

GCSE Art and Design

Consultation on Conditions and Guidance



February 2015

Ofqual/15/5598

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About this consultation

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

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

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

Summary of our proposals – GCSE art and design

- New GCSEs in art and design must comply with the Department for Education's subject content requirements, and with our assessment objectives.
- In line with our previous decisions, and with current qualifications, new GCSEs in art and design will be untiered and assessed solely through non-examination assessment.
- In line with current arrangements:
 - 60 per cent of the total marks will be awarded for a portfolio of work produced independently by the student;
 - 40 per cent of the total marks will be awarded for an external assessment set by the awarding organisation;
 - the external assessment will be released at the beginning of January in the expected year of certification. Students will need to produce one or more artefact(s) in response to a set brief, carrying out preparatory work before producing their artefact(s) during a period of 10 hours under controlled conditions.
- Students' work may be marked by teachers (and moderated by the awarding organisation), or by the awarding organisations itself.

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

How to respond to this consultation

The closing date for responses to this consultation is **6th March 2015**.

You can respond to this consultation in one of three ways:

- Complete the online response at: <http://surveys.ofqual.gov.uk/s3/gcse-art-and-design-conditions-and-guidance>.
- Email your response to consultations@ofqual.gov.uk – please include the consultation title (GCSE Art and Design Technical Consultation) in the subject line of the email and make clear who you are and in what capacity you are responding.
- Post your response to: GCSE Art and Design Technical Consultation 2015, Ofqual, Spring Place, Herald Avenue, Coventry, CV5 6UB.

Evaluating the responses

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the information page.

Any personal data (such as your name, address and any other identifying information) will be processed in accordance with the Data Protection Act 1998 and our standard terms and conditions.

We will publish the evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please respond by 6th March 2015.

Conditions of Recognition

Awarding organisations must comply at all times with our Conditions of Recognition. These are the main regulatory rules that we use. We can take regulatory action against an awarding organisation that breaches or is likely to breach a Condition.

There are three sets of Conditions that will apply to new GCSEs:

- (i) the published *General Conditions of Recognition*² that apply to all regulated qualifications;
- (ii) the published *GCSE (9 to 1) Qualification Level Conditions and Requirements*³ that apply to all GCSEs (9 to 1);
- (iii) GCSE Subject Level Conditions that apply to all GCSEs (9 to 1) in a specific subject.

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

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

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

1. Draft GCSE Subject Level Conditions and Guidance for art and design

Content requirements in art and design

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

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

Condition GCSE(Art and Design)1

Compliance with content requirements

GCSE(Art and Design)1.1

In respect of each GCSE Qualification in Art and Design which it makes available, or proposes to make available, an awarding organisation must –

- (a) comply with the requirements relating to that qualification set out in the document published by the Secretary of State entitled ‘Art and design GCSE subject content’,⁵ document reference DFE-00700-2014,
- (b) have regard to any recommendations or guidelines relating to that qualification set out in that document, and
- (c) interpret that document in accordance with any requirements, and having regard to any guidance, which may be published by Ofqual and revised from time to time.

GCSE(Art and Design)1.2

In respect of each GCSE Qualification in Art and Design which it makes available, or proposes to make available, an awarding organisation must comply with any requirements, and have regard to any guidance, relating to the objectives to be met by any assessment for that qualification which may be published by Ofqual and revised from time to time.

⁴ www.gov.uk/government/publications/gcse-art-and-design

⁵ www.gov.uk/government/publications/gcse-art-and-design

Assessment arrangements and requirements

1.3 We have previously consulted on and announced our decisions on assessment arrangements in GCSE Art and Design:

- all GCSEs in art and design be assessed solely through non-examination assessment, and will be untiered (as at present),
- 60 per cent of the total marks will be awarded for a portfolio of work produced independently by the student, and
- 40 per cent of the total marks will be awarded for an external assessment set by the awarding organisation.

1.4 We propose to publish a range of requirements and guidance (see below) in relation to the design, setting, conduct and marking of assessments in GCSE art and design.

