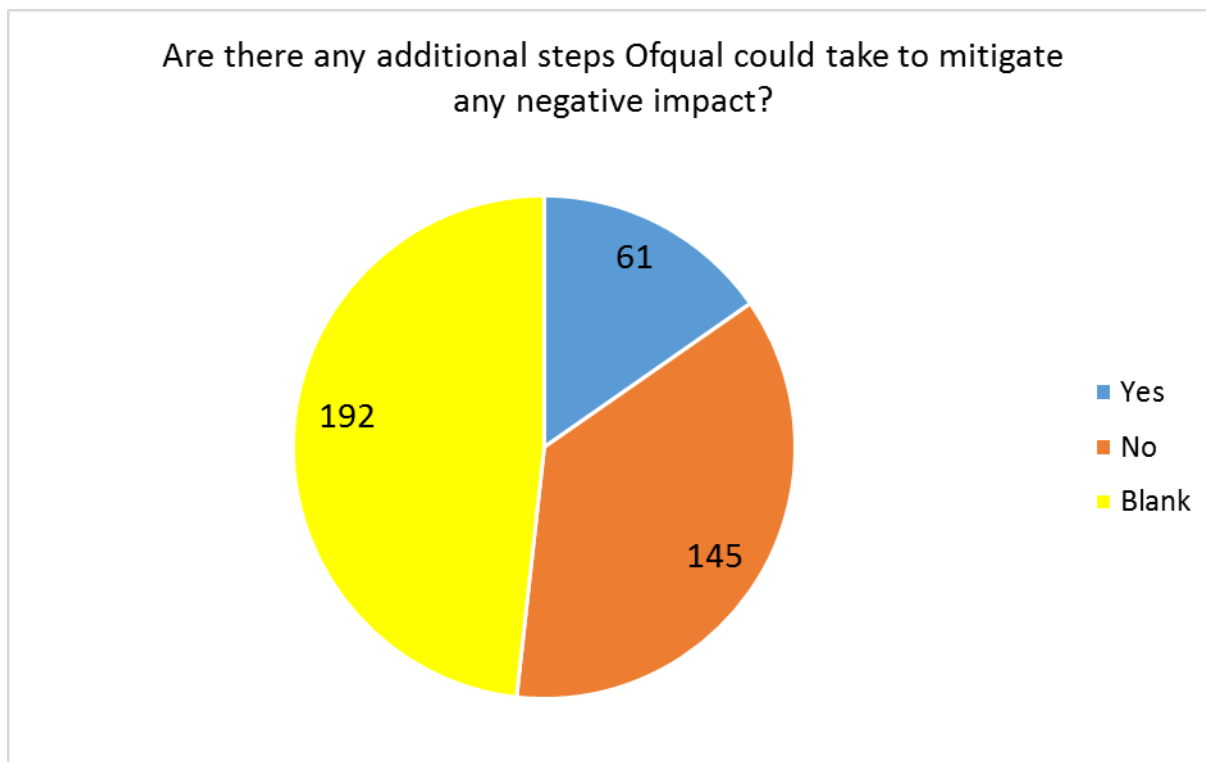


Figure 2: Responses on additional steps Ofqual could take to mitigate any negative impact

As was the case with Figure 1, nearly half the respondents did not answer this question. Among the 206 that did answer, 145 (70 per cent) thought that there were no additional steps that Ofqual could take.

### Qualitative responses

Ofqual asked the respondents who had said 'yes' to the 'yes/no' question (on whether there were any impacts of the proposals on people who shared a protected characteristic) to say what these impacts were.

The status of the 63<sup>44</sup> respondents is given in Table 1.

Table 1: Status of people who commented on impact of proposals on people with protected characteristics

<b>Type of response (official/personal, and sub-divisions)</b>	<b>Number of responses</b>
Official response	30
Other representative or interest group	16
School or college	9
Local authority	3
Awarding organisation	2
Personal response	33
Teacher (but not responding on behalf of a school)	26
Educational specialist	3
General public	2
Parent/carer	1
Student	1
Total	63

Among those 63 responses, eight comments either did not refer at all to protected characteristics or did so only (for example) to assert (non-specifically) that the proposals disadvantaged people with protected characteristics (without saying which characteristics these might be, and/or without suggesting how Ofqual might mitigate the perceived impacts on such people).

