

[Home](#) ▸ [Education, training and skills](#) ▸ [School curriculum](#)

▸ [Secondary curriculum, key stage 3 and key stage 4 \(GCSEs\)](#) ▸ [GCSE subject content and requirements](#)

▸ [Rules for GCSE qualifications in British Sign Language](#)



Open consultation

Consultation: Rules for GCSE qualifications in British Sign Language

Published 30 April 2025

Applies to England

[Contents](#)

[Proposals at a glance](#)

[Audience](#)

[Consultation arrangements](#)

[Introduction](#)

[Consultation details](#)

[Annex A: Consultation responses and your data](#)

[Annex B: Ofqual's role, objectives and duties](#)

Proposals at a glance

To see this information in British Sign Language (BSL) format, please [watch our series of videos](#).

Ofqual is consulting on the detailed rules that an exam board would need to follow when designing a GCSE qualification in BSL. This consultation explains and seeks views on a range of requirements that cover:

- the language and accessibility of the assessments
- vocabulary and grammar
- prohibiting access to dictionaries
- the use of stimulus materials

- the assessment objectives (wording and guidance)
- forms of non-exam assessment (the structure, composition and conduct of the non-exam assessments)

It also seeks views on the specific wording of the draft subject level conditions, requirements and guidance.

This is Ofqual's second consultation on arrangements for the assessment of GCSEs in BSL. Interested parties might wish to view the previous consultation, as well as the Department for Education (DfE) consultation and published subject content, to put these proposals in context. These can be viewed here:

- [DfE's consultation on the subject content](#)
- [DfE's published subject content](#)
- [Ofqual's first consultation on the assessment arrangements](#)

Terminology

This consultation refers to the following concepts:

- 'Receptive language skills', which means students' ability to comprehend BSL produced by others
- 'Productive language skills', which means students' ability to produce BSL themselves
- 'Interactive language skills', which means students' ability to interact and have conversations with other signers using BSL (while comprehending and producing BSL)
- 'Technical accuracy when producing BSL', which means students' ability to articulate signs accurately and construct clearly articulated and grammatically correct BSL sentences

Audience

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

- the deaf community
- stakeholder representative organisations or unions
- students, including private candidates, who might be interested in taking the new qualification, and their parents and carers

potential teachers, private tutors and home-educators of the new qualification

- school and college leaders and heads of other types of exam centres
- exams officers
- exam boards and awarding organisations
- those who use qualifications to make selection decisions: higher education institutions and employers

Consultation arrangements

Duration

This consultation will be open for 8 weeks starting on 30 April 2025 and ending on 25 June 2025 at 23:59.

Respond

Please respond to this consultation by using [this online survey](#).

The online survey presents the information and questions in English and BSL. Responses to the online survey must be given onscreen and in writing. Responses can be provided in BSL by sending Ofqual a video (or videos) of your BSL responses to the consultation.

To share your BSL responses or ask for more information on how to do this, please email bslconsultation@ofqual.gov.uk. Please include the consultation title in the subject line of the email and let us know in what capacity you are responding.

Ofqual has engaged with BSL users to inform how this consultation has been presented to make it as accessible as possible for BSL users. If you need support to access the survey, please email bslconsultation@ofqual.gov.uk.

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

Introduction

Subject content

In 2018, the Department for Education (DfE) decided to introduce a GCSE in British Sign Language (BSL). DfE is responsible for setting the curriculum requirements and subject content for all GCSE qualifications, including for new GCSEs in BSL. In December 2023, after [a public consultation](#), DfE published [subject content for GCSEs in British Sign Language \(BSL\)](#).

DfE's subject content is designed for students with no prior knowledge of BSL and provides a foundation of how sign language works. The focus of the subject content is on language learning based on prescribed vocabulary and grammar. Students will be expected to comprehend BSL, produce BSL accurately, interact using BSL, and to demonstrate their knowledge and understanding of the history of BSL.

Assessment arrangements

Ofqual is responsible for how GCSE subject content will be assessed and for ensuring that the assessment arrangements can support valid and reliable results. [Ofqual consulted on the assessment arrangements](#) at the same time as DfE consulted on the subject content. In December 2023, [Ofqual confirmed that GCSEs in BSL](#) will:

- have one set of assessments for all levels of attainment (assessments that are not tiered)
- include assessments by examination to assess students' receptive language skills and their knowledge and understanding of the history of BSL, worth 40% of the total qualification marks
- include non-exam assessment (NEA) to assess students' productive and interactive language skills (including technical accuracy), worth 60% of the total qualification marks
- have assessment objectives that address receptive, productive and interactive language skills, technical accuracy, and knowledge and understanding of the history of BSL

Ofqual's consultation also included [information about the additional expectations for the assessments](#), such as the provision of a vocabulary list and requirements for the NEA. It also explained Ofqual's considerations about the [language of the assessments](#), and options for students who usually use BSL as a reasonable adjustment in formal assessments. The [feedback provided by interested parties](#) has helped us to think about these matters and the detailed rules that may be needed.

This consultation

Since December 2023 Ofqual has carried out detailed work to consider the most appropriate way for DfE's subject content to be assessed. We have worked with deaf and hearing BSL subject matter specialists, including those with experience of teaching deaf and hearing students who are learning BSL and students taking GCSE qualifications. We have worked with awarding organisations that offer existing BSL qualifications and those that offer GCSE qualifications in other subjects. We call the awarding organisations that offer GCSEs "exam boards".

As a result, we are now able to set out proposals for the detailed rules an exam board would need to follow when designing a GCSE qualification in BSL.

In this consultation, Ofqual invites your views on the detailed rules. We will consider all responses to this consultation before making a decision and publish an analysis of the responses alongside the decisions.

About Ofqual's rules

Ofqual sets specific rules that awarding organisations must follow when designing and delivering regulated qualifications. These rules are designed to make sure qualifications are valid, reliable and comparable to other similar regulated qualifications.

All regulated qualifications must follow the [General Conditions of Recognition](#). For some qualifications, there are additional rules. For GCSEs, Ofqual sets "[qualification level conditions](#)" that apply to all GCSEs and "[subject level conditions](#)" that apply to all GCSEs in a particular subject. This consultation sets out the rules that are intended to become the subject level conditions for GCSEs in BSL.