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

Condition GCSE(Art and Design)2	Assessment
GCSE(Art and Design)2.1	Condition GCSE4.1 does not apply to any GCSE Qualification in Art and Design which an awarding organisation makes available or proposes to make available.
GCSE(Art and Design)2.2	An awarding organisation must ensure that no assessment for a GCSE Qualification in Art and Design which it makes available is an Assessment by Examination.
GCSE(Art and Design)2.3	In respect of the total marks available for a GCSE Qualification in Art and Design which it makes available, an awarding organisation must ensure that – (a) 40 per cent of those marks are made available through tasks set by the awarding organisation, and (b) 60 per cent of those marks are made available through tasks set by a Centre.
GCSE(Art and Design)2.4	An awarding organisation must ensure that in respect of each assessment for a GCSE Qualification in Art and Design which it makes available it complies with any requirements, and has regard to any guidance, which may be published by Ofqual and revised from time to time.

- 1.6 We are proposing to set requirements which relate to the design, setting and conduct of both the external assessment set by the awarding organisation (the 'externally set assessment') and the portfolio of work produced by the student (the 'internally set assessment'). These are similar to those in place for current GCSEs in art and design:
- for the externally set assessment, students will need to produce an artefact in response to a brief set by the awarding organisation. Students will have to carry out preparatory work, then complete their artefact during a period of 10 hours under controlled conditions;
 - for both the assessments, awarding organisations must have appropriate safeguards in place to ensure the work is the student's own.
- 1.7 We are also proposing to set requirements around the marking of students' work for GCSE art and design.
- 1.8 Non-examination assessment can be marked either by the awarding organisation (external marking), or by teachers within their own schools (internal marking). External marking is usually more reliable than internal marking; it uses a smaller number of markers making it easier for awarding organisations to ensure marking is consistent.
- 1.9 However, we recognise that particular features of a subject may create challenges for approaches based on external marking. In GCSE art and design, logistical difficulties around access to students' work make external marking more difficult for awarding organisations to manage. So we are allowing awarding organisations either to mark the assessments themselves or to moderate schools' internal marking.
- 1.10 We are proposing to require awarding organisations to explain their approach to marking (and moderation where appropriate) in their assessment strategies, and how they are managing any particular risks associated with that approach.

Requirements in relation to assessments for GCSE Qualifications in Art and Design

Condition GCSE(Art and Design)2.4 allows us to specify requirements and guidance in relation to assessments for GCSE Qualifications in Art and Design.

We set out our requirements for the purposes of Condition GCSE(Art and Design)2.3 below.

Externally Set Assessments

Condition GCSE(Art and Design)2.3(a) states that an awarding organisation must ensure that of the total marks available for a GCSE Qualification in Art and Design, 40 per cent of those marks shall be made available through tasks set by the awarding organisation ('Externally Set Assessments').

An awarding organisation must ensure that each Externally Set Assessment is designed and set to –

- (a) require each Learner to produce –
 - (i) one or more artefacts (the 'Artefact(s)') within a period of 10 hours (the 'Assessment Period'), and
 - (ii) prior to the commencement of the Assessment Period, a set of supporting materials which explain the Learner's artistic intentions with respect to the Artefact(s) and the development and refinement of the Learner's ideas for realising those intentions (the 'Preparatory Materials'), and
- (b) be taken under conditions specified by the awarding organisation, in addition to those conditions specified below, including, in particular, conditions which ensure that the evidence generated by each Learner can be Authenticated.

The Assessment Period is not required to be continuous.

An awarding organisation must take all reasonable steps to ensure that from the commencement of the Assessment Period until its completion, and at all times in between –

- (a) each Learner's Preparatory Materials are stored securely by a Centre,
- (b) a Learner may not alter his or her Preparatory Materials,
- (c) each Learner is allowed to access his or her Preparatory Materials only while taking the assessment, and
- (d) no Learner is allowed access to any other Learner's Preparatory Materials.

An awarding organisation must communicate the task that it has set for the Externally Set Assessment to Centres no earlier than 2 January in the calendar year in which the

assessment is to be taken.

Internally Set Assessments

GCSE(Art and Design)2.3(b) states that an awarding organisation must ensure that of the total marks available for a GCSE Qualification in Art and Design, 60 per cent of those marks shall be made available through tasks set by a Centre ('Internally Set Assessments').

