

# Developing new GCSEs, AS and A levels for first teaching in 2017 – part 3

## Equality analysis

### **GCSEs**

Physical education (short course)  
Sociology

### **AS and A levels**

Geology  
Politics  
Statistics



March 2016

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# 1. Introduction

This document sets out our final equality analysis for the regulatory arrangements we propose to introduce for a number of new GCSE, AS and A level qualifications for first teaching from September 2017. The document brings together subjects which we originally proposed assessment arrangements on in different consultations but we will now be making decisions on them together.

We conducted an equality analysis prior to publishing each of our consultations on assessment arrangements<sup>1</sup>. This document is based on those and the feedback we received through each of the consultations.

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

## **Our approach to equality**

Qualifications cannot be used to mitigate wider inequalities or unfairness in the education system. 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 sought 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
- Sex
- Sexual orientation

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<sup>1</sup> Section 4 of each of

[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](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) and [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/459753/2015-09-10-developing-new-gcses-as-and-a-levels-for-first-teaching-in-2017-part-2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/459753/2015-09-10-developing-new-gcses-as-and-a-levels-for-first-teaching-in-2017-part-2.pdf) and [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/473196/2015-11-03-developing-new-gcses-as-and-a-levels-for-first-teaching-in-2017-part-3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/473196/2015-11-03-developing-new-gcses-as-and-a-levels-for-first-teaching-in-2017-part-3.pdf)

For the purposes of the public sector equality duty, we are not required to consider the impact of the reforms on those who are married or in a civil partnership.<sup>2</sup>

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<sup>2</sup> Equality Act 2010, section 149.

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

We previously considered the potential impact of the application of the principles and features that will apply to all new GCSEs, AS and A levels on students who share a protected characteristic<sup>3</sup>. 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.<sup>4</sup>

We do not repeat the evidence we have considered as this can be found in our earlier reports. Here we focus instead on specific issues 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 separately published analyses of all feedback we received during the consultations for these subjects.<sup>5</sup>As part of our consultations, we asked the following three targeted questions about equalities.

**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?**

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<sup>3</sup> 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.

<sup>4</sup> *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](http://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)

<sup>5</sup> Available at

<https://www.gov.uk/government/consultations/developing-new-gcses-as-and-a-levels-for-first-teaching-in-2017> and

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/497683/Responses\\_an\\_alysis\\_Developing\\_new\\_GCSEs\\_AS\\_and\\_A\\_level\\_qualifications\\_for\\_first\\_teaching\\_in\\_2017\\_Pt\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497683/Responses_an_alysis_Developing_new_GCSEs_AS_and_A_level_qualifications_for_first_teaching_in_2017_Pt_2.pdf) and

<https://www.gov.uk/government/consultations/developing-geology-politics-and-pe-short-course-for-2017-teaching>

**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.**

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

Not all respondents to our consultations chose to answer the equality focused questions. Across the consultations covering these subjects the number of respondents for each of the equality focused questions are listed in the table below. Answers to the other consultation questions were also reviewed to identify any additional equality issues raised. None of the responses we received were from equality groups or from those with a focus on any protected characteristic.

<b>Question</b>	<b>Number of respondents</b>		
	Consultation including GCSE Sociology	Consultation including A level Statistics	Consultation covering GCSE PE (short course), A level Politics and A level Geology
Identification of impacts	88	119	18
Additional mitigating steps	84	115	17
Additional comments	83	114	15

The graphs below give more detail on the nature of the responses. It is important to note for figures 1 and 2, a large majority of the responses were about subjects other than sociology or statistics.