Ofqual's conditions, requirements and guidance

Ofqual's rules are called "conditions" and "requirements" and awarding organisations must follow these. We can take regulatory action against an awarding organisation that does not comply with our conditions and requirements.

Ofqual also publishes "guidance" that helps awarding organisations understand our expectations about how to comply with the conditions and requirements. Awarding organisations must have regard to this guidance, which means they must consider it. If an awarding organisation chooses not to follow the guidance, it must explain to Ofqual what approach it will take instead and how this will comply with the conditions and requirements.

For all GCSE qualifications, exam boards are required to explain their approach to Ofqual in a document called an assessment strategy. This is a confidential, commercially sensitive document that sets out how a GCSE qualification has been

designed to meet all the rules. The assessment strategy plays an important role in our decision-making when GCSE qualifications go through the accreditation process.

Consultation details

This section explains each of Ofqual's proposals for the detailed rules that exam boards will need to follow when designing their qualifications. Relevant consultation questions follow each proposal, which you can access in the [online consultation survey](#).

To see these proposals in BSL format, please [watch our series of videos](#).

In addition, the consultation includes the specific wording that is intended to be set out in Ofqual's subject level conditions, requirements and guidance for GCSEs in BSL. These are regulatory documents that place a legal obligation on exam boards. As such, the specific wording has not been translated into BSL. It is likely to be of most interest to the exam boards, although anyone can offer feedback if they wish.

Language and accessibility of assessments

Ofqual proposes setting requirements and guidance about the language and accessibility of the assessments for GCSEs in BSL. This relates to how the assessments should be designed so that they are suitable for new learners and as accessible as possible for students who use BSL as their first or primary language.

A summary of the challenges for the language of the assessments

In our last consultation, we explained some of the challenges for the [language of the assessments](#) for this new qualification (also [available in BSL here](#)).

GCSE qualifications in England are assessed in the English language. This means, for example, that exam questions and students' responses will be in written English. For qualifications that assess students' understanding of a different language, such as French, some parts of questions and students' responses will be in the assessed language. When the assessed language is used in questions and responses, it should only include vocabulary and grammar that students would be expected to know and understand having studied for the qualification.

DfE's subject content for GCSEs in BSL is designed for students with no prior knowledge of BSL and is intended to provide "a foundation of how sign language works". These students can only be expected to know and understand the vocabulary and grammar set out in the exam board's specification. This means there would only be a limited amount of BSL vocabulary that exam boards could

use in exam questions, otherwise the assessments will not be accessible to new learners.

DfE and Ofqual also recognise that students who use BSL as their first or primary language may wish to take a GCSE in BSL, and we want it to be as accessible as possible for these students. Students who use BSL as their first or primary language are likely to have mixed abilities in the use of the English language. Some BSL users might have weak reading and writing skills, and some might use a mixture of English and sign language when communicating. In addition, some of these students might normally use BSL as a reasonable adjustment for some of their formal assessments in other subjects.

While BSL is used as a reasonable adjustment for some exams and assessments, it cannot be used for assessments that test students' knowledge, skills and understanding of a particular language. This is because it could potentially change or undermine the assessments. It could also affect the comparability of the assessments by giving individuals or groups of students an advantage or disadvantage over others. This means that the use of BSL as a reasonable adjustment will not be permitted for the parts of the GCSE qualification that will include assessment of students' language skills in BSL.

Proposals for GCSEs in BSL

In our previous consultation, we explained that Ofqual was considering an approach where the exams could be offered in both English and BSL. We have considered all the feedback provided in response to that consultation. Ofqual published a [summary of that feedback](#), which is [available in BSL here](#). We have also worked with subject specialists and awarding organisations to consider the detailed arrangements, and the proposals are explained below.

Assessment of students' receptive, productive and interactive skills

Ofqual proposes requiring exam boards to produce a single set of assessments that will be taken by all students. These assessments should be designed for new learners of the language, and should be made as accessible as possible for students who would usually use BSL as a reasonable adjustment. Ofqual proposes guidance explaining that questions and instructions given in English should be accompanied by subtitled BSL videos. The assessments should make use of simple English and language-neutral features. For example, using selected response questions where the response options could include images or videos. Some questions may be in English-only or BSL-only, and some questions may require answers in English, but these should be minimised and used only where necessary for the validity of the assessment. If any questions require students to respond in English, students will be rewarded for demonstrating their understanding of BSL, and not for the quality of their English.

Ofqual proposes that these arrangements should apply to all parts of the assessments that test students' receptive, productive and interactive skills. This means it would apply to the exams testing students' understanding of BSL, as well as to task details and instructions for the NEA.

Assessment of students' knowledge and understanding of the history of BSL

The proposed arrangements for the language and accessibility of the assessments

will also apply to questions on the history of BSL if these are included in the same exam as the receptive skills.

If an exam board decides to assess students' knowledge and understanding of the history of BSL in a separate exam, Ofqual will expect the exam board to consider the best way to make the assessments accessible. This could be the same approach as above or a different approach depending on the specific content that will be assessed and the types of questions that will be needed.

For example, an exam board might decide that the best way to assess students' understanding of the history of BSL is with open response questions where students respond entirely in written English. In this case, the use of BSL as a reasonable adjustment might be appropriate if this will not change what is being assessed or advantage or disadvantage one group of students over another.

In this part of the qualification students will be rewarded for demonstrating their knowledge and understanding of the history of BSL. Students will not be rewarded for the quality of their written English or, if using a reasonable adjustment, the quality of their BSL.

Ofqual will expect exam boards to explain their approach to making the assessments accessible in their assessment strategies.

The detailed proposals are as follows:

Proposed requirements for language and accessibility of assessments

For the exams and non-exam assessments that test students' receptive, productive and interactive use of BSL (AO1, AO2 and AO3), the exam board must:

- produce a single set of assessments that are designed for new learners who have no prior knowledge of BSL
- take all reasonable steps to make those assessments as accessible as possible for students who usually use BSL as a reasonable adjustment and make sure they are not advantaged or disadvantaged compared with other students

This requirement will also apply if students' knowledge and understanding of the history of BSL (AO4) is tested in the same exam as their receptive skills (AO1).

