

Developing New GCSEs, AS and A Levels for First Teaching in 2017 – Part 1

Equality Analysis

GCSEs

Astronomy
Business
Economics
Engineering
Geology
Psychology

AS and A Levels

Design and Technology
Environmental Science
History of Art
Music Technology
Philosophy



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1. Introduction

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

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

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

Our approach to equality

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

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

The protected characteristics under the Equality Act 2010 are:

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

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/447178/2015-07-16-developing-new-gcses-as-and-a-levels-for-first-teaching-in-2017-part-1.pdf

- Sex
- Sexual orientation.

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

² Equality Act 2010, section 149.

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

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

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

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

Feedback from the consultation

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

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

Question 66: We have identified a number of ways the proposed requirements for reformed GCSEs, AS and A levels may impact (positively or negatively) on persons who share a protected characteristic. Are there any other potential impacts we have not identified? If so, what are they?

Question 67: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a

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

⁴ GCSE Reform: Equality Analysis Report:

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

Equality Analysis of the A level Reform Consultation:

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

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

⁵ Available at <https://www.gov.uk/government/consultations/development-of-new-gcses-and-a-levels-for-teaching-from-2017>

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

Question 68: Have you any other comments on the impacts of the proposals on persons who share a protected characteristic?

We received 121 responses to the consultation (see table below). None of these were from equality groups or from those with a specific focus on any of the protected characteristics.

Question	Number of respondents
Question 66 – identification of impacts	88
Question 67 – additional mitigating steps	84
Question 68 – additional comments	83

Sixty seven respondents felt that we had identified all of the potential impacts of our proposals, while 21 said we had not. Of those 21, only a small number set out what those additional impacts might be.

Sixty seven respondents felt that there were no further mitigating steps that should be taken, while 17 said there were. Again, only a small number of the 17 set out suggestions of what those should be.

Seven respondents provided further comment, while 76 did not.

The substantive responses to the consultation made three overall points, as follows.

Terminal exams

Six respondents made the point that exams taken at a fixed point in the school year and covering large proportions of the total assessment for a subject have the potential to affect different groups in different ways. One example given was students with disabilities or mental health issues that limit their ability to concentrate for extended periods with no breaks. There were no specific points raised about the individual subject proposals.

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

AS and A level design and technology – availability of food technology

Five respondents raised the effect of the reforms on the availability of a food qualification or specific pathway. This appeared to be a general point about the availability of the qualification and for students to be able to choose to study the subject, rather than highlighting a specific adverse impact on equality.

We have already set out our principles on the availability of separate and distinct GCSE and A level qualifications and our decisions around which qualifications would be reformed.⁷

The Department for Education decides which topics or areas are covered by the subject content and has therefore considered this feedback as part of its consultation process.

AS and A level music technology – balance of skills

Four respondents felt that the proposed qualification did not appropriately recognise both technical and musical performance ability, and there was concern that the focus on the technology elements would favour boys over girls. A suggestion was made to rebalance the content to increase the importance of music performance within the qualification.

There are two ways to rebalance the qualification:

1. We could change the weighting of the assessment to relatively increase the reward given for musical performance and relatively decrease the technology elements. However, given the existing subject content, this would lead to a mismatch between the content and the approach to assessment. We could not do this without risking invalid assessment.
2. The nature of the qualification content could be changed to include more musical performance and less use of technology to capture or manipulate the

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

New A level Regulatory Requirements 2013:

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

⁷ *Further Decisions for Completing GCSE, AS and A Level Reform in 2017:*

www.gov.uk/government/uploads/system/uploads/attachment_data/file/427471/2015-05-14-reform-of-gcses-as-and-a-levels-in-2017-may-2015.pdf

performance. This would require the Department for Education to redevelop the subject content and it has considered this feedback.

Given the content for this qualification, we judge that the relative weighting of the assessment remains appropriate.

Overall impact by subject

Based on the responses we received, we have set out below our final analysis for each subject included here.

GCSE astronomy

GCSEs in astronomy are currently assessed by a combination of exam and non-exam assessment. We are proposing that new GCSEs in astronomy should be assessed entirely by exam. This proposed removal of non-exam assessment is in line with our general principles for GCSE reform that we have considered in detail in our previous equality analyses.

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

GCSE business

GCSEs in business are currently assessed by a combination of exam and non-exam assessment. We are proposing that new GCSEs in business should be assessed entirely by exam. This proposed removal of non-exam assessment is in line with our general principles for GCSE reform that we have considered in detail in our previous equality analyses.

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

AS and A level design and technology

Design and technology is a subject that contains a practical element. We are proposing that the subject should be assessed by a combination of exam and non-exam assessment, with 50 per cent of the marks allocated to each.

Some disabled students might not be able to undertake elements of the non-exam assessment because of their disability. Using our powers under the Equality Act 2010, we have specified that a disabled student can be exempt from a maximum of 40 per cent of the marks available for a GCSE, AS or A level qualification and have their marks from the assessments that they are able to take scaled up. However, students can only be exempted from whole components, and then only when they cannot access any part of the component in question.

If, within a specification, there was a discrete component that assessed the student's practical skills in the subject, worth no more than 40 per cent of the marks, an exemption could be given for that assessment. The student would take the remaining components. This would allow a disabled student who was unable to undertake the practical assessment to be granted an exemption from the assessment and to have their marks from the remaining aspects of the qualification scaled up.

Exam boards will decide how to design the qualifications they offer, within the rules we put in place. If the non-exam assessment formed one whole component comprising 50 per cent of the marks, a student could not be exempted from it because of the 40 per cent exemption limit. Exam boards could distribute the 50 per cent non-exam assessment marks between two components, allowing an exemption to be given for one component. For example, one component could focus on the design of the product and the other on the making of that product. However, a student who could not access, or therefore gain any marks from, either of the non-exam assessment components would be disadvantaged.