Those comments that did refer to a specific protected characteristic are arranged in Table 2. Some interpretation was necessary to carry out this assignment: for example, English as an additional language (EAL) has been interpreted as the protected characteristic ‘race’, and special educational needs (SEN) has been interpreted as the characteristic ‘disability’. In addition, where some comments refer to more than one characteristic, cross-references have been made.

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<sup>44</sup> Sixty-three is the right number, even though it is two more than the number of respondents who said ‘yes’ to the ‘Are there any additional steps Ofqual could take to mitigate any negative impact?’ question. The two extra respondents gave a comment, despite not having ticked yes to that question.

Table 2: Comments about impact on protected characteristics, organised by characteristic

Protected characteristic	Comment
<b>Disability</b>	<p>Many students who often study design and technology have learning difficulties and often succeed in the subject. Reducing the practical element of this course will reduce their ability to perform well.</p> <p>Please see further comments above regarding the barring of disabled students from the practical exam. I am amazed this is a credible proposal in 2014. [<i>Comment above relating to A level drama was:</i> I am however quite horrified to read on to your section regarding students with disabilities. Surely now is the time to operate an inclusive qualification. All we need to involve students with disability is a little imagination and it is these very students who have the most creative and innovative ways of theatre making in the 21st century.]</p> <p>Some candidates may not be able to carry out practical work unaided due to disabilities. The assessment criteria should allow for aided practical work to allow candidates to access some marks in AO3. [<i>This respondent answered with reference to GCSE cooking and nutrition.</i>]</p> <p>Some students who have SEN have a good understanding of the subject but find it difficult to structure written work or to answer long questions, however they are able to share their knowledge and understanding verbally. [<i>This respondent answered with reference to GCSE cooking and nutrition.</i>]</p> <p>As mentioned in previous answers, the lack of tiering and the extent of examination assessment will have a deleterious effect on the performance of deaf candidates, others who may have linguistic difficulties and those on the autistic spectrum. [<i>This respondent answered with reference to GCSE/AS/A level drama.</i>]</p> <p>For a start, a student's ability to write has little or no bearing on their ability as a citizen, yet that is the only way you intend to assess it. Students that have difficulty writing often show good levels of citizenship knowledge, understanding and skills when assessed in a non-exam environment. Moving to 100 per cent written examination will penalise these students in particular. The proposed content is so focused on, and so full of, knowledge that it will make this qualification very hard for some SEND pupils, who have hitherto</p>

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**Protected  
characteristic**

**Comment**

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been comfortable with GCSE citizenship; and who, in many cases, will be the very people that we WANT to benefit from an education in citizenship.

As noted above, for design & technology, [...] it is important to ensure that this, and the proposed decrease in the percentage of marks awarded on the basis of non-exam based assessment, do not impact upon the appeal of the subject to pupils with protected characteristics such as dyslexia, nor upon the attainment of these pupils whilst undertaking the qualification.

When revising the GCSE and A level content the following should be considered: Are all students, including those with disabilities enabled to 'show knowledge and understanding'? Teachers and schools should consider how they are making reasonable adjustments for SEND pupils. Teachers must be empowered by having the skills and knowledge to enable them to go further than differentiation and to recognise when a specific need requires specialist intervention, a reasonable adjustment or access via other means as mandated by relevant legislation and guidance. These adjustments can be minor and inexpensive such as additional notes, assistive technology, use of buddy systems, sitting in a close place to a teacher, repeating information, etc. but must always be appropriate for individual needs. They can, however, mean the difference between a student engaging with the subject or not. [*This respondent answered with reference to a range of subjects in phase two of the consultation.*]

The shift towards end-of-course examinations and away from non-examination forms of assessment will penalise female students. There are also a significant number of groups of SEN students for whom this will be a negative step. [*This respondent answered with reference to GCSE/AS/A level drama.*]

Students with disabilities may struggle with end-of-course examinations if there are no options within the assessment and the whole content of the course is assessed in a 3-hour period. [*This respondent answered with reference to GCSE/AS/A level religious studies.*]