The exam board must explain and justify its approach to making the assessments accessible in its assessment strategy.

For the exams, the exam board must:

- only test students' receptive skills (AO1), including their knowledge of the prescribed vocabulary and grammar, and students' knowledge and

understanding of the history of BSL (AO4)

- not test or reward students' own use or quality of English or BSL (if applicable)

Proposed guidance for language and accessibility of assessments

When designing the exams and non-exam assessments, an exam board will be expected to:

- give questions and instructions in English or in a language-neutral form, such as images or videos, unless using BSL in the questions or instructions is intended to test students' understanding of BSL
- make sure that any BSL used in questions or instructions to test students' understanding of BSL does not exceed the level of demand expected for the GCSE – it should only use BSL that students would be expected to know and understand based on the specification content

To meet the requirement that the assessments be designed for new learners with no prior knowledge of BSL and be as accessible as possible for students who already use BSL, an exam board will be expected to:

- give questions, tasks and instructions in both English and in subtitled BSL videos, as long as this will not undermine what is being tested
- consider giving the meaning of a sign to BSL users via fingerspelling if use of the particular sign in a question, task or instruction would undermine what is being tested
- limit the use of English-only or BSL-only questions, tasks or instructions to only where this is necessary to test students' understanding of BSL (or the history of BSL)
- make use of selected response items (including those with visual response options)
- minimise the use of open response questions where answers must be given in written English
- consider giving visual stimulus materials that students may refer to if needed to avoid the need to describe signs in writing

For any exams and non-exam assessments that test students' receptive, productive and interactive use of BSL (AO1, AO2 and AO3), an exam board will be expected not to allow the use of BSL or Sign Supported English (SSE) as a reasonable adjustment.

For an exam that only tests students' knowledge and understanding of the history of BSL (AO4), an exam board may allow the use of BSL or Sign Supported English (SSE) as a reasonable adjustment if that student:

- can demonstrate their knowledge, skills and understanding directly

- will not be advantaged or disadvantaged compared with other students who do not have the same reasonable adjustment

Question 1

Proposal: Ofqual proposes requirements and guidance about the language and accessibility of assessments.

Question: To what extent do you agree or disagree? [Strongly agree, agree, neither agree nor disagree, disagree, strongly disagree]

Question 2

Do you have any comments on the proposed requirements and guidance about the language and accessibility of assessments?

Vocabulary and grammar

Ofqual proposes setting requirements and guidance about the vocabulary and grammar in the qualification. This relates to how an exam board makes clear what students must learn, and to the information an exam board would be expected to provide to Ofqual.

Vocabulary list

DfE's subject content sets out the size and range of vocabulary that must be included in specifications. Ofqual proposes requiring exam boards to publish a vocabulary list in their specifications that makes clear which signs students will need to learn. We will expect the vocabulary list to include or be accompanied by an illustration of each sign. This is likely to require the use of a digital collection of videos and images.

Regional variations

BSL includes regional variations where there can be several different signs for some words, particularly for some categories of words such as colours and numbers. This presents some challenges for the design of the GCSE qualifications and assessments, which should be identical for students in every part of the country.

Depending on which regional variations are used in an assessment, students could be disadvantaged if they have learnt the expected vocabulary using different regional variations. This disadvantage could affect students in different ways depending on the sign-vocabulary used in individual centres. To address this, we propose requiring exam boards to identify in their vocabulary lists any regional variations they intend to use for each of the signs in their assessment materials.

This will mean that students can learn the intended signs and prepare for their assessments in confidence.

Exam boards will need to make sure that their assessment materials use the regional variations on their vocabulary lists. If exam boards use a single regional variation per sign, this could limit the use of existing resources and authentic sources. However, including multiple regional variations for each sign would significantly increase the amount of vocabulary that students need to learn. Ofqual proposes allowing exam boards to choose whether to identify one or more regional variation for each item of vocabulary.

This approach is intended to provide certainty for students about the signs they can expect to see in exam boards' specifications and assessment materials. However, it could mean that some students will learn regional variations of signs that are different to those used in their local communities. To balance this, Ofqual proposes that exam boards must allow students to use their own regional variations in NEA tasks where they are demonstrating their ability to communicate in BSL. This will allow centres flexibility to incorporate their local lexical variations into the language learning should they wish.

These proposals are consistent with DfE's subject content, which expects students to be aware of regional variations and allows students to use them in productive and interactive tasks.

Ofqual will expect exam boards to explain their approach to setting their vocabulary and grammar requirements in their assessment strategies.

The detailed proposals are as follows:

Proposed requirements for vocabulary and grammar

The exam board must publish a vocabulary list as part of its specification for the qualification. The exam board must:

- set out the signs that students will be expected to know and understand
- show each sign using 3D or video images where appropriate
- include the regional variation(s) for each sign-meaning that the exam board intends to use in their assessment materials

The exam board must take all reasonable steps to make sure that:

- the use of regional variations in the assessments will not advantage or disadvantage one group of students compared with another
- students will be appropriately rewarded for the correct use of a different regional variation in their responses to non-exam assessment tasks, even if that variation does not appear on the exam board's vocabulary list

The exam board must explain its approach to the vocabulary and grammar requirements in its assessment strategy. This must include the approach to:

- putting together the vocabulary list
- making sure there is appropriate coverage of the vocabulary and grammar requirements in the assessments
- regional variations in the non-exam assessment, including how the exam board will verify that the use of a different variation is correct and can be credited
- assessing students' ability to infer plausible meanings of single signs
- making sure there is only limited use of unfamiliar vocabulary in the assessments, where this is not required for the assessment
- giving the meanings of unfamiliar vocabulary in assessments

Proposed guidance for vocabulary and grammar

Where students are tested on their ability to infer plausible meanings of single signs, the exam board should make the supporting context clear in the question or instructions for the task.

Question 3

Proposal: Ofqual proposes requirements and guidance about the vocabulary and grammar in the qualification.

Question: To what extent do you agree or disagree? [Strongly agree, agree, neither agree nor disagree, disagree, strongly disagree]

Question 4

Do you have any comments on the proposed requirements and guidance about vocabulary and grammar in the qualification?

Access to dictionaries

Ofqual proposes setting a condition that says students must not have access to dictionaries during assessments.

