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Consultation outcome

Consultation on subject-level conditions and guidance for new French, German and Spanish GCSEs

Updated 14 June 2022

Applies to England

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Audience

This consultation is open to anyone who may wish to make representation but may be of most interest to:

- awarding organisations which offer GCSEs in French, German or Spanish
- teachers of GCSE French, German or Spanish
- schools, colleges and other exam centres
- students

Consultation arrangements

Duration

This consultation will be open for 4 weeks starting on Tuesday 22 March and ending on Tuesday 19 April at 23:45.

Respond

Please [respond to this consultation by completing the online survey](#) found on the consultation page.

For information on how we will use and manage your data, please see [Annex A: Consultation responses and your data](#).

Introduction

New subject content

In November 2019, the Department for Education (DfE) announced that it would be convening an independent expert panel to develop potential changes to the subject content for GCSE French, German and Spanish. The proposed subject content was subject to a 10-week public consultation between March 2021 and May 2021.

In January 2022, following review of the consultation responses and wider stakeholder feedback, DfE published [the new GCSE French, German and Spanish subject content](#).

DfE also confirmed that the new qualifications will be available for first teaching from September 2024, with first assessments in summer 2026.

Assessment arrangements

Ofqual reviewed the requirements for assessing the proposed new content, which the exam boards offering GCSE qualifications in French, German and Spanish must

follow. [We published a consultation seeking views on our assessment](#) proposals at the same time as the DfE consulted on its proposed subject content.

Also in January 2022, having considered the responses to our public consultation, [we confirmed that we had decided to implement our proposals](#). This means that the arrangements for assessing the revised GCSEs in French, German and Spanish will be based on:

- revised assessment objectives (AOs), which set out the percentage of qualification marks that must be awarded for each aspect of assessment
- continued use of tiered assessments, requiring students to be entered to a single tier across all assessments
- continued use of non-exam assessment (NEA) to focus on the assessment of speaking skills, which make up 25% of the total marks for the qualification

This consultation

This consultation on the proposed subject-level conditions, requirements and guidance, covers the regulatory requirements that must be followed in all new GCSE qualifications in French, German and Spanish.

Consultation details

Regulatory conditions

In order to ensure that regulated qualifications meet our requirements to be valid, reliable and comparable in terms of level of challenge with other similar qualifications, Ofqual sets out specific rules, which we call 'conditions'.

All of the qualifications that we regulate must follow the [General Conditions of Recognition](#). For some qualifications, such as GCSEs, we set qualification-level conditions and guidance, which apply to all qualifications of that type. We also set subject-level conditions and guidance for some qualifications of a particular type in a particular subject. GCSE qualifications must comply with the [GCSE qualification level conditions](#), as well as with the subject-level conditions which reflect the specific subject content document developed by the Department for Education (DfE).

Each set of conditions is accompanied by a guidance document, which supports the rules and helps exam boards understand how to comply with them. When developing a regulated qualification, exam boards must have regard to the guidance that sits alongside the conditions. This means they must consider the guidance and, if they choose not to follow the guidance, they must explain how the alternative approach taken will also meet the regulatory conditions.

Exam boards are required to present this information to Ofqual in their assessment strategy, which is a confidential, commercially sensitive document that sets out how they will ensure they remain compliant with the conditions that apply for that qualification. The GCSE qualification level conditions require exam boards to maintain an assessment strategy, with guidance about what we expect from these documents presented in the [GCSE qualification level guidance](#).

In light of the new subject content for GCSE French, German and Spanish we are now consulting on new subject-level conditions and guidance for those qualifications.

Consistency with current requirements for GCSE modern foreign languages

The new subject content for GCSE French, German and Spanish has many similarities with the current subject content for modern foreign languages (MFL). The new content includes the assessment of listening, speaking, reading and writing as well as translation skills, and the content specifies elements that must be covered by foundation tier and higher tier assessments.

The current subject-level conditions, requirements and guidance for GCSEs in French, German and Spanish (and other modern foreign languages) largely work well. Therefore, where the content requirements of the new GCSEs in French, German and Spanish are consistent with the current content requirements, we are proposing to use the same assessment requirements as those that apply to the current qualifications.

Examples of regulatory requirements that will be carried through to the new GCSE French, Spanish and German qualifications include:

- subject-level conditions, requirements and guidance to ensure qualifications follow the required subject content, assessment objectives, and assessment requirements. These conditions are common to many GCSEs.
- subject-level conditions, requirements and guidance to implement the assessment arrangements for GCSE French, German and Spanish that were confirmed in the decisions published in January 2022 relating to the continuation of the current requirements to use non-exam assessment (NEA) and to use tiered assessments.
- More detailed subject-level conditions, requirements and guidance such as word counts for translation passages, or the time required to prepare for or assess spoken language skills.