How are students with special educational needs going to access an untiered system if entry level is not available? [*This respondent answered with reference to GCSE/AS/A level religious studies.*]

Dyslexic pupils struggle with providing very coherent answers based on highly conceptual subjects. [*This respondent answered*

Protected characteristic	Comment
	<p><i>with reference to GCSE/AS/A level religious studies.]</i></p> <p>The different linguistic demands in the GCSE Annexes could adversely affect those students who have SEN, or who are EAL. In some Annexes the non-English terms are privileged, while this is not the case in others. The AOs will need to be very clear about the terms required for students to gain marks. There is a comparability issue here. <i>[This respondent answered with reference to GCSE/AS/A level religious studies.]</i></p> <p>No consideration appears to have been given to the significant number of candidates with sensory disabilities, specific learning difficulties or other special educational needs who benefit from being able to spread assessments over time and who are disadvantaged by having to sit all assessments on a terminal basis in the summer. Also, because of the emphasis on the use of GCSE, AS and A levels for progression to further academic or vocational study, the equality analysis overlooks the position of students who are pursuing these qualifications in order to enhance their general education and employment prospects. Such students include many weaker candidates, for whom a level 1 performance at GCSE or a grade D or E at AS or A level would represent a significant achievement. It would be inequitable if increased rigour were to lead to these qualifications becoming less inclusive or accessible, especially given the current drive to raise the education participation age. <i>[This respondent answered with reference to GCSE/AS/A level religious studies.]</i></p>
<b>Race</b>	<p>EAL requirements. <i>[This respondent answered with reference to GCSE/AS/A level drama.]</i></p> <p>The more able, predominantly white, British origin, predominantly male pupils will have their life opportunities diminished by not being offered the opportunity to properly learn how to design and make things in DT AND ENGINEERING since the majority of all schools will choose the easy path of drawing things if the two are equally certificated as proposed. Drawing things inevitably favours female students since they tend to prefer such work and seem to have more highly developed hand-eye skills at that age.</p> <p>Adherents of religions and beliefs are drawn from all cultures, races and nationalities and it is important that any exemplars, illustrations and stimulus material used in specifications or exam questions reflect this in order to avoid stereotyping or discriminating in favour or against students from any culture, race or nationality. <i>[This</i></p>

Protected characteristic	Comment
	<i>respondent answered with reference to GCSE/AS/A level religious studies.]</i>
	<p>Food has a sacred or profane significance in many religions, so the handling or method of preparing of some types of food may be problematic for some students. [<i>This respondent answered with reference to GCSE cooking and nutrition.</i>]</p> <p>More students may pull out of the subject as a more in-depth study of religions could cause conflict with their own religion or if they are atheist could be against their beliefs also. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>I think that RS gives a significant boost to students' understanding and tolerance of others. It also helps dispel many prejudices about others. I think the new proposals reduce the capacity to do this as they focus too narrowly on the beliefs/teaching/authority of religions, giving greatly reduced space to ethical studies, and to learning about how a religion moves from the theory of belief etc. to the practical of daily life. This can only lead to a more myopic understanding, and so a greater level of prejudice against vulnerable and other groups. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p>
<b>Religion or belief</b>	<p>Students from a Humanist background and those from a non-faith background. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>The characteristic of Humanism for students with no strong religious belief themselves [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>What does this question even mean? For example do you think the fact that you've left a systematic study of Humanism out will result in non-religious pupils feeling excluded? [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>The courses are designed to exclude students from a non-faith background. The content will alienate thousands of students from Humanist backgrounds. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>Belief is not a core characteristic of many of the world's religions in the sense in which it is used by the version of RS proposed here. You would therefore be asking candidates who follow those traditions potentially to learn about a distorted version of their own religion, at odds with what they do and understand about their own practice. [<i>This respondent answered with reference to</i></p>