An awarding organisation must ensure that each Internally Set Assessment is designed to –

- (a) require a portfolio of work to be completed by each Learner, and,
- (b) be taken under conditions specified by the awarding organisation including, in particular, conditions which ensure that the evidence generated by each Learner can be Authenticated.

In respect of each Internally Set Assessment, an awarding organisation must ensure that each Centre sets the task for each Learner following appropriate input from that Learner in relation to that task.

Marking of assessments

Evidence generated by a Learner in an assessment for a GCSE Qualification in Art and Design may be marked by an awarding organisation, by a Centre, or by a combination of the two.

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

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

Assessment objectives

1.11 We have previously consulted on and announced our decisions on assessment objectives in new GCSEs in art and design. The final assessment objectives are repeated below for completeness.

	Objective	Weighting
AO1	Develop ideas through investigations, demonstrating critical understanding of sources.	25%
AO2	Refine work by exploring ideas, selecting and experimenting with appropriate media, materials, techniques and processes.	25%
AO3	Record ideas, observations and insights relevant to intentions as work progresses.	25%
AO4	Present a personal and meaningful response that realises intentions and demonstrates understanding of visual language.	25%

Guidance on assessment objectives

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

- the discrete ‘elements’ within each assessment objective that questions and tasks could target and/or seek to credit;
- the coverage expectations, such as in relation to the different elements within each assessment objective and how those elements should be sampled over time; and
- the key areas of emphasis in each assessment objective and the particular meaning for the subject of any key terms and phrases used; defined terms are shown in bold text, followed by their definitions.

1.13 In line with the obligations set out in draft Condition GCSE(Art and Design)1.2, awarding organisations must have regard to any guidance we publish on the assessment objectives. For example, an awarding organisation could map how it has regard to the guidance as it:

- develops its sample assessment materials;
- delivers the qualification;
- develops and applies its approach to sampling the elements into which the assessment objectives are divided; and/or
- monitors the qualification to make sure it addresses all elements appropriately.

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

AO1: Develop ideas through investigations, demonstrating critical understanding of sources			25%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> Full coverage in each set of assessments⁶ (but not in every assessment). 	<ul style="list-style-type: none"> Critical understanding is integral to the development of ideas: the development of ideas should be supported by an understanding of their context and what has informed them. Critical understanding of sources can be shown through visual and other evidence. This evidence should demonstrate personal interpretation, considered selection of sources and independent judgement, through an active investigation process.

⁶ For the purposes of this guidance, a 'set of assessments' means the assessments to be taken by a particular Learner for a GCSE Qualification in Art and Design. For clarity, the assessments taken by Learners may vary, depending on any possible routes through the qualification.

AO2: Refine work by exploring ideas, selecting and experimenting with appropriate media, materials, techniques and processes			25%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> Full coverage in each set of assessments (but not in every assessment). 	<ul style="list-style-type: none"> Refine means making adjustments that impact on the progress of work. This is an ongoing process driven by insights gained through exploration of ideas and considered reflection as work progresses. Exploring ideas is an ongoing process of reviewing, reflecting and experimenting with different approaches to inform the direction and refinement of work as it progresses. Selecting is shown by making intentional decisions to develop personal ideas.

AO3: Record ideas, observations and insights relevant to intentions as work progresses			25%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> Full coverage in each set of assessments (but not in every assessment). 	<ul style="list-style-type: none"> Recording is an ongoing process and should be relevant to personal intentions. It takes place as work progresses and can be achieved in a variety of ways, including through visual and other methods. Ideas, observations and insights can relate to personal work that is being or has been produced, or to the work of others.

AO4: Present a personal and meaningful response that realises intentions and demonstrates understanding of visual language			25%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> Full coverage in each set of assessments (but not in every assessment). 	<ul style="list-style-type: none"> Present means to produce a body of work that collectively realises intentions and is not restricted to the production of a final outcome. Realised intentions can be presented as a series of responses or a single response. In order for work to be meaningful, the intention of the work should be clear. The understanding of visual language is demonstrated through the realisation of intentions, applying formal elements as well as visual and other methods of communication such as tactile and sensory, relative to the chosen area(s) of study.