The assessment objectives we confirmed in January were designed to reflect the new content requirements, to allow more flexibility in the assessment approach, and to support progression to modern foreign languages at AS and A level.

New requirements for GCSE French, German and Spanish

Some of the new content requirements necessitate a change to the current assessment requirements. One such change is in the approach to assessing understanding of spoken language (listening).

The current GCSE MFL content requirements and assessment objectives encourage a qualification structure which assesses the four language skills separately (reading, writing, listening, speaking).

However, the new subject content and assessment objectives for GCSE French, German and Spanish allow more flexibility in the assessment structure (permitting, but not requiring mixed skill assessments). These new content and assessment requirements, along with consideration of stakeholder feedback regarding the volume of information students must absorb in the assessments, have led us to review our approach to setting out requirements for listening activities.

In the current GCSE MFL qualifications, the assessment of understanding spoken language is carried out in one distinct assessment paper. This means for these qualifications it is appropriate to stipulate that the assessment of understanding spoken language must last a certain number of minutes (35 mins at foundation tier, 45 mins at higher tier, both inclusive of 5 minutes reading time).

As the new GCSE French, German and Spanish qualifications have a more flexible assessment structure, requiring that assessments last a certain number of minutes may not be appropriate or practicable should exam boards choose to develop assessments that target a mix of language skills rather than each skill separately. Therefore, to ensure a consistent approach to understanding spoken language regardless of how the assessments are structured, we propose to stipulate a permitted range of the number of words to be used in the assessment of this skill (450 to 500 at foundation tier, 700 to 850 at higher tier).

We propose to require exam boards to explain in their assessment strategies their approach to assessing the understanding of spoken extracts. This must cover the number of extracts students must respond to, the number of words per extract and the number of marks to be awarded in relation to the length of each extract. In addition, exam boards will be required to set out how students will have enough time to read the questions before responding to them.

The new subject content has also led us to propose assessment requirements for new areas, such as greater focus on the vocabulary and grammar of the language, and for new kinds of tasks.

In developing our proposals, we have considered the aims of the subject content and we have drawn on feedback gathered on the GCSE MFL assessments from teachers, teaching associations and exam boards. New proposed requirements include:

- subject-level conditions, requirements and guidance to cover the assessment of new content requirements, such as tasks to be covered in the assessment of speaking, stimuli to be used in written tasks, and the approach to the assessment of both dictation and inferring plausible meanings of single words from outside the vocabulary list.
- subject-level conditions, requirements and guidance to ensure a consistent approach is taken to compiling and presenting the vocabulary list and the grammar requirements including the sound-symbol correspondences

Proposed subject level conditions

Condition 1 - Compliance with content requirements

This condition is consistent with the current requirements for GCSE modern foreign languages (MFL). It requires qualifications to comply with the subject content.

Condition 2 - Assessing the full range of abilities

This condition is consistent with the current requirements for GCSE modern foreign languages (MFL). It requires these qualifications to be tiered.

Condition 3 - Assessment

This condition is consistent with the current requirements for GCSE modern foreign languages (MFL). It requires awarding organisations to comply with our requirements and have regard to our guidance.

Condition 4 – Assessment of spoken language

This condition is consistent with the current requirements for GCSE modern foreign languages (MFL). It requires the assessment of spoken language to take place by means other than exams and sets some parameters around this.

Condition 5 – Access to dictionaries

This condition is consistent with the current requirements for GCSE modern foreign languages (MFL). It prevents awarding organisations from allowing access to a dictionary during assessments.

Question 1

Do you have any comments on the proposed subject level conditions?

Proposed requirements

Tiering requirements - GCSE Qualifications in French, German and Spanish

We have already confirmed that all assessments in the new qualifications will be tiered with students required to enter all assessments at the same tier (all foundation tier or all higher tier).

Assessment requirements - GCSE Qualifications in French, German and Spanish

We are proposing a number of requirements for the assessment of GCSE French, German and Spanish relating to the following.

Grammar and sound-symbol correspondence

Updated requirements reflecting the new subject content, and a **new** requirement for awarding organisations to set out in their assessment strategies their approach to covering grammar and sound-symbol correspondence requirements.

Vocabulary

Updated requirements reflecting the new subject content, and a **new** requirement for awarding organisations to set out in their assessment strategies their approach to covering the required vocabulary.