Protected characteristic	Comment
	<p>GCSE/AS/A level religious studies.]</p> <p>AO2 Those without religious worldviews. It is not clear why non-religious beliefs are simply excluded or what the basis for their inclusion would be. AO1 seems to include them in bullet point one and preclude them in all other bullet points. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>At GCSE there is an allusion to non-religious belief. How are candidates who do not identify with a religion included where all pupils in a school, not withdrawn by their parents, are required to follow an accredited course according to the Agreed Syllabus? Although they are not required to sit the examination at the end of the two years. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>There is the potential that increasing the required weighting of studying a second religion will disproportionately advantage some candidates. Equally, it may place some multi-cultural schools in a difficult position because they must prefer one or two religions that are represented by their community over others. It is acceptable for Christianity to have advantage because Britain is a society with an established Church. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>To make sure that the requirements include non-religious as well as religious perspectives would ensure inclusion. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>It is quite possible that students who follow a religion as their way of life are at an unfair advantage over their fellow students, especially in Part 1 (GCSE) which is greatly content driven. This is less so in Part 2. In addition, a Muslim student for example may not be allowed to study Islam because the school teaches Christianity and Buddhism. This gives the Muslim student a problem in deciding whether to answer from Islam or from each of their 2 'learnt' religions [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>There will be a quarter of our Catholic ethos missing as a result of the proposed reforms. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>Content changes appear to be a result of extremism in some schools, so some Muslim students may feel targeted. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p>



Protected characteristic	Comment
	<p>Alienate Muslim pupils. [This respondent answered with reference to GCSE/AS/A level religious studies.]</p> <p>I am concerned that the protected characteristic of being religious OR NOT is not adequately protected under the new proposals. There is no credit for secular or atheistic views on the GCSE syllabus and this does devalue the opinion of those who are without a faith insofar as it is deemed not relevant. It should be possible to credit these while also insisting that students demonstrate knowledge of religion(s) as the current syllabuses do. As the vast majority of students that I teach do not have a religious faith I think they will feel that their views and beliefs are not respected on the new GCSE. I think this will also limit the extent to which the course can appeal to them. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>We believe there is a risk of discriminating unfairly against young people who are of no religious belief and wish to include that perspective in their responses. Students should be able to learn about non-religious worldviews as well as religious ones on grounds of educational relevance (i.e. the large numbers of people in Britain today who describe themselves as being of no religious belief and whose views matter in any discussion of religious and other beliefs). [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>Too much emphasis is placed on religious ideas and not enough on atheists' ethical theories at A level. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>Humanists, atheists, etc. will probably oppose non-inclusion of alternative religious/non-religious viewpoints. Some minority religious groups may also object. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>The proposed qualifications are proposed to be assessed by examination only; these examinations are generally available during the summer period. This may disadvantage Muslim students who wish to take this qualification in years when the month of Ramadan falls within the summer examination season. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>[We are] aware that some faith schools are unhappy about the fact that the reformed content makes studying more than one faith obligatory. This could be interpreted as discriminating against those covered by the protected characteristic of religion or belief where</p>

<b>Protected characteristic</b>	<b>Comment</b>
	<p>the study of another faith could contravene the rules of the faith that they are observing. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>Some sections of the content could be interpreted as a belief that Christian values are the most important. It is vital that there should be no comparison of worth in the teaching of different religions and that assessment does not give greater weight to one religion over another. There is some concern that those who do not subscribe to one of the recognised world religions will be discriminated against by the exclusion of their worldviews. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>These proposals would have a significant negative impact on non-religious individuals. As we set out in our response to question 3 and to the DfE’s consultation, it is hard to see how RE and RS can remain relevant to young people today, particularly to those with no religion, if non-religious beliefs cannot be systematically studied. These issues are at their most acute with respect to the AOs, which are even less inclusive than the subject content, and a significant step back from what is there currently, which is entirely inclusive. On that point, legal advice we have obtained from David Wolfe QC suggests that the AOs fall foul of the Human Rights Act 1998, which together with case law demands equal treatment of religious and non-religious worldviews. This legal advice forms annex 6 of our response to the DfE’s consultation, and annex 5 provides an overview of other relevant national and international law and guidance. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>To be aware of cultural sensitivities of all faith groups. The negative impact on students from smaller faith groups, such as Baha’ism, through the lack of any mention of them. We have commented further on this in our response to the DfE consultation on the content of GCSE exams. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p>
<b>Sex</b>	<p>Girls and some boys do not always want to study wood, metal and graphics but if they want to study textiles they are now going to have to.</p> <p>Gender stereotypes potentially promoted and reinforced by the use of ‘cooking’ in the title of GCSE cooking and nutrition.</p>
<b>Sexual orientation</b>	<p>When teaching to these exams, schools need to take into account the position that some faith groups take with regard to human</p>