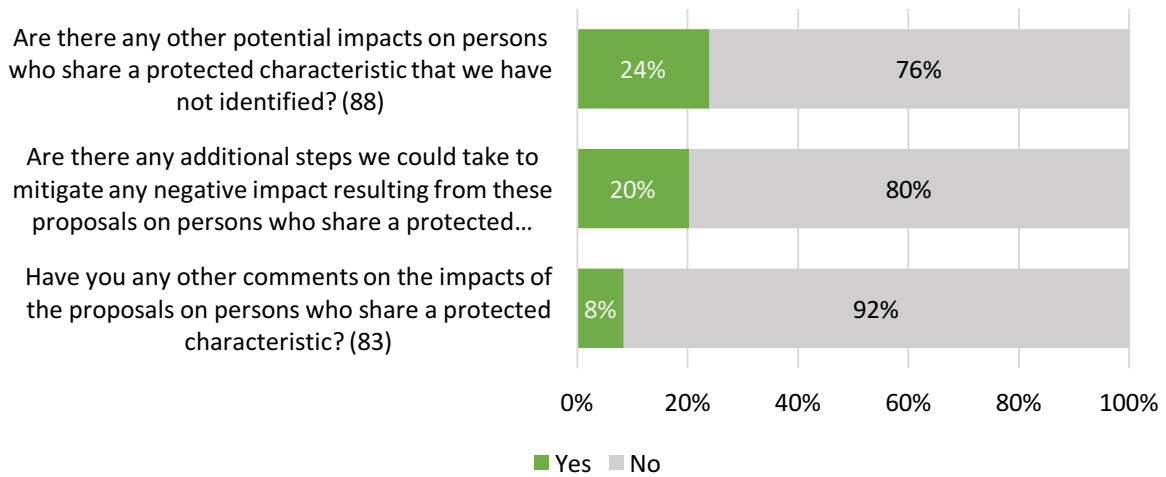


Figure 1 extracted from consultation analysis report including GCSE sociology

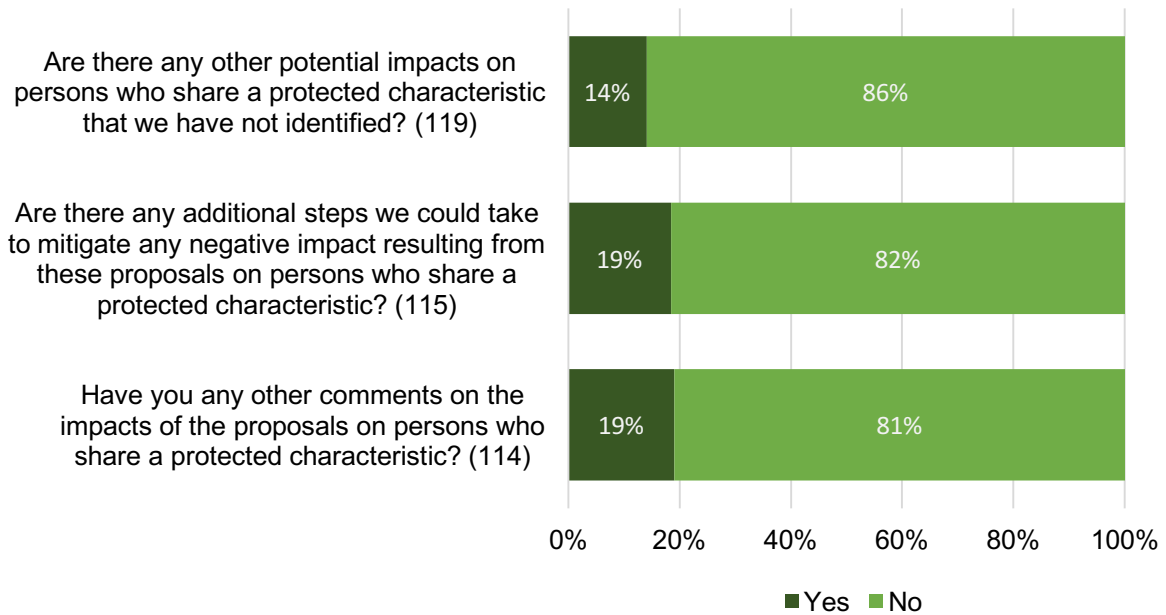


Figure 2 extracted from consultation analysis report including A level statistics