Speaking assessment

Requirements for the time spent by students taking such assessments are **unchanged** from the current qualifications. We have proposed **new** requirements about the length of tasks requiring students to read aloud a short written text.

Understanding spoken extracts

New requirements, replacing the current stipulations about time limits for these assessments with new stipulations about number of words to be used in the assessment of this skill. Also **new** requirements for awarding organisations to set out in their assessment strategies a range of approaches to the assessment.

Dictation

New requirements about the length of short spoken extracts for dictation, and a **new** requirement for awarding organisations to set out in their assessment strategies their approaches to these assessments, including how they will meet content requirements.

Understanding written language

New requirements about word limits and number of texts used in assessments, and a **new** requirement for awarding organisations to set out in their assessment strategies their approaches to meeting content requirements for these assessments.

Translation

New requirements about the number of words in short sentences or texts for translation, and a **new** requirement for awarding organisations to set out in their assessment strategies their approaches to meeting content requirements for these assessments.

Question 2

Do you have any comments on the proposed Requirements?

Proposed subject level guidance

We are also proposing new statutory guidance, which includes the following.

Assessment of speaking

Guidance on the nature of follow up questions, role-plays and the unprepared interaction.

Assessment of writing

Guidance on the stimuli for written tasks.

Infer meaning

Guidance on the words Learners are required to infer.

Dictation of short spoken extracts

Guidance on the extract to be used in the dictation assessment.

We have also developed guidance on the new assessment objectives.

Question 3

Do you have any comments on the proposed subject level guidance?

Equality impact assessment

As Ofqual is a public body, we must comply with the public sector equality duty in section 149(1) of the Equality Act 2010. In developing these proposals, we have considered the likely impact on persons who share particular protected characteristics.

We are required to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or 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

In our earlier consultation on the assessment arrangements for these qualifications, we explained that we had not identified any impacts of our proposals (positive or negative) on persons who share the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Nothing in the responses to that consultation gave us cause to change our view. In designing these subject level conditions and guidance, which reflect the assessment arrangements we decided on, we have again considered the impacts of our proposals, and have not identified any impacts of our proposals (positive or negative) on persons because of their protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Question 4

We have set out our view that our proposals would not impact (positively or negatively) on students who share a particular protected characteristic. Are there any potential impacts that we have not identified?

Question 5

Are there any additional steps we could take to mitigate any negative impact you have identified from our proposals, on students who share a protected characteristic?

Regulatory impact assessment

In a regulatory impact assessment, we consider the activities resulting from the proposals that we expect may give rise to additional costs and regulatory burdens, as well as any activities that may not take place and could therefore deliver savings.

We know that the process of designing, developing and delivering a new or revised qualification has impacts on schools, colleges and exam boards. In our previous consultation on the assessment arrangements for these qualifications we identified the expected impacts. Respondents identified one potential cost for schools and colleges which we had not mentioned – the cost of purchasing new textbooks or other materials to support the delivery of the new qualifications.

Impact on schools and colleges

We expect there would be one-off, direct costs and administrative burdens to schools and colleges associated with the following activities:

- familiarisation with new qualifications, assessments and guidance from exam boards
- communication to, and training for, teaching staff on the new assessments
- buying new textbooks and resources to support the delivery of the new assessments

Impact on exam boards

The proposed arrangements apply to GCSE qualifications regulated by Ofqual, in French, German and Spanish.

We expect there would be one-off, direct costs and administrative burdens to these organisations associated with the following activities:

- familiarisation with the revised subject level conditions and guidance published by Ofqual on the approach to assessing the revised qualifications
- research with stakeholders into potential approaches to assessment
- development of new specifications and sample assessments and mark schemes in each language
- information and training to centres about the revised assessments

Whilst we acknowledge that these costs or regulatory burdens may be introduced through the design, development and delivery of the new qualifications, we think such impacts or burdens are necessary to ensure that the new qualifications meet the government's expectations and our regulatory requirements.

Question 6

We have set out our understanding of the cost implications and burdens of our proposals for schools, colleges and exam boards. Are there any other potential costs or regulatory burdens that we have not identified?

Question 7

Are there any additional steps we could take to reduce the costs or regulatory burdens of our proposals?

Annex A: Consultation responses and your data

Why we collect your personal data

As part of our consultation process, you are not required to provide your name or any personal information that will identify you. However, we are aware that some respondents would like to provide contact information. If you or your organisation are happy to provide personal data, with regard to this consultation, please complete the details below. We would like to hear as many views as possible and ensure that we are reaching as many people as possible. In order for us to monitor this, understand views of different groups and take steps to reach specific groups, we may ask for sensitive data such as ethnicity and disability to understand the reach of this consultation and views of specific groups. You do not have to provide this information and it is entirely optional.

