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Closed consultation

Proposed amendment to the assessment of Chinese and Japanese AS and A levels

Published 26 April 2023

Applies to England

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Proposals at a glance

Ofqual invites your views on a proposed amendment to the assessment requirements for AS and A level Chinese and Japanese qualifications being taught from autumn 2024. This consultation seeks views on whether, and if so how, Ofqual should amend a requirement for AS and A level qualifications in Chinese and Japanese that limits how many marks can be used for responses in English.

Ofqual's proposal is in response to [a separate consultation launched by the Department for Education \(DfE\)](#).

Audience

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

- students, including private candidates, and especially those who are expecting to study Chinese AS or A level or Japanese AS or A level from autumn 2024 and beyond, and their parents and carers
- teachers of these qualifications
- school and college leaders and heads of other types of exam centre
- unions
- exams officers
- the exam boards that will provide the qualifications
- those who use qualifications to make selection decisions: higher education institutions and employers

Consultation arrangements

Duration

This consultation will be open for 5 weeks starting on Wednesday 26 April 2023 and ending on Wednesday 31 May 2023 at 11:45pm.

Respond

Please respond to this consultation by completing the [online response form](#).

For information on how Ofqual will use and manage your data, please see Annex A: Consultation responses and your data.

Introduction

This consultation sets out Ofqual's proposed amendment to the assessment requirements for AS and A level Chinese and Japanese qualifications being taught from autumn 2024. Ofqual's proposal is in response to a Department for Education

(DfE) consultation on changes to its AS and A level subject content for the 2 logographic languages, Chinese and Japanese. One of DfE's proposals is that the questions and responses for comprehension (listening and reading) tasks should be in English, rather than in the language of study. Ofqual does not have a requirement that specifies the language in which questions should be asked. It does currently have an assessment requirement that limits how many marks can be used for responses in English. To enable DfE's proposed change to its subject content to take effect, Ofqual would need to change this requirement. Through this consultation, Ofqual is seeking views on whether, and if so how, it should amend this requirement for AS and A level qualifications in Chinese and Japanese.

The proposed amendment would take effect for qualifications being taught from autumn 2024. It would, therefore, apply to A level exams from summer 2026 onwards (no AS qualifications are currently offered in these languages).

Ofqual will consider all responses to this consultation before reaching a decision. Ofqual's decision will also depend upon the decisions DfE takes following its consultation on its subject content.

Consultation details

Ofqual is seeking views on its proposal to amend an assessment requirement for AS and A level Chinese and Japanese qualifications.

The current requirement limits how many marks can be used for responses in English in all AS and A level modern foreign language (MFL) qualifications^[footnote 1]. It reflects DfE's subject content expectations for students to develop their knowledge and understanding through the language of study. DfE is now consulting on changes to its subject content specifically for AS and A level qualifications in Chinese and Japanese. One of DfE's proposals changes the expectation for how students must demonstrate their comprehension of the studied language. For these 2 languages, DfE proposes that the questions and responses for comprehension (listening and reading) tasks should be in English, rather than in the studied language.

To enable DfE's proposed change to take effect, Ofqual will need to amend its assessment requirement for AS and A level Chinese and Japanese.

Proposed amendment to the assessment requirements

The assessment requirements for AS and A level Chinese are published in Ofqual's [GCE Subject Level Conditions and Requirements for Modern Foreign Languages](#), and for AS and A level Japanese in Ofqual's [GCE Subject Level Conditions and Requirements for Modern Foreign Languages \(listening, reading, writing\)](#). For all MFL qualifications, Ofqual currently requires that 'no more than 10 per cent of the total marks for the qualification may be used for responses in English'.

Ofqual proposes amending this assessment requirement for AS and A levels in Chinese and Japanese to reflect DfE's proposed changes to its subject content for these languages. The proposed amendment would increase the percentage of marks that may be used for responses in English.

Ofqual proposes that up to 40 per cent of the total qualification marks may be used for responses in English. This would reflect DfE's proposal that responses to comprehension (listening and reading) tasks should be in English.