Protected characteristic	Comment
	<p>sexuality, so that LGBT (lesbian, gay, bisexual, and transgendered) young people are not made to feel vulnerable when these issues are being explored. Schools will need to be aware of possible impacts on students, when teaching some of these issues. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p> <p>We have been concerned in recent years about the types of questions set by awarding organisations that require students to argue against their own sexuality (in sexual ethics topics). This is clearly not acceptable and wouldn't be allowed to happen with reference to any other 'protected characteristics' groups. We will be responding to the DfE consultation on this matter too. [<i>This respondent answered with reference to GCSE/AS/A level religious studies.</i>]</p>

The quantitative survey item summarised in Figure 2 was followed by an open-response item: 'If [you said there were some additional steps we could take to mitigate any negative impact], please comment on the additional steps we could take to mitigate negative impacts.'

The types of respondent who gave a positive answer to this item are shown in Table 3.

Table 3: Are there any additional steps we could take to mitigate any negative impact from these proposals on persons who share a protected characteristic?

Type of response (official/personal, and sub-divisions)	Number of responses
Official response	28
Other representative or interest group	14
School or college	10
Local authority	2
Awarding organisation	2
Personal response	34
Teacher (but not responding on behalf of a school)	26
Educational specialist	4
General public	2
Parent/carer	1
Student	1
Total	62

The actual responses from these people were rather varied, and not all of them pertained to a consultation on assessment. The following relevant suggestions were made:

- Have more practical assessment and less weighting towards written assessments [*three respondents mentioned this*].
- Retain the individual subject qualifications in design and technology [*two respondents suggested this*].
- Incorporate different cultural contexts and histories into the curriculum [*three respondents mentioned this, one with reference to design and technology, one with reference to drama and one with reference to cooking and nutrition*].
- Remove the focus on performance in drama [*one respondent mentioned this*].
- Better access to/availability of assistive technologies [*one respondent mentioned this*].
- Schools should provide ingredients for cooking and nutrition [*one respondent mentioned this*].
- Include non-religious worldviews in the religious studies qualifications [*eight respondents mentioned this*].
- Allowing candidates with SEN, specific learning disabilities or sensory disabilities to sit modular assessments or, at least, terminal assessments at different times of the year, could constitute a reasonable adjustment [*one respondent mentioned this*].

The final survey question asked for any further comments on the impacts of the proposals on persons who share a protected characteristic. There were seven relevant comments made in response to this, from which the following issues were raised:

- Two respondents asked what was meant by ‘protected characteristics’.
- There were concerns that the changes might improve grades at the lower end of the spectrum but could devalue and diminish what was achievable by more able pupils.
- There were concerns over potential adverse effects on those with dyslexia-SpLD [dyslexia or other specific learning difficulties] as a result of the proposed

'linear' structure of the new qualifications and the emphasis on final written exams.

- For design and technology schools should ensure all pupils have access to technology and equipment by protecting facilities, investing where possible, and forming partnerships with higher and further education institutions.
- Two respondents suggested that the religious studies GCSE should offer broader opportunities to study religions (rather than Christianity plus one other), including the non-religious worldview.
- One respondent suggested that there should be full consultation with protected groups on the proposals.

A non-standard format response was received from a representative or interest group, which referred to issues of equality. The response focused on SEND pupils and emphasised the need to provide assistive technologies or to make other reasonable adjustments for these pupils. The response stressed that teachers must be empowered by having the skills and knowledge to enable them to recognise pupils' needs and make the relevant reasonable adjustments or other intervention. They were keen to see the promotion of the use of assistive technologies in the general curriculum and through teacher education to increase inclusion for those who need them.