We have considered whether we should set the percentage of marks available for non-exam assessment in design and technology at 40 per cent or less to allow a student to be exempted from the whole non-exam assessment. We do not believe that this would be appropriate because the practical aspect of the qualification that is to be assessed by non-exam assessment is a fundamental part of the qualification. The proposed approach would not be more disadvantageous to disabled students unable to complete the non-exam assessment than the current model, in which 60 per cent of the marks are allocated to non-exam assessment.

We have not identified anything about the proposed changes that would have a negative impact on students because of their sex, racial group, 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.

GCSE economics

GCSEs in economics are currently assessed wholly by exam. We are not proposing to change this position. We have not identified anything about our proposals that would have a negative impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

GCSE engineering

Engineering is a subject that contains a practical element. We are proposing that the subject should be assessed by a combination of exam and non-exam assessment, with 60 per cent of the mark allocated to exam and 40 per cent to non-exam assessment.

Some disabled students might not be able to undertake elements of the non-exam assessment because of their disability. Using our powers under the Equality Act 2010, we have specified that a disabled student can be exempt from a maximum of 40 per cent of the marks available for a GCSE, AS or A level qualification and have their marks from the assessments that they are able to take scaled up. However, students can only be exempted from whole components, and then only when they cannot access any part of the component in question.

We are proposing that the percentage of marks allocated to the practical elements in GCSE engineering will be 40 per cent. This would allow a disabled student who is unable to undertake the practical elements of the subject to be granted an exemption from those assessments, and to have their marks from the remaining aspects of the qualification scaled up. The proposed reduction in the amount of non-exam assessment in GCSE engineering could make it possible for a disabled student who is unable to undertake that assessment to be awarded the qualification nonetheless. The proposed reduction in the percentage of marks allocated to non-exam assessment may therefore make the qualification more accessible to some disabled students.

We have not identified anything about the proposed changes that would have a negative impact on students because of their sex, racial group, 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.

AS and A level environmental science

Current AS and A levels in environmental science may be assessed through a combination of exam and non-exam assessment. We are proposing that new AS and A levels in environmental science should be assessed entirely by exam. This proposed removal of non-exam assessment is in line with our general principles for AS and A level reform that we have considered in detail in our previous equality analyses.

We have not identified anything in addition to the impacts discussed in our earlier consultations about our proposal that all assessments in AS and A level environmental science should be by exam that would have a negative impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

GCSE geology

The new subject content for GCSE geology requires fieldwork skills to be tested using a limited series of exam questions. In current qualifications, this is done through non-exam assessment. There is also a requirement in the new subject content that students take part in two days of fieldwork.

This proposed removal of non-exam assessment is in line with our general principles for GCSE reform that we have considered in detail in our previous equality analyses. We have not identified anything in addition to the impacts discussed in our earlier consultations about our proposal that all assessments in GCSE geology should be by exam that would have a negative impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

The proposed requirement for two days of fieldwork is contained within the draft subject content document on which the Department for Education is consulting. This requirement may have a negative impact on those who share a protected characteristic who cannot undertake fieldwork because of that characteristic, but the Department for Education is considering this in its consultation.

AS and A level history of art

AS and A levels in history of art are currently assessed wholly by exam. We are not proposing to change this position. We have not identified anything about our proposals that would have a negative impact on students because of their sex,

disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

AS and A level music technology

We are proposing to reduce the percentage of marks allocated to non-exam assessment in AS and A levels in music technology.

Some disabled students might not be able to undertake the tasks of producing a mix or composing using music technology because of their disability. Using our powers under the Equality Act 2010, we have specified that a disabled student can be exempt from a maximum of 40 per cent of the assessments for a GCSE, AS or A level qualification and have their marks from the assessments that they are able to take scaled up.

We are proposing that the percentage of marks allocated to the performance elements in AS and A level music technology will be 40 per cent. This would allow a disabled student who is unable to undertake the tasks of producing a mix or composing using music technology, which will be assessed within the non-exam assessment, to be granted an exemption from those assessments, and to have their marks from the remaining aspects of the qualification scaled up. The proposed reduction in the amount of non-exam assessment in AS and A level music technology could make it possible for a disabled student who is unable to undertake that assessment to be awarded the qualification nonetheless. The proposed reduction in the percentage of marks allocated to non-exam assessment may therefore make the qualification more accessible to some disabled students.

As noted above, while the balance of skills between the performance of a musical piece and the manipulation of a recording is raised as potentially impacting boys and girls differently, we are not aware of good evidence to support this or to suggest that the impacts are negative for those choosing to study this qualification instead of AS and A level music. To adjust the balance of assessment without a corresponding change in the content of the qualification would risk invalid assessment.

With the above exception, we have not identified anything about the proposed changes that would have a negative impact on students because of their sex, racial group, 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.

AS and A level philosophy

AS and A levels in philosophy are currently assessed wholly by exam. We are not proposing to change this position. We have not identified anything about our proposals that would have a negative impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

GCSE psychology

GCSEs in psychology are currently assessed wholly by exam. We are not proposing to change this position. We have not identified anything about our proposals that would have a negative impact on students because of their sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor has any adverse impact on these groups been communicated to us either through our meetings with representative groups or by respondents to our consultation.

Appendix A: Ofqual's role, objectives and duties

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

- (a) give a reliable indication of knowledge, skills and understanding; and
- (b) indicate:
 - i. a consistent level of attainment (including over time) between comparable regulated qualifications; and
 - ii. a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) 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, among others, and to aspects of government policy when so directed by the Secretary of State.

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

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

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

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

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

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

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

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

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

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation.

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

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