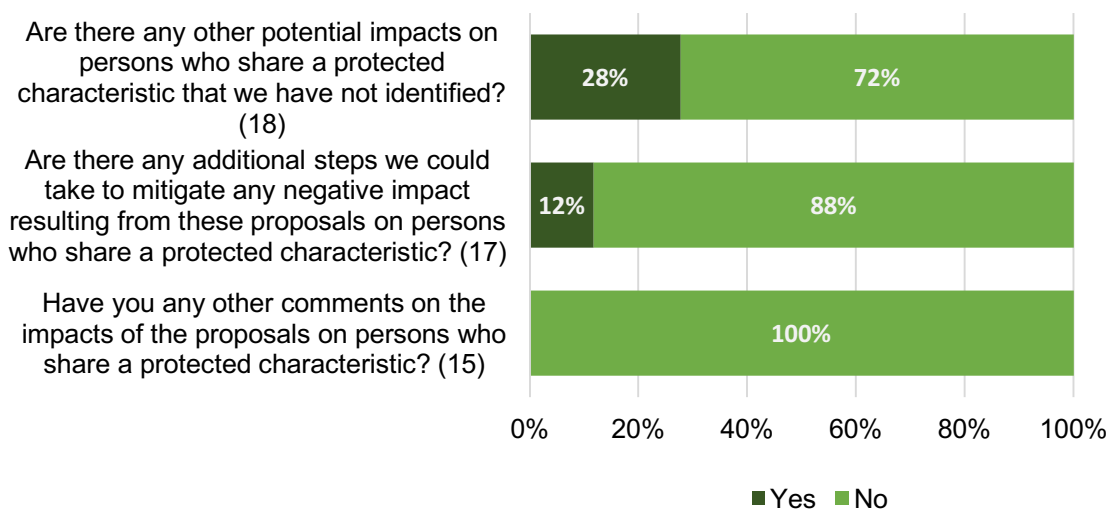


Figure 3 extracted from consultation analysis report covering only GCSE physical education (short course), A level politics and A level geology

Where respondents to these questions selected responses indicating they had additional points to raise, they could fill out a free text field.

Two points arose from reviewing the survey questions and the additional information respondents submitted through their free text responses. As with previous consultations, there was a concern from some respondents that increasing the weighting of exams or using them as the sole assessment method could disadvantage those who would do better in other forms of assessment. Similarly 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 potential to affect different groups in different ways. These points were made in relation to both GCSE physical education (short course) and A level geology, where our proposals are for reductions in non-exam assessment.

We considered the impact of a greater emphasis on terminal assessment and assessment by exam when these reforms began. No additional issues have been raised at this time and our previous analyses in relation to this issue therefore remain appropriate.<sup>6 7</sup>

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

<sup>7</sup> New A level Regulatory Requirements 2013: <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/a-level-regulatory-requirements-october-2013>



## **Overall impact by subject**

Based on the original assessment we presented in our consultation and responses we received, our final analysis for each subject is set out below:.

### **GCSE physical education (short course) <sup>8</sup>**

Current short-course GCSEs in physical education are assessed with 60% of the marks attributed to non-exam assessment. For new short course GCSEs in physical education, we propose to reduce the non-exam assessment marks to 40%, the same as for the full course in this subject.

We previously specified, using our powers under the Equality Act 2010<sup>9</sup>, that a disabled student can be exempt from a maximum of 40% of the assessments for a GCSE and have their marks scaled up from the assessments they are able to take. The proposed reduction in non-exam assessment for this subject may therefore make the qualification more accessible to disabled students.

We also identified that students' experience of, and performance in, different sports may vary according to their gender, racial group, religion or belief. The required performance skills can however be demonstrated in a wide range of sports, giving students choice.

We did not identify anything further in our planned approach to the assessment of physical education which would negatively impact students because of their disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender reassignment. Nor was any adverse impact on these groups communicated to us by respondents to our consultation.

We judge the proposal to assess the subject with 60% of marks available through exam remains appropriate in this qualification.