This condition is also used in GCSE modern foreign language (MFL) qualifications. While BSL is not a foreign language, the primary focus of the qualification is language learning. Access to a dictionary during assessments that test students' understanding of and ability to use the prescribed vocabulary and grammar could undermine the validity of the assessments.

There are additional practical challenges to consider for GCSEs in BSL. There is currently no standard dictionary for BSL. While there are several online resources that include libraries of videos, these are not yet sufficiently comprehensive or standardised. Permitting the use of such resources would not ensure a fair and comparable assessment experience for all students.

The proposals for the language and accessibility of the assessments are also likely to increase the amount of information given to students in the assessments. Permitting students access to additional resources in the assessments, such as dictionaries, risks over-burdening and distracting students. Instead, Ofqual proposes setting guidance that tells exam boards they can give the meaning of unfamiliar vocabulary in the assessments, if they consider this necessary.

The detailed proposals are as follows:

Proposed condition prohibiting access to dictionaries

The exam board must take reasonable steps to ensure that students do not have access to a dictionary when taking exams and assessments or during any formal preparation time for the non-exam assessment.

Proposed guidance about prohibiting access to dictionaries

An exam board may give the meaning of any unfamiliar vocabulary used in the assessments.

Question 5

Proposal: Ofqual proposes prohibiting access to dictionaries in the assessments.

Question: To what extent do you agree or disagree? [Strongly agree, agree, neither agree nor disagree, disagree, strongly disagree]

Question 6

Do you have any comments on the proposal to prohibit access to dictionaries in the assessments?

Use of stimulus materials

Ofqual proposes setting requirements about the use of stimulus materials in the

assessments.

We will expect exam boards to produce recorded BSL stimulus materials that will be used in the exams to test students' understanding of BSL. We will also expect exam boards to produce any additional BSL materials that are used to communicate questions or instructions in the exams or task instructions for the NEA. This is to ensure that all materials are standardised and comparable for all students taking the qualification.

Ofqual also proposes requiring exam boards to explain their approach to the use of stimulus materials in their assessment strategies. We will expect this to consider how students will be able to use the recorded BSL stimulus materials in the assessments. BSL is a visual spatial language. Students will need time to watch the recorded BSL followed by time to view and respond to the individual exam tasks. It will not be possible for students to do both simultaneously. In addition, the proposals about the language and accessibility of the assessments mean that students are likely to be presented with more information than is typical for other GCSE assessments. This could be challenging and we expect students will need to be able to work through the assessments flexibly, taking time to pause or replay certain recordings.

Exam boards will also be expected to explain their approach to the content and duration of the recorded BSL stimulus materials. In GCSE MFL qualifications, Ofqual sets requirements about the typical number of words or typical duration of recorded comprehension extracts. We do not propose to put in place an equivalent requirement for individual extracts in GCSE BSL. This is because there is no direct translation between individual English words and BSL signs, or any meaningful basis to specify a particular number of signs or duration that would be suitable for all topics. We will expect exam boards to consider what is appropriate for individual extracts and the assessments overall to test the vocabulary and grammar set out in DfE's subject content.

The detailed proposals are as follows:

Proposed requirements about the use of stimulus materials

The exam board must produce stimulus materials for the exams and, where necessary, the non-exam assessments. The stimulus materials:

- must include recorded BSL that will be used to test students' understanding of BSL
- may also be in other formats, as appropriate to the assessment

The exam board must explain its approach to the use of stimulus materials in its assessment strategy. This must include the approach to:

- testing students' understanding of recorded BSL stimulus materials
- making sure the stimulus materials will support valid and accessible assessments

making sure that students have enough time in the assessments to watch the recorded stimulus materials, as well as to consider and respond to each question or task

- the number of extracts that will typically be used in a single assessment
- the duration of the extracts and how much of the vocabulary and grammar each extract would typically assess
- the number of marks available in relation to the size and content of each extract
- making sure the quality, pace and context of BSL used in each extract is appropriate for the qualification
- the use of the productive lexicon in the stimulus materials

Question 7

Proposal: Ofqual proposes requirements about the use of stimulus materials in assessments.

Question: To what extent do you agree or disagree? [Strongly agree, agree, neither agree nor disagree, disagree, strongly disagree]

Question 8

Do you have any comments about the proposed requirements for the use of stimulus materials?

Assessment objectives

The [assessment objectives were published](#) following Ofqual’s previous consultation in December 2023. Ofqual will set out the assessment objectives and the percentage of the total qualification marks that must be used for each in a requirement, and support this with guidance. This is the same approach taken for all GCSE qualifications.

The assessment objectives were confirmed as follows:

Objective	Description	Weighting
AO1	Demonstrate understanding of recorded and interactive BSL	35%
AO2	Produce BSL as rehearsed and unrehearsed language	30%

AO3	Articulate signs with accurate use of lexicon and grammar, and with appropriate use of placement and interaction strategies	20%
AO4	Demonstrate knowledge and understanding of the history of BSL	15%

Assessment objective 3

Ofqual proposes making a small amendment to the wording of assessment objective 3 (AO3).

AO3 addresses DfE’s subject content requirement for technical accuracy in students’ productive and interactive use of BSL. The wording of AO3 currently states “Articulate signs with accurate use of lexicon and grammar, and with appropriate use of placement and interaction strategies”. The reference to the “use of placement” reflects the practice in BSL where signers establish a place within the physical signing space around them to represent particular objects, people, buildings and places. This allows signers to refer to those things during a conversation with hand and/or eye movement associated with that location.

Placement is an important grammatical feature of the language that is reflected in the detailed grammar requirements of DfE’s subject content. The wording in DfE’s subject content is slightly different, however, referring to “features of location, handshape, movement and orientation”. Ofqual does not wish to cause any confusion by using different terminology. We also do not wish to suggest a particular emphasis must be placed on placement by including this grammatical feature, but not other features, in the wording of the assessment objective.

Ofqual proposes to simplify the wording of AO3 so that it states, “Articulate signs with accurate use of lexicon and grammar, and with appropriate use of interaction strategies”. We propose to explain in the assessment objective guidance that expectations about the accurate use of grammar refer to all the detailed grammar requirements set out in DfE’s subject content.