## Appendix D: Proposed weighting of exam and non-exam assessment in GCSEs, A levels and AS qualifications

Subject	GCSE		A level		AS qualification	
	Current weighting of non-exam assessment	Proposed weighting of non-exam assessment	Current weighting of non-exam assessment	Proposed weighting of non-exam assessment	Current weighting of non-exam assessment	Proposed weighting of non-exam assessment
<b>Citizenship studies</b>	60%	0%	N/A	N/A	N/A	N/A
<b>Cooking and nutrition</b>	N/A <sup>45</sup>	50%	N/A	N/A	N/A	N/A
<b>Drama<sup>46</sup></b>	60–100%	60%	40–70%	60%	40–100%	60%
<b>Religious studies</b>	0%	0%	0%	0%	0%	0%

### Note on table:

The existing regulatory requirements for assessment in these subjects were not designed to our current definition of non-exam assessment. Instead they were determined by the amount of internal and external assessment permitted. Therefore in this consultation, when we describe the current weighting of non-exam

<sup>45</sup> Cooking and nutrition is a new qualification. Details of the current weighting of non-exam assessment are therefore not available.

<sup>46</sup> The A level and AS qualification are titled “drama and theatre.”

assessment, we include the amount of assessment that is seen or could be permitted in current qualifications and which falls under our definition of non-exam assessment.

## **Appendix E: Gender in relation to modular/linear assessment**

As part of the work we carried out in 2013 on the proposed reforms for GCSEs,<sup>47</sup> we reviewed the existing research and statistical evidence on the impact of modular and linear assessment on female and male students. We did this to address a commonly held perception – expressed by respondents to the consultation, and by individuals in our pre-consultation work – that girls are better at coursework than they are at examinations. This work was done in respect of GCSEs but we consider that this work is also relevant to A levels given the similarity in our current proposals and the subsequent similarity in responses to our A level consultation.<sup>48</sup> These reviews are set out in sections E.1 and E.2.

### **E.1 GCSE coursework and girls**

Evidence from some studies shows that coursework, together with the modular structure of GCSE exams, has had a positive impact on girls' performance. Tim Oates (Cambridge Assessment, 2012) cites several researchers (Boaler, Murphy, William, Elwood, Epstein, Rudduck, and Younger and Warrington) who agree that girls do better in qualifications with coursework for a number of reasons. Firstly they do well when they can discursively explore a subject, and second they attend to all the pieces of work which contribute to the end grade even if they only count for a small percentage, whereas boys place greater status and emphasis on the 'big bang' of the exam. Oates concludes that all the small bits of diligence on the seemingly insignificant pieces of coursework add up to a better overall exam grade for girls.

A report by Ofsted (2008a) states that the gap between girls' and boys' achievement at GCSE has been roughly the same for several years. It acknowledges that whilst there are statistical difficulties in analysing the O level and CSE results of the 1980s, they appear to show that girls were already improving their performance before GCSEs were introduced. The report states that changes made to GCSE criteria in 1994, which reduced the coursework element, did not immediately reduce the superiority of girls' performance. A report on coursework by the Qualifications and Curriculum Authority (2006) looked at the impact of the reduction in coursework

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<sup>47</sup> *GCSE Reform: Equality Analysis Report*

<http://webarchive.nationalarchives.gov.uk/20131202164839/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

<sup>48</sup> *Consultation on New A level Regulatory Requirements*

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



weighting, and when considering English, where the weighting was reduced from 100 per cent to 40 per cent, the changes did nothing to narrow the performance gap between girls and boys. The report found that the gap in attainment between the genders widened between 1993 and 1994.

A report by the then Department for Children, Schools and Families (DCSF, 2009) in 2009, looked at the gap in attainment by gender at GCSE between 1986 and 1998. The report states that the introduction of coursework in 1988 coincides with girls' performance overtaking that of boys at 16. It goes on to explain that boys tend to favour multiple-choice exam questions, whilst girls tend to perform better in essays and coursework. An evaluation of functional skills exams (Warwick University, 2007) found that multiple-choice questions disadvantage girls. A study into performance in geography (Ofsted, 2008b) found that boys' coursework is of a poorer quality than girls'. The report states that boys struggle to articulate explanations and develop reasoned argument in writing when compared with girls. They will also frequently spend more time on describing processes and graphing and mapping data, but they appear less interested in interpreting and analysing this in depth. The report suggests that this often prevents them from attaining the higher levels. There is evidence (Ofsted, 2008a) that suggests, however, that boys performed well in coursework when given assistance with organising their work.