2. Equality analysis

Ofqual's role, objectives and duties

- 2.1 We are subject to the public sector equality duty. We have set out in Appendix B how this duty interacts with our statutory objectives and other duties.

Equality impact analysis relating to proposed changes to GCSEs, A levels and AS qualifications

- 2.2 We have considered the potential impact on students who share protected characteristics⁷ of the application of the principles and features that will apply to all new GCSEs. Our equality impact analyses for our earlier consultation on GCSE⁸ reform is therefore of interest and we encourage you to read it.
- 2.3 We have also previously considered the potential impact on students who share protected characteristics of the policy proposals we are implementing for GCSE art and design.⁹
- 2.4 We do not repeat here all of the evidence we have considered, as this can be found in our earlier reports. We focus instead on the specific issues raised by our proposed assessment arrangements for GCSE art and design.
- 2.5 During this consultation, we will continue to seek and consider evidence and feedback to our proposals that might help us identify any potential subject-specific impacts on students who share a protected characteristic.
- 2.6 Awarding organisations are required to consider the accessibility of their qualifications at the design stage and to remove any unjustifiable barriers.

Assessment arrangements

- 2.7 We have not identified any additional negative impacts on students who share protected characteristics which would result from our proposed assessment arrangements in GCSE art and design.

⁷ For the purposes of the public sector equality duty, the protected characteristics are disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation, gender reassignment.

⁸ www.gov.uk/government/publications/gcse-reform-equality-analysis

⁹ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/developing-new-qualifications-for-2016/4-equality-impact-analysis/assessment-arrangements/>

- 2.8 Any issues concerning the proposed content have been considered by the Department of Education, who have published their own Equalities Impact Analysis on their subject content proposals.¹⁰

¹⁰ www.gov.uk/government/publications/a-level-subject-content-equality-impact-assessment

3. Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the following information section.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please answer all questions marked with a star*

Name*

Position*

Organisation name (if applicable)*

Address

Email

Telephone

Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Is this a personal response or an official response on behalf of your organisation?*

Personal response (Please answer the question “If you ticked ‘Personal response’...”)

Official response (Please answer the question “If you ticked ‘Official response’...”)

If you ticked ‘Personal response’ which of the following are you?

Student

Parent or carer

Teacher (but responding in a personal capacity)

Other, including general public (Please state below)

If you ticked ‘Official response’, please respond accordingly:

Type of responding organisation*

Awarding organisation

Local authority

School or college (please answer the question below)

Academy chain

Private training provider

University or other higher education institution

Employer

Other representative or interest group (please answer the question below)

School or college type

- Comprehensive or non-selective academy
 - State selective or selective academy
 - Independent
 - Special school
 - Further education college
 - Sixth form college
 - Other (please state below)
-

Type of representative group or interest group

- Group of awarding organisations
 - Union
 - Employer or business representative group
 - Subject association or learned society
 - Equality organisation or group
 - School, college or teacher representative group
 - Other (please state below)
-

Nation*

- England
- Wales
- Northern Ireland
- Scotland
- Other EU country: _____
- Non-EU country: _____

How did you find out about this consultation?

Our newsletter or another one of our communications

Our website

Internet search

Other

May we contact you for further information?

Yes No

Questions

Question 1

Do you have any comments on the draft Conditions for reformed GCSEs in art and design?

Yes

No

If yes, please provide them here:

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Question 2

Do you have any comments on the draft Assessment requirements for reformed GCSEs in art and design?

Yes

No

If yes, please provide them here:

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Question 3

Do you have any comments on the draft Guidance on assessment objectives for reformed GCSEs in art and design?

Yes No

If yes, please provide them here:

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Question 4

We have not identified any ways in which the proposed requirements for reformed GCSEs in art and design would impact (positively or negatively) on persons who share a protected characteristic. Are there any potential impacts we have not identified? If so, what are they?

