



Regulating Use of Calculators in New GCSEs, AS and A Levels

Consultation on Conditions



December 2015

Ofqual/15/5793

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1. Introduction

1.1 As most readers will know, changes are being made to GCSEs, AS and A levels taken by students in England.

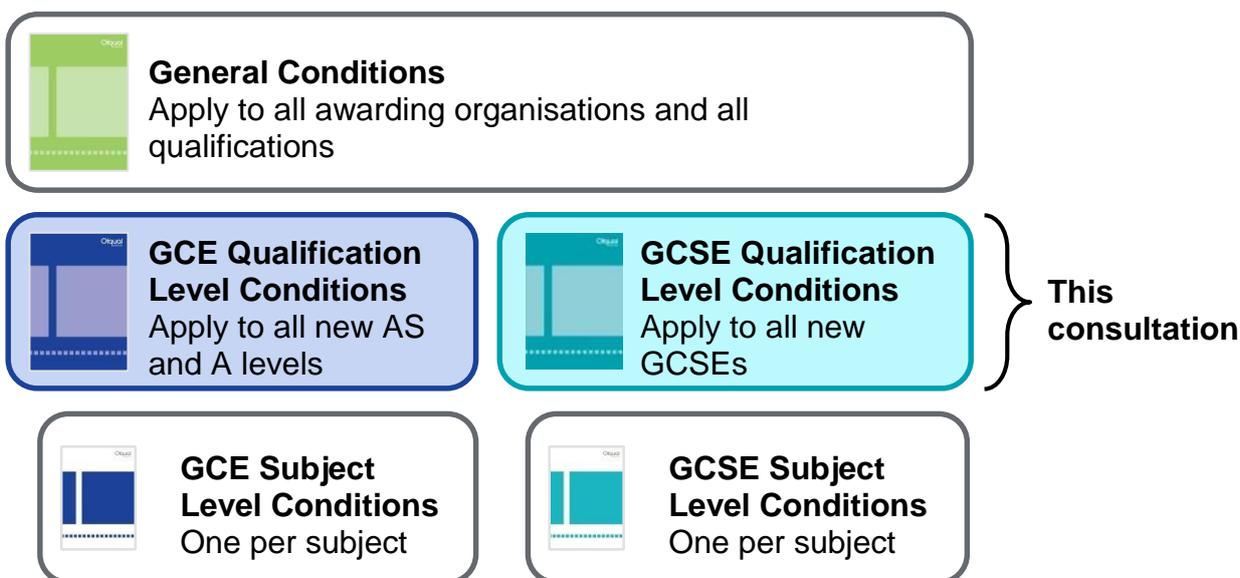
1.2 The first of these new qualifications were introduced for first teaching in September 2015 – including new GCSEs (graded 9 to 1) in mathematics. Among the rules we have set for new mathematics GCSEs are restrictions on the type (and functions) of calculators students can use in assessments.

1.3 We had originally intended to take the same approach for new AS and A level mathematics. However, comments on the suitability of this approach have prompted us to reconsider our position.

Scope of this consultation

1.4 This consultation seeks views on how we should regulate the use of calculators in assessments for new GCSEs, AS and A levels.

1.5 We are proposing to withdraw the current subject-specific rules which apply to new mathematics GCSEs, and instead introduce, less prescriptive, rules which apply to all new GCSE, AS and A level qualifications which allow students to use



calculators (and not just to new GCSE, AS and A level mathematics).

1.6 As explained in Appendix A, these new rules and guidance will sit alongside:

- our General Conditions of Recognition¹ (and the associated guidance²), which apply to all qualifications; and
- the subject-specific rules and guidance which apply to each new GCSE,³ and AS and A level,⁴ subject.

¹ www.gov.uk/government/publications/general-conditions-of-recognition

² www.gov.uk/government/publications/guidance-to-the-general-conditions-of-recognition

³ www.gov.uk/government/collections/gcses-9-to-1-requirements-and-guidance

1.7 The rest of this document sets out, and seeks views on:

- our proposed approach to regulating use of calculators in new GCSE, AS and A level qualifications;
- the qualification-specific Conditions we propose to introduce to implement that approach; and
- the proposed changes to our existing rules for new mathematics GCSEs.

How to respond to this consultation

The closing date for responses is 11th January 2016.

Please respond to this consultation in one of three ways:

- Complete the online response at www.surveygizmo.com/s3/2461569/regulating-use-of-calculators-in-newgcse-as-and-a-levels.

- Email your response to consultations@ofqual.gov.uk – please include the consultation title (Calculators Consultation 2015) in the subject line of the email and make clear who you are and in what capacity you are responding; or
- Post your response to: Calculators Consultation 2015, Ofqual, Spring Place, Coventry Business Park, Herald Avenue, Coventry, CV5 6UB, making clear who you are and in what capacity you are responding.

Evaluating the responses

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the information page.

Any personal data (such as your name, address and any other identifying information) will be processed in accordance with the Data Protection Act 1998 and our standard terms and conditions.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please respond by 11th January 2016.

2. Regulating use of calculators

2.1 In legacy GCSEs (graded A* to G) the only restrictions we place on calculators are in GCSE mathematics, where we specify that between 25 and 50 per cent of marks must be awarded for questions that are answered without using a calculator. We do not set any restrictions on the types of calculators students can use in exams, or the functions those calculators can have. The subject criteria for legacy AS and A level mathematics requires one AS unit to involve assessment without use of a calculator, but in all other units the use of graphic calculators is permitted.