At least 60 per cent of the marks, therefore, would continue to be used for responses in the studied language. This would be consistent with DfE's subject content expectations that students speak, write and engage with aspects of society and culture in the language of study.

Questions

Question 1:

To what extent do you agree or disagree with the proposal to amend the requirement that no more than 10 per cent of the total qualification marks may be used for responses in English for AS and A level Chinese qualifications?

Question 2:

To what extent do you agree or disagree with the proposal that up to 40 per cent of the total qualification marks may be used for responses in English for AS and A level Chinese qualifications?

Question 3:

Do you have any comments about the proposal to amend the percentage of total qualification marks that may be used for responses in English for AS and A level Chinese qualifications?

Question 4:

To what extent do you agree or disagree with the proposal to amend the requirement that no more than 10 per cent of the total qualification marks may be used for responses in English for AS and A level Japanese qualifications?

Question 5:

To what extent do you agree or disagree with the proposal that up to 40 per cent of the total qualification marks may be used for responses in English for AS and A level Japanese qualifications?

Question 6:

Do you have any comments about the proposal to amend the percentage of total qualification marks that may be used for responses in English for AS and A level Japanese qualifications?

Equality impact assessment

As Ofqual is a public body, it must comply with the public sector equality duty in section 149(1) of the Equality Act 2010. Annex B sets out how this duty interacts with its statutory objectives and other duties.

In developing these proposals, Ofqual has considered the likely impact on persons who share particular protected characteristics. It is required to have due regard to the need to:

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

Ofqual has not identified any impacts of its proposal (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.

The proposal is being made to reflect DfE's expectations for these qualifications. There is likely to be a positive impact generally if students can demonstrate their comprehension of the studied language by responding in English, rather than the logographic language.

Questions

Question 7:

Are there any potential equality impacts that Ofqual has not identified? If yes, what are they?

Question 8:

Do you have any suggestions for how any potential negative impacts on particular groups of students could be mitigated?

Regulatory impact assessment

In a regulatory impact assessment, Ofqual considers possible activities resulting from its proposals that might give rise to additional costs and burdens. It also considers any activities that might not take place and that could deliver savings.

Ofqual anticipates that schools and colleges might experience some one-off, direct costs and administrative burdens from this proposal associated with the following activities:

- familiarisation with any updated assessment materials and guidance from exam boards
- training for teaching staff on any updated assessment materials
- reviewing and revising teaching resources to reflect any updated assessment materials

Ofqual expects that exam boards offering these qualifications would experience some one-off, direct costs and administrative burdens associated with the following activities:

- familiarisation with the amended requirement that would be published by Ofqual in revised Subject Level Conditions and Requirements
- revisions to qualification specifications for each language
- development of any updated assessment materials, including sample assessments and mark schemes for each language
- training for examiners on any updated assessments
- development of updated information and training for schools and colleges

We recognise the potential for additional costs and burdens but note that the amendment is necessary to enable DfE's proposed changes to their subject content to take effect.

Questions

Question 9:

Are there any potential costs or burdens that Ofqual has not identified? If yes, what are they?

Question 10:

Are there any steps Ofqual could take to reduce the costs or burdens of the proposal?

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 and 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 will we 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^[footnote 2] 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

Tel: 0303 123 1113

Annex B: Ofqual's role, objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has 5 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:

a) give a reliable indication of achievement, and

b) 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.

1. These requirements were published in April 2016, following public consultation: [GCSE, AS and A level reform: regulations for modern foreign languages](#) ↵
2. Please note that as of 1st January 2021, data protection laws in the UK have changed. The General Data Protection Regulation (EU) 2016/679(GDPR) no longer applies to the UK. However, the UK has incorporated GDPR into domestic law subject to minor technical changes. The Data Protection, Privacy and Electronic Communications (Amendment etc.) EU exit Regulations (DPPEC) came into force in the UK on 1st January 2021. This consolidates and amends the GDPR and UK Data Protection Act 2018 to create the new UK GDPR. ↵

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