Yes No

If yes, please provide them here:

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Question 5

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

() Yes () No

If yes, please provide them here:

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Question 6

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

() Yes () No

If yes, please provide them here:

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Appendix A: Regulatory tools

Comparability and innovation

Awarding organisations operate in a market. They can design and deliver their qualifications in different ways, within the parameters we set. This provides some choice to schools or colleges, which is one of the benefits of a qualifications market. Awarding organisations must, however, make sure that the levels of attainment indicated by their qualifications are comparable to those of other awarding organisations' versions of the qualifications. The awarding organisations cooperate in a range of ways to make sure that the standards of their respective qualifications are comparable. To make sure standards are maintained and comparability is secured, we review GCSEs before they can be made available, by applying an accreditation requirement to the qualifications, and we oversee the awarding of GCSEs.

We do not wish to close down opportunities for awarding organisations to design and deliver their qualifications in different ways. Indeed, we have a statutory duty to have regard to the desirability of facilitating innovation in connection with the provision of regulated qualifications and a statutory objective with regard to the efficiency with which the qualifications market works. If we adopt a regulatory approach in which all aspects of a qualification are very tightly defined, we could effectively remove scope for awarding organisations to distinguish their qualifications from others and stop choice for schools or colleges. On the other hand, if awarding organisations have too much scope to vary their approach their qualifications might not be comparable.

In striking a balance, we use a range of tools to regulate qualifications and the awarding organisations that provide them. The main regulatory tools we use for the qualifications in this consultation are explained below.

Conditions of Recognition

Awarding organisations must comply at all times with our Conditions of Recognition. These are the main regulatory rules that we use. We can take regulatory action against an awarding organisation that breaches or is likely to breach a Condition.

There are three sets of Conditions that will apply to new GCSEs (together 'the Conditions'):

- (i) the published *General Conditions of Recognition*¹¹ that apply to all regulated qualifications;

¹¹ www.gov.uk/government/publications/general-conditions-of-recognition

- (ii) *GCSE (9 to 1) Qualification Level Conditions and Requirements*¹² that apply to all new GCSEs;
- (iii) GCSE Subject Level Conditions that apply to a new GCSE in a specific subject – we are consulting now on draft GCSE Subject Level Conditions for art and design.

Regulatory documents

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

We are proposing to introduce regulatory documents for GCSEs in art and design covering the assessment requirements for the subject. The requirements will have effect as if they were part of a Condition. The requirements are in a stand-alone section of the Conditions document, simply because they are technical and detailed so they sit better as separate to, rather than within, the Condition itself.

Statutory guidance

We publish Guidance to help awarding organisations identify the types of behaviour or practices they could use to meet a Condition. Awarding organisations must have regard to such guidance, but they do not have to follow this Guidance in the same way that they must comply with the Conditions; they are free to meet the outcomes of the Conditions in their own ways. An awarding organisation that decides to take a different approach to that set out in Guidance must still be able to show that it is meeting the Condition or Conditions to which the Guidance relates.

We are consulting now on draft Guidance for GCSEs in art and design.

¹² www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions

Appendix B: Ofqual’s role, objectives and duties

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

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

We must therefore regulate so that qualifications properly differentiate between students who have demonstrated that they have the knowledge, skills and understanding required to attain the qualification and those who have not.

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant students, including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

As a public body, we are subject to the public sector equality duty.¹³ This duty requires us to have due regard to the need to:

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

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

¹³ Equality Act 2010, section 149.

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

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

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

Qualifications cannot be used to mitigate inequalities or unfairness in the education system or in society more widely than might affect, for example, students' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a student's ability to achieve a particular mark in an assessment, our influence is limited to the way the qualification is designed and assessed.

We require the exam boards to design qualifications to give a reliable indication of the knowledge, skills and understanding of those on whom they are conferred. We also require the exam boards to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a student to achieve because they have a particular protected characteristic. We require exam boards to monitor whether any features of their qualifications have this effect.

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

The protected characteristics under the Equality Act 2010 are:

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

It should be noted that with respect to the public sector equality duty under section 149 of the 2010 Act, we are not required to have due regard to impacts on those who are married or in a civil partnership.

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Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB

2nd Floor
Glendinning House
6 Murray Street
Belfast BT1 6DN

Telephone 0300 303 3344

Textphone 0300 303 3345

Helpline 0300 303 3346