Coursework was replaced by controlled assessment in 2009. There is anecdotal evidence (QCA, 2007) that teachers perceived that girls preferred coursework to controlled assessment owing to the fact that it allowed them to reflect on their work and redraft. A study by the Centre for Education and Employment Research (University of Buckingham, 2011) states that the change from coursework to controlled assessment has not had an impact on the gender attainment gap, and it speculates that this is because of the modular structure of the GCSE.

September 2012 saw the effective end of the modular GCSE. There has been speculation in the press that these changes will disadvantage girls (BBC, 2013). When considering modular versus linear assessment, Cambridge Assessment (2010) found that students opting for certificating at the beginning or midway through the course may be at a disadvantage compared with those who opt for certificating at the end, and that girls might be at a greater disadvantage than boys. The report states that this suggests that students, in particular girls, could benefit from delaying examination to the later part of the course. The report also found, however, that in some cohorts girls following a linear-assessment route and certificating early in the two-year course had higher probability of achieving a certain grade or above than those who certificated late.

## E.2 Statistics showing results of GCSE English and GCSE mathematics coursework

By looking at examples of past changes to coursework arrangements, it is possible to gauge what impact they had on results statistics. However, coursework weightings in individual subjects have been largely stable over the years so good examples are scarce.

The best example involves GCSE English. By the early 1990s about two-thirds of 16-year-olds were taking GCSE English through syllabuses that had no examinations, that is to say were 100 per cent coursework. Following a change to the subject criteria, weighting of the coursework was reduced to 40 per cent. The first results for the new specifications were issued in summer 1994. There was much concern at the time that the change could damage national results; in reality, the proportion achieving grades A\* to C rose from 57 per cent in 1993 to 58.4 per cent in 1994.

One feature of GCSE English at the time was the differential performance of boys and girls (see yellow line on the chart in figure 3). For those who thought that coursework gives girls a particular advantage, it would be a surprise to learn that reducing the coursework weighting from 100 per cent to 40 per cent did nothing to narrow the performance gap. In fact it widened between 1993 and 1994 at grades A\* to C from 14.9 per cent to 16.3 per cent. (In 2012 it was 14.6 per cent.)