### **GCSE sociology**

GCSEs in sociology are currently assessed only by examination and we do not propose to change this.

We did not identify anything further in our planned approach to sociology which would negatively impact students because of their disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a result of gender

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<sup>8</sup> Our equality analysis for the full course GCSE PE is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398244/2015-01-26-developing-new-gcse-a-level-and-as-qualifications-for-first-teaching-in-2016-eia.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398244/2015-01-26-developing-new-gcse-a-level-and-as-qualifications-for-first-teaching-in-2016-eia.pdf)

<sup>9</sup> [www.gov.uk/government/publications/specifications-in-relation-to-the-reasonable-adjustment-of-general-qualifications](http://www.gov.uk/government/publications/specifications-in-relation-to-the-reasonable-adjustment-of-general-qualifications)

reassignment. Nor was any adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification can be assessed validly by exam, we judge the proposal to assess the subject wholly by exam remains appropriate in this qualification.

### **AS and A level geology**

AS and A level geology are assessed with between 20% and 30% of the marks attributed to non-exam assessment.

As we did for A levels in biology, chemistry and physics, we propose that new A levels in geology should assess practical skills differently. Exams would include questions which assess students' knowledge and understanding of practical work; grades being based solely on exam marks. Students will be assessed separately on their practical skills with a separate pass/fail grade for this reported on their certificates.

The impacts we identified are broadly similar to those identified in our earlier consultation on A levels in biology, chemistry and physics<sup>10</sup>. In particular:

- Separately reporting practical skills will for the most part positively impact students whose disability makes it difficult for them to handle science equipment in an assessment context. This is because their overall grade will not be reduced if they cannot perform certain physical tasks.
- Separately reporting practical skills may negatively impact on students who find written exams difficult because of their disability, and who have, in the past, been able to gain marks towards their overall grade from practical work.
- There will be no impact on students whose disability means they cannot perform certain aspects (or any aspect) of the practical assessment. They will be given an exemption from this assessment, or have a practical assistant (where this will not affect the validity of the assessment), as is now the case. We will consult separately on how an exemption should be reported on the student's certificate.

We did not identify anything further in our planned approach proposals for this subject which would negatively impact students because of their disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation, or as a

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<sup>10</sup> <http://webarchive.nationalarchives.gov.uk/20141031163546/http://comment.ofqual.gov.uk/a-levelregulatory-requirements-october-2013/>

result of gender reassignment. Nor was any other adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification, we judge the proposals for the relative weighting of the exam and non-exam-assessment remains appropriate in this qualification.

### **AS and A level politics**

AS and A levels in government and politics are assessed wholly by exam. We do not propose to change this position.

We did not identify anything else about our proposals for this subject which would negatively impact 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 was any other adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification can be assessed validly by exam we judge the proposal to assess the subject wholly by exam remains appropriate in this qualification.

### **AS and A level Statistics**

We propose that new AS and A levels in statistics should be assessed entirely by exam assessments with removal of the currently small amount of non-exam assessment. This proposed removal is in line with our general principles for GCSE, AS and A level reform which we considered in detail in previous equality analyses.

We did not identify anything else about our proposals for this subject which would negatively impact 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 was any other adverse impact on these groups communicated to us by respondents to our consultation.

Given the content for this qualification can be assessed validly by exam we judge the proposal to assess the subject wholly by exam remains appropriate in this qualification.

## **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.

The legislation sets out a framework within which we must operate. We are subject to many duties and we must aim to achieve several objectives. These 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 these will not be awarded the qualification. It may be more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because of a protected characteristic. This could put the student at a disadvantage relative to others who have been awarded the qualification. It is not always possible to regulate this. 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 wider inequalities or unfairness in the education system or in society. Our influence is limited to the way that the qualification is designed and assessed.

We require exam boards to design qualifications which 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 which could without justification, make a qualification more difficult for students to achieve because they have a protected characteristic. And 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 students 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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