The proposal is as follows:

Proposed amendment to the wording of AO3

To remove the reference to “placement” in the wording of AO3. For AO3 to state:

- Articulate signs with accurate use of lexicon and grammar, and with appropriate use of interaction strategies

Question 9

Proposal: Ofqual proposes making a small amendment to the wording of AO3.

Question: To what extent do you agree or disagree? [Strongly agree, agree, neither agree nor disagree, disagree, strongly disagree]

Question 10

Do you have any comments about the proposal to amend the wording for AO3?

Assessment objective guidance

Ofqual will publish guidance to explain how we expect exam boards to interpret the assessment objectives. It explains how assessment objectives may be split up into elements and how these may be used individually or in combination for questions and tasks. It also explains the key emphasis for each assessment objective and any particular meaning of any key terms and phrases used.

The detailed proposals for the guidance are as follows:

Proposed guidance on AO1 Demonstrate understanding of recorded and interactive BSL: 35%

Where AO1 marks are allocated, tasks will assess students' understanding of the prescribed BSL vocabulary and grammar, covering all of the DfE content requirements over time. Exam boards will be expected to explain their approach to sampling the vocabulary and grammar in their assessment strategies.

Where AO1 marks are allocated, there is to be no reward for the use or quality of students' English in responses.

AO1 will have 2 elements.

Element 1a (AO1 1a) is "Demonstrate understanding of recorded BSL".

- Element 1a is worth 25% of the total qualification marks and will be used in the assessments by exam.
- The emphasis for element 1a is on students' understanding of BSL in response to recorded stimulus materials produced by the exam board.

Element 1b (AO1 1b) is "Demonstrate understanding of interactive BSL".

- Element 1b is worth 10% of the total qualification marks and will be used in the non-exam assessment.
- The emphasis for element 1b is on students' understanding of BSL during interactive tasks.

Proposed guidance on AO2 Produce BSL as rehearsed and unrehearsed language: 30%

The emphasis in AO2 is on the ability to communicate effectively in BSL, where the assessment focuses on the clarity and coherence of the whole BSL ‘signed sentence’ and ‘signed text’ delivered by the student. (‘Text’ is defined in DfE’s subject content, Annex A, paragraph 9.)

AO2 addresses the expectation for students to create short, clear, coherent and meaningful BSL sentences that support effective communication that is capable of being understood by a proficient BSL signer (as required by DfE’s subject content).

The focus in AO2 is on the overall, whole message, rather than being a granular consideration of accuracy and articulation, which is addressed by AO3. It is expected that AO2 would be assessed in combination with AO3, as appropriate.

AO2 will have 2 elements, which will both be used in the non-exam assessment.

Element 1a (AO2 1a) is “Produce BSL as rehearsed language”.

- Element 1a is worth 10% of the total qualification marks.
- The emphasis for element 1a is on students’ ability to produce the assessed language in rehearsed tasks, where there is a greater expectation for fluency and cohesion.

Element 1b (AO2 1b) is “Produce BSL as unrehearsed language”.

- Element 1b is worth 20% of the total qualification marks.
- The emphasis for element 1b is on students’ ability to produce the assessed language during interactive tasks, where BSL utterances are meaningful and cohesive, but fluency may not be as developed as in rehearsed BSL.

Proposed guidance on AO3 Articulate signs with accurate use of lexicon and grammar, and with appropriate use of interaction strategies: 20%

AO3 addresses expectations in relation to knowledge and accurate application of vocabulary and grammar, as set out in DfE’s subject content, including the requirements in Annex B. This includes DfE’s expectation that:

“Students will be expected to demonstrate accuracy of articulation of signs and fingerspelling in relation to features of location, handshape, movement and orientation, and understand how the forms of signs may be related to sign meaning.”

The emphasis in AO3 is on the technical accuracy of students' use of the assessed language, rather than the ability to communicate, which is addressed by AO2. AO3 must be assessed in combination with AO2 for productive and interactive tasks, as appropriate to the task.

Marks for the appropriate use of interaction strategies will not be expected in any production-only tasks.

Proposed guidance on AO4 Demonstrate knowledge and understanding of the history of BSL: 15%

AO4 will have 2 elements, which will both be used in the assessments by examination. Element 1a (AO4 1a) is "Demonstrate knowledge of the history of BSL".

- The emphasis for element 1a is on students' knowledge of the history of BSL.
- It is expected that no more than 5% of the total qualification marks should be rewarded for questions or tasks assessing element 1a (demonstrating knowledge) in isolation.

Element 1b (AO4 1b) is "Demonstrate understanding of the history of BSL".

- The emphasis for element 1b is on students' understanding of the history of BSL.
- Where marks are allocated for element 1b, questions or tasks should assess students on the basis that they have had substantial and meaningful engagement with the specification content.
- It is expected that elements 1a and 1b may be targeted together, although there should be a greater emphasis on marks for element 1b.

Where AO4 marks are allocated, there is to be no reward for the use or quality of students' English (or BSL) in responses.

Question 11

Proposal: Ofqual proposes guidance for each of the assessment objectives.

Question: To what extent do you agree or disagree? [Strongly agree, agree, neither agree nor disagree, disagree, strongly disagree]

Question 12

Do you have any comments about the proposed guidance for the assessment

objectives?

The overall structure of the qualification

The [qualification structure was published](#) following Ofqual's previous consultation in December 2023. As with all GCSE qualifications, the structure will be set out in a condition.

The condition will confirm that the qualification will be structured as follows:

- assessments by examination – worth 40% of the total qualification marks
- non-exam assessment – worth 60% of the total qualification marks

Forms of non-exam assessment

Ofqual proposes setting additional requirements about the structure, composition and conduct of the non-exam assessment (NEA).

NEA is worth 60% of the total qualification marks and assesses students' receptive, productive and interactive skills in BSL. The NEA tasks will need to address all the relevant parts of DfE's subject content. The NEA will also need enough marks overall to support effective differentiation of student performance across the full 9 to 1 grade range.

Ofqual proposes that the NEA should be separated into 2 parts so that it is more manageable for students, centres and exam boards. The detailed proposals for each of the components are intended to minimise the burden on students while making sure the assessments are robust and will support valid and reliable results.