If there is any part of your response that you wish to remain confidential, please indicate at the appropriate point in the survey.

Where you have requested that your response or any part remains confidential, we will not include your details in any published list of respondents, however, we may quote from the response anonymously in order to illustrate the kind of feedback we have received.

Your data

Your personal data:

- will not be sent outside of the UK unless there are appropriate safeguards in place to protect your personal data
- will not be used for any automated decision making
- will be kept secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights: access, rectification and erasure

As a data subject, you have the legal right to:

- access personal data relating to you
- object to the processing of your personal data
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details below. You can also find out [more about Ofqual's privacy information](#).

Freedom of Information Act and your response

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients including members of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response and assess this in accordance with applicable data protection rules.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'no' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact

details publicly available.

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response. We will analyse all responses and produce reports of consultation responses. In the course of analysis, we will where possible avoid using your name and contact details. We will only process the body of your response, but we are aware that in some cases, this may contain information that could identify you.

Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships & Technical Education (IFATE) where the consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process.

Where possible, if we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IFATE with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Where we share data, we ensure that adequate safeguards are in place to ensure that your rights and freedoms are not affected.

We use Citizen Space, which is part of Delib Limited, to collect consultation responses and they act as our data processor. You can view [Citizen Space's privacy notice](#).

Your response will also be shared internally within Ofqual in order to analyse the responses and shape our policies and regulatory activity. We use third party software to produce analysis reports, which may require hosting of data outside the UK, specifically the US. Please note that limited personal information is shared. All personal contact information is removed during this process. Where we transfer any personal data outside the UK, we make sure that appropriate safeguards are in place to ensure that the personal data is protected and kept secure.

Following the end of the consultation, [we will publish an analysis of responses on our website](#). We will not include personal details in the responses that we publish.

We may also publish an annex to the analysis listing all organisations that responded but will not include personal names or other contact details.

How long we will keep your personal data

Unless otherwise stated, Ofqual will keep your personal data (if provided) for a period of 2 years after the consultation closing date.

Our legal basis for processing your personal data

Where you provide personal data for this consultation, we are relying upon the public task basis as set out in Article 6(1)(e) of UK GDPR to process personal data which allows processing of personal data when this is necessary for the performance of our public tasks. We will consult where there is a statutory duty to consult or where there

is a legitimate expectation that a process of consultation will take place. Where you provide special category data, we process sensitive personal data such as ethnicity and disability, we rely on Article 9(2)(g) of UK GDPR as processing is necessary for reasons of substantial public interest.

The identity of the data controller and contact details of our Data Protection Officer

This privacy notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). The relevant data protection regime that applies to our processing is the UK GDPR and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this privacy notice carefully as it contains important information about our processing of consultation responses and your rights.

How to contact us

If you have any questions about this privacy notice, how we handle your personal data, or want to exercise any of your rights, please contact our data protection officer at dp.requests@ofqual.gov.uk

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law. You also have the right to lodge a complaint with [the Information Commissioner](#) (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at:

ICO,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Telephone: 0303 123 1113

Annex B – Ofqual's role, objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has five statutory objectives, set out in the Apprenticeship, Skills, Children and Learning Act 2009;

1) **The qualification 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

2) **The assessment standards objective**, which is to promote the development and implementation of regulated assessment arrangements which:

i) give a reliable indication of achievement, and

ii) indicate a consistent level of attainment (including over time) between comparable assessments

3) **The public confidence objective**, which is to promote public confidence in regulated qualifications and regulated assessment arrangements

4) **The awareness objective**, which is to promote awareness and understanding of:

a) the range of regulated qualifications available,

b) the benefits of regulated qualifications to Students, employers and institutions within the higher education sector, and

c) the benefits of recognition to bodies awarding or authenticating qualifications

5) **The efficiency objective**, which is to secure that regulated qualifications are provided efficiently, and that any relevant sums payable to a body awarding or authenticating a qualification represent value for money.

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.

The Equality Act 2010

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

c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The awarding organisations that design, deliver and award 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.

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

We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, sometimes 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 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, justifiable decision.

Qualifications cannot mitigate inequalities or unfairness in the education system or in society more widely that 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 assessment, our influence is limited to the qualification design and assessment.

We require awarding bodies to design qualifications that give a reliable indication of the knowledge, skills and understanding of the students that take them. We also require awarding organisations 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 awarding organisations to monitor whether any features of their qualifications have this effect.

In setting our proposed requirements, 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 partnerships
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

With respect to the public sector equality duty under section 149 of the Equality 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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