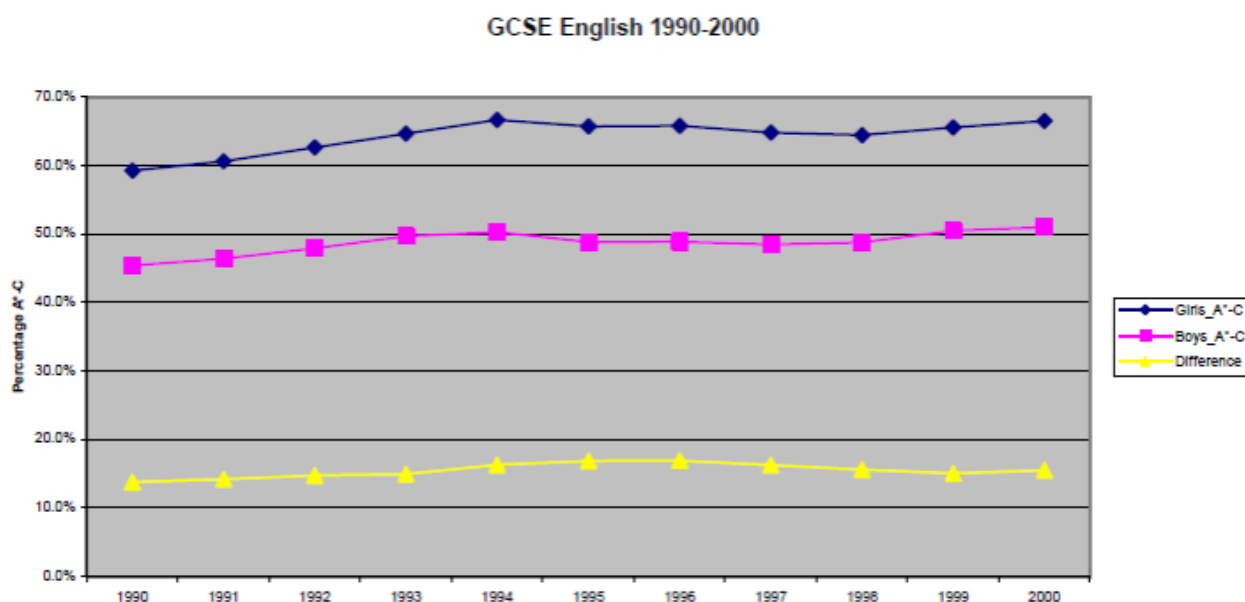


Figure 3: Differential performance of boys and girls in GCSE English (1990–2000)

Another example involves GCSE mathematics from the same time period. For the first three GCSE mathematics exams, coursework was optional and large numbers of

schools and colleges did not choose it. From 1991 to 1993 it was a compulsory element weighted at a minimum of 20 per cent. From 1994 it again became optional. The yellow line on the chart of GCSE mathematics results, shown in figure 4, gives no real indication of the changes to coursework that occurred between 1990 and 1991 or between 1993 and 1994. (In 2012 boys outperformed girls at grades A\* to C by 0.9 per cent.)

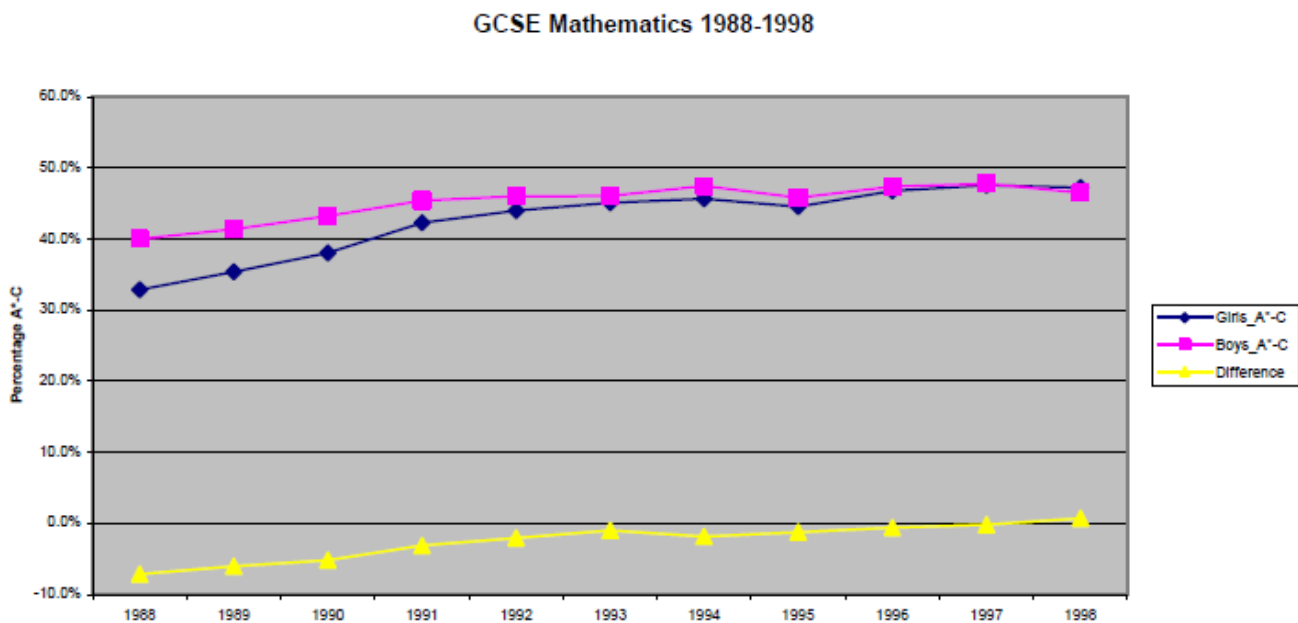


Figure 4: Differential performance of boys and girls in GCSE mathematics (1988–1998)

Given these results it is difficult to conclude that major changes to coursework weightings will necessarily disadvantage girls.

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