NEA part 1 – the BSL Portfolio

Ofqual proposes that the first part of the NEA should be a smaller component worth 20% of the total qualification marks. We have called this the "BSL Portfolio".

This component will include 2 tasks that involve telling a story and having a conversation in BSL. These tasks can be completed on the same or separate occasions. There will be a guided duration of 5 to 10 minutes in total. This is similar to the common expectations exam boards set for the spoken language assessment in GCSE English language, where students prepare a presentation and respond to questions and answers.

We propose that the "BSL Portfolio" should be delivered by centres during the latter part of the course. This will allow the assessment to be carried out in a reasonably flexible and informal way that will support students to show what they can do. Students will have time to prepare and rehearse. We consider it important

to allow students sufficient preparation time to meet DfE's subject content requirement to tell a story in BSL. We expect that students will also wish to rehearse their conversations in BSL.

While we wish students to have time to prepare, this should not be at the expense of time spent learning. There is also a risk that over-rehearsing could undermine how well an assessment can genuinely test students' comprehension and interaction skills. For this reason, we propose that the assessment should focus on students' ability to produce rehearsed BSL and their technical accuracy. We also propose that the exact details of the tasks will be set out by the exam board in a brief that is released in the autumn term of the final year of study.

NEA part 2 – the Interactive Assessment

Ofqual proposes that the second part of the NEA will be worth 40% of the total qualification marks. We have called this the "Interactive Assessment".

This component will take a similar approach to the assessment of speaking skills in GCSE MFL qualifications. It will include 3 or more tasks set by the exam board and provided to students on the day of the assessment.

Ofqual will expect exam boards to design tasks that enable students to demonstrate their ability to interact in BSL and to understand and be understood by a proficient BSL signer. These tasks should be designed to take between 12 and 14 minutes in total to complete, which is based on the amount of time a typical new learner is likely to need to demonstrate what they can do. This is slightly longer than the time expected for GCSE MFL speaking assessments because new learners of BSL might need additional time to communicate in sign. We have not proposed longer to avoid increasing any potential assessment burden for students. We also recognise that some students might not need this amount of time if they are able to sign more quickly or if they are not able to sustain a signed interaction for this long. The purpose in setting this expectation is to establish a common duration across different exam boards for how the tasks are designed.

We propose that the "Interactive Assessment" should be delivered by centres during a formal assessment period in April and May that will be scheduled by the exam board. The assessment is likely to have a duration of approximately 30 minutes in total. This will include formal preparation time of 12 to 15 minutes for students to view the task instructions and stimulus materials, and a maximum of 14 minutes in the assessment.

Conducting the NEA

Ofqual proposes that both parts of the NEA should be delivered by centres by teachers of the qualification. This is to reduce any potential anxiety for students caused by interacting with an unknown assessor. We do not expect it to be overly burdensome or challenging for centres to deliver the "BSL Portfolio" due to the flexibility of the arrangements. For the "Interactive Assessment", which is more formal and structured, we recognise this might be more challenging, particularly for centres that might not have experience delivering similar GCSE MFL assessments. For this reason, we propose that centres have the option to ask for an external assessor from the exam board if they think this will be in the best interests of their students.

Centres will be expected to provide exam boards with recorded evidence of each assessment for all students. Recordings must be audio-visual so that they include any sound and allow a clear view of the face, hands and signing space for both signers (student and teacher or assessor).

Marking the NEA

Ofqual proposes that the NEA should be marked by exam boards using the recorded evidence provide by centres. This recognises that the GCSE in BSL is an entirely new qualification, so it will take time for experienced and qualified teachers to become familiar with the expected standards. While the burden for exam boards will be increased, it will provide them with greater control to manage any risks to the assessment standards. This is the approach taken in some other GCSE qualifications, such as GCSE MFL, where Ofqual considers it necessary for exam boards to mark NEA to support the validity and reliability of those assessments.

The detailed proposals are as follows:

Proposed requirements about the non-exam assessment

There must be 2 non-exam assessment (NEA) components that meet the DfE subject content requirements for students to produce and interact in BSL. The 2 components must be as follows:

- a “BSL Portfolio” worth 20% of the total qualification marks
- an “Interactive Assessment” worth 40% of the total qualification marks

The exam board must design and set the assessments for the 2 components to meet all of the requirements set out for each below.

Proposed requirements about the BSL Portfolio

The BSL Portfolio must be worth 20% of the total qualification marks and test:

- students’ ability to produce BSL as rehearsed language (AO2a), worth 10% of the total qualification marks
- students’ technical accuracy when producing and interacting in BSL (AO3), worth 10% of the total qualification marks

Each student must be required to respond to a brief set by the exam board. The brief must:

- be released on or after 1 November in the final academic year of the qualification (the year students take their exams)
- allow the student to demonstrate that their productive and interactive use of BSL can be understood by a proficient BSL signer
-

require the student to carry out 2 tasks using BSL that will consist of a story with follow-up questions and a separate conversation

- allow the student to choose whether to tell the story in response to stimulus or prompts provided by the exam board or on a topic of their own choice (providing this meets the requirements set out by the exam board)
- provide prompts and/or stimulus materials to structure the conversation

There will be a guided duration of 5 to 10 minutes for the entire BSL Portfolio, as follows:

- there should be no formal minimum duration, but exam boards may state that work lasting less than 5 minutes might not provide enough evidence of a student's ability to meet all of the marking criteria
- exam boards may set a maximum duration of no less than 10 minutes to prevent overly long assessments and assessment evidence

The BSL Portfolio will be delivered by centres and marked by the exam board, as follows:

- the assessment will be conducted in centres by teachers of the qualification under conditions set out by the exam board
- centres must provide a complete and unedited audio-visual recording of each task to the exam board – this may be a single recording of the full BSL Portfolio or a recording of the story and follow-up questions and a separate recording of the conversation
- the exam board must provide the centre with instructions about the audio-visual recording – this must include requiring the recording to capture any sound and to make sure the face, hands and signing space for both signers (student and teacher) are clear and unobstructed
- the assessment evidence will be marked by the exam board or a person working for the exam board

Proposed requirements about the Interactive Assessment

The Interactive Assessment must be worth 40% of the total qualification marks and test:

- students' ability to understand interactive BSL (AO1b), worth 10% of the total qualification marks
- students' ability to produce BSL as unrehearsed language (AO2a), worth 20% of the total qualification marks
- students' technical accuracy when producing and interacting in BSL (AO3), worth 10% of the total qualification marks

Each student must be required to carry out at least 3 tasks set by the exam board that:

- allow the student to demonstrate that their productive and interactive use of BSL can be understood by a proficient BSL signer
- allow the student to respond to prompts and stimulus set by the exam board for at least one of the tasks
- may include role plays, semi-structured conversations, responses to visual stimulus materials and/or other tasks designed by the exam board
- are designed to have a total duration of 12 to 14 minutes (where this reflects the time needed for a typical new learner to demonstrate their attainment)

The duration and timing of the assessment will require that each student:

- must have the same amount of formal preparation time immediately before the assessment, which must be between 12 and 15 minutes
- is expected to spend no more than 14 minutes in the assessment
- will be rewarded for the work they have produced based on the marking criteria, including where that work is completed in less than 12 minutes (there is no minimum duration for students)
- must complete the assessment within a 5-week period in the months of April and May in the final academic year of the qualification (the year students take their exams)

The Interactive Assessment will be delivered by centres and marked by the exam board, as follows:

- the assessment will be conducted in centres by teachers of the qualification under conditions set out by the exam board, unless the centre requests the use of an external assessor
- if the centre requests an external assessor, this will be an individual working for or on behalf of the exam board who will conduct the assessment either in the centre or remotely by video
- centres must provide a complete and unedited audio-visual recording of each task to the exam board
- the exam board must provide the centre with instructions about the audio-visual recording – this must include requiring the recording to capture any sound and to make sure the face, hands and signing space for both signers (student and teacher or assessor) are clear and unobstructed
- the assessment evidence will be marked by the exam board or a person working for the exam board

Question 13

Proposal: Ofqual proposes requiring that there are 2 NEA components.

Question: To what extent do you agree or disagree? [Strongly agree, agree, neither agree nor disagree, disagree, strongly disagree]

Question 14

Proposal: Ofqual proposes detailed requirements about the “BSL Portfolio”.

Question: To what extent do you agree or disagree? [Strongly agree, agree, neither agree nor disagree, disagree, strongly disagree]

Question 15

Proposal: Ofqual proposes detailed requirements about the “Interactive Assessment”.

Question: To what extent do you agree or disagree? [Strongly agree, agree, neither agree nor disagree, disagree, strongly disagree]

Question 16

Do you have any comments about the proposals for the NEA requirements?

Compliance with the subject content and assessment requirements

In addition to the proposals above, Ofqual includes some standard conditions and requirements that are consistent for all GCSE subjects.

For all GCSEs, Ofqual sets subject level conditions that require exam boards to comply with DfE’s published subject content. For all GCSEs, Ofqual also sets subject level conditions that require exam boards to comply with requirements, and have regard to guidance, about the assessments, including the assessment objectives. The wording of these conditions can be seen in the [draft subject level conditions and requirements](#) and [draft subject level guidance](#).

Subject level conditions, requirements and guidance

We have explained above the purposes and content of the conditions, requirements and guidance we are proposing to set, and we welcome comments

on these in the questions we have asked so far.

This section seeks views on the specific wording that is intended to be set out in Ofqual's subject level conditions, requirements and guidance for GCSEs in BSL. We expect this section to primarily be of interest to the exam boards who will need to use these documents to develop qualifications.

The wording can be viewed on Ofqual's website.

Proposed subject level conditions

Condition 1 – Compliance with content requirements

This condition requires qualifications to comply with the DfE's subject content requirements and Ofqual's assessment objectives. The wording is consistent with the equivalent condition in other GCSE qualifications.

Condition 2 – Assessment

This condition requires awarding organisations to comply with our requirements and have regard to our guidance on assessments. It includes the balance of marks that must be available for assessments by examination and non-exam assessments. The wording is consistent with the equivalent condition in other GCSE qualifications with non-exam assessments.

Condition 3 – Access to dictionaries

This condition prevents awarding organisations from allowing access to dictionaries during assessments. The wording is consistent with the equivalent condition in GCSE modern foreign language (MFL) qualifications.

The wording of the proposed subject level conditions [can be viewed on Ofqual's website](#).

Question 17

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

Proposed subject level requirements

Requirements for the assessment objectives

This requirement sets out the assessment objectives and their weightings. The wording is consistent with the equivalent requirements in all other GCSE qualifications, except for the subject-specific assessment objectives.

Requirements in relation to assessments for GCSE qualifications in British Sign Language

Language and accessibility of assessments

This requirement sets out the expectations about how awarding organisations

must approach the language and accessibility of their assessments.

Vocabulary and grammar

This requirement sets out the expectations about how awarding organisations must approach the vocabulary and grammar in their specification and assessments.

Use of stimulus materials

This requirement sets out the expectations for awarding organisations to produce stimulus materials for their assessments.

Forms of the non-examination assessment

This requirement sets out the structure of the non-exam assessment.

The BSL Portfolio

This requirement sets out the detailed expectations for the design and conduct of the BSL portfolio.

The Interactive Assessment

This requirement sets out the detailed expectations for the design and conduct of the Interactive Assessment.

The wording of the proposed subject level requirements [can be viewed on Ofqual's website](#).

Question 18

Do you have any comments on the wording of the proposed subject level requirements?

Proposed subject level guidance

Guidance in relation to assessments for GCSE qualifications in British Sign Language

Access to dictionaries

This guidance allows exam boards to give the meanings of unfamiliar words in the assessments, if necessary.

Language and accessibility of assessments

This guidance explains the expectations for how awarding organisations should address the requirements for the language and accessibility of their assessments.

Vocabulary and grammar

This guidance explains the expectation that awarding organisations provide supporting context in questions or task instructions that test students' ability to infer plausible meanings of single signs.

Guidance on assessment objectives for GCSE qualifications in British Sign Language

This guidance explains the expectations for how awarding organisations should interpret and use the assessment objectives. In addition to the subject-specific details it includes standard wording that is consistent for all GCSE qualifications.

The wording of the proposed subject level guidance [can be viewed on Ofqual's website](#).

Question 19

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

Equality impact assessment

About the 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. Annex B sets out how this duty interacts with our statutory objectives and other duties.

In developing these proposals, Ofqual has considered the likely impact on persons who share particular protected characteristics. Ofqual 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

Equality impacts for GCSE BSL assessment arrangements

Ofqual has set out proposals for the detailed rules that an exam board would need to follow when designing a GCSE qualification in BSL. These proposals reflect the expectations of DfE's subject content and Ofqual's previous consultation on the high-level assessment arrangements. DfE and Ofqual separately consulted on these and published equality impact assessments.

In making proposals for the detailed rules, Ofqual has continued to prioritise considerations of quality and fairness for students. The proposals seek to establish rules that will secure valid, well-designed assessments that will not advantage or disadvantage one group of students over another. This includes setting explicit

requirements about the accessibility of the assessments.

Ofqual's aim is for GCSEs in BSL to be appropriate for new learners engaging with the language for the first time. We also want to make sure the qualification is as accessible as possible for existing BSL users. The proposals are based on accessibility needs for students who would usually use BSL as a reasonable adjustment because of a disability. This is a specific arrangement proposed for GCSEs in BSL. While native or heritage speakers of modern foreign languages may take a GCSE in their own language, there are no adaptations to change the language of assessment to the student's own language.

As explained in Ofqual's previous consultation, there are sometimes required skills that some students might not have, for example, because of a disability. BSL is a visual-spatial language and, as such, there are some students who might not be able to engage with the required skills. DfE's subject content for this qualification is unlikely to be suitable for a student who is blind or who does not have sufficient manual dexterity to produce signs. Ofqual has not identified any adjustments that could be made for such students that would still enable them to demonstrate the knowledge, skills and understanding required for the qualification. This is because the qualification must remain a reliable indication of what each student can do in relation to the specific expectations of the subject content.

Ofqual has not identified any impacts (positive or negative) of its proposals on persons who share the protected characteristics of age, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Question 20

Are there any potential equality impacts that Ofqual has not identified? [Yes or no]

Question 21

If yes, what are they?

Question 22

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

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, where relevant, any activities that might not take place and that could deliver savings.

Impact on schools and colleges

Ofqual anticipates that schools, colleges and other exam centres wishing to offer the qualification might experience some one-off and ongoing direct costs and administrative burdens associated with the following activities:

- familiarisation with the new qualification, assessment materials and guidance from exam boards
- training for teaching staff on the new qualification and assessment materials
- developing teaching resources to support the delivery of the qualification to students
- ensuring there are sufficient resources to display recorded BSL materials during assessments, and to facilitate and record NEA assessments

Impact on exam boards

Ofqual expects that any exam board(s) wishing to offer a GCSE qualification in BSL would experience one-off and ongoing direct costs and administrative burdens associated with the following activities:

- familiarisation with the regulatory requirements for the new qualification
- research with stakeholders into potential approaches
- development of their new specification and sample assessment materials
- development and maintenance of suitable resources to deliver recorded BSL materials, which may involve the provision of digital assessments via a digital platform
- recruitment and retention of suitably qualified and experienced individuals with expertise in BSL
- information and training for examiners
- information and training for schools and colleges about the new qualification
- ongoing costs associated with the delivery of a GCSE qualification

Ofqual acknowledges the potential for these costs and burdens, but notes that the proposals for the assessment arrangements are necessary to ensure the new qualification(s) can be delivered.

Question 23

Are there any potential costs or burdens that Ofqual has not identified? [Yes or no]

Question 24

If yes, what are they?

Question 25

Are there any steps Ofqual could take to reduce the costs or burdens of the proposals? [Open response]

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.

Where you choose to respond via video using British Sign Language (BSL), you are not required to provide your name, however, you will be required to provide personal data in the form of images.

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.

If you submit a BSL response in video form, Ofqual will share the video with a third party translation service, [Clarion UK](#). Ofqual will ask them to translate the video into English and then delete the video. You can view [Clarion's privacy notice](#). Ofqual will also delete any downloaded copies of the video once it has an English translation.

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.

If you submit a BSL response in video form, Ofqual will keep the video until it receives a translation into English. Ofqual will treat the English translation in line with other responses.

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^{[\[footnote 1\]](#)} 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 it regulates:

- 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 it regulates and comparable qualifications (including those awarded outside of the UK) that it does 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

Ofqual 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.

Ofqual also has 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, Ofqual is subject to the public sector equality duty. This duty requires Ofqual 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 Ofqual has specified that such adjustments should not be made.

When Ofqual decides whether such adjustments should not be made, it 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

Ofqual is subject to a number of duties and it must aim to achieve a number of objectives. These different duties and objectives can sometimes conflict with each other. For example, if Ofqual regulates 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 Ofqual 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. Ofqual 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, Ofqual's influence is limited to the qualification design and assessment.

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

In setting its proposed requirements, Ofqual wants 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, Ofqual is not required to have due regard to impacts on those who are married or in a civil partnership.

1. Please note that as of 1 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. [↩](#)

[Back to top](#)

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. [Please fill in this survey \(opens in a new tab\)](#).

Services and information

- [Benefits](#)
- [Births, death, marriages and care](#)
- [Business and self-employed](#)
- [Childcare and parenting](#)
- [Citizenship and living in the UK](#)
- [Crime, justice and the law](#)
- [Disabled people](#)
- [Driving and transport](#)
- [Education and learning](#)
- [Employing people](#)

Government activity

- [Departments](#)
- [News](#)
- [Guidance and regulation](#)
- [Research and statistics](#)
- [Policy papers and consultations](#)
- [Transparency](#)
- [How government works](#)
- [Get involved](#)

[Environment and countryside](#)

[Housing and local services](#)

[Money and tax](#)

[Passports, travel and living abroad](#)

[Visas and immigration](#)

[Working, jobs and pensions](#)

[Help](#) [Privacy](#) [Cookies](#) [Accessibility statement](#) [Contact](#)

[Terms and conditions](#) [Rhestr o Wasanaethau Cymraeg](#)

[Government Digital Service](#)

All content is available under the [Open Government Licence v3.0](#), except where otherwise stated

[© Crown copyright](#)