2.2 In relation to new GCSEs (graded 9 to 1), the only regulations we have put in place are, again, for GCSE mathematics – that between 33 and 50 per cent of marks must be awarded for questions that are answered without the use of a calculator. We also set some requirements about the type and functions of those

calculators.⁵ None of our proposed rules for new AS and A level qualifications restrict the type (or functions) of calculators which students can use in exams.⁶

2.3 All the exam boards which offer legacy GCSE, AS and A level qualifications have chosen to take a common approach to use of calculators – they all follow the Joint Council for Qualifications' *Instructions for Conducting Examinations*.⁷ This document specifies a range of functions which calculators used in exams should (and should not) have.

2.4 When developing our rules for new mathematics GCSEs (graded 9 to 1), we decided to adopt part of *Instructions for Conducting Examinations* into our regulatory framework. We did this because the use of calculators in mathematics assessments can affect the validity of assessments. For example, if students are allowed to use calculators which can carry out complex tasks, then the assessment becomes a test of the student's ability to use their calculator, rather than the student's mathematical skills. Consequently, we wanted to ensure exam boards take a consistent approach, and to be able to take action if they did not.

Approach for AS and A level

2.5 We had intended to take the same approach for new AS and A level mathematics qualifications as we did for new GCSEs. However, comments on

the suitability of this approach for AS and A level have prompted us to reconsider our position.

2.6 We think there are three main problems with taking the same approach at AS and A level:

- First, we would be setting rules which restrict the type of calculators which can be used in mathematics qualifications, but placing no restrictions on the calculators which can be used in exams in any other subject. We do not think we can justify taking a different approach in mathematics when the same concerns about validity of assessments would also apply in for example, physics.
- Second, the rules we set at GCSE might not keep up with technological change so we would need to review and update them on an ongoing basis.

⁵ www.gov.uk/government/publications/gcse-9-to-1-subject-level-conditions-and-requirements-for-mathematics

⁶ www.gov.uk/government/consultations/as-and-a-level-reform-regulations-for-maths-and-furthermaths

⁷ www.jcq.org.uk/exams-office/ice---instructions-for-conducting-examinations

- Finally, we would need to adjudicate queries from teachers and schools about whether particular calculator models are suitable for use in exams. This is not something we are well-placed to do, because the answer will depend on an exam board's chosen approach to assessment.

2.7 Overall, we do not think it is appropriate to adopt the approach we used for new GCSE mathematics at AS and A level. Instead, we are proposing to adopt less prescriptive rules which require exam boards to:

- put in place arrangements which ensure that – whenever students can use calculators in exams – the assessments remain fit for purpose;
- keep those arrangements under review, and revise them where necessary; and
- explain and justify their approach in their assessment strategy for the qualification.

2.8 Students could be allowed to use calculators in any new AS or A level exam, although it is much less likely in some subjects. And – as set out above – allowing students to use calculators could affect the validity of assessments in any subject. Consequently, we think these rules should apply to all new AS and A level subjects.

Question 1: To what extent do you agree or disagree with our proposed approach to regulating the use of calculators in new AS and A level qualifications?

Approach at GCSE

2.9 We do not believe any of the issues we have identified are unique to AS and A level – they apply equally at GCSE. So we are also proposing to:

- remove the current subject-specific rules which restrict the types of calculators that can be used in exams for new GCSE mathematics; and
- in line with our proposed approach to AS and A level, introduce new rules for all new GCSEs which require exam boards to:
 - put in place arrangements which ensure that – whenever students can use calculators in exams – the assessments remain fit for purpose;
 - keep those arrangements under review, and revise them where necessary; and
 - explain and justify their approach in their assessment strategy for the qualification.

Question 2: To what extent do you agree or disagree with our proposed changes to our approach to regulating the use of calculators in exams for new GCSEs?

- 2.10 These changes to our approach for new GCSEs mean that exam boards will have to make sure they comply with our new rules in any new GCSE qualification where students can use calculators.
- 2.11 This new approach does not affect our previous accreditation decisions – any new GCSEs which we have already accredited will remain accredited. Exam boards will, however, need to update their assessment strategies for accredited qualifications to explain and justify the approach they are taking for any of them that are affected.

3. Implementing our proposals

- 3.1 As set out above, we are proposing to introduce a new qualification-specific Condition to implement the proposals in this consultation. This Condition will form part of both our *GCE Qualification Level Conditions and Requirements*⁸ and our *GCSE (9 to 1) Qualification Level Conditions and Requirements*.⁹
- 3.2 We are proposing to use the same wording (set out below) in both documents – the only differences are where the Condition refers to a GCSE or GCE qualification.

Condition Use of calculators in Assessments by Examination GC[S]E8

GC[S]E8.1 In respect of each GC[S]E Qualification which it makes available, or proposes to make available, in which an awarding organisation permits a Learner to use a calculator while taking an Assessment by Examination it must –

- (a) establish, maintain and, where appropriate, enforce arrangements which will ensure that the Assessment by Examination remains fit for purpose despite such use,
- (b) keep its arrangements under review, and revise them where necessary so as to satisfy itself that at all times those arrangements meet the requirements of Condition GC[S]E8.1(a), and
- (c) in its assessment strategy, explain its approach to Learners' use of calculators in any Assessment by Examination for that qualification in which such use is permitted, including any

⁸ www.gov.uk/government/publications/gce-qualification-level-conditions-and-requirements

⁹ www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions

restrictions that it places on such use.

GC[S]E8.2 For the purposes of this Condition, a ‘calculator’ is any device which may be used for the performance of mathematical computations.

Question 3: Do you have any comments on our proposed new Conditions for all new GCSE, AS and A level qualifications?

Changes to existing Conditions and requirements

3.3 In line with our proposals outlined in paragraph 2.9 above, we are proposing to make the following changes to our *GCSE Subject Level Conditions and Requirements for Mathematics*:

- remove Condition GCSE(Mathematics)4.2; and
- delete the section headed ‘Use of calculators – GCSE Qualifications (graded 9 to 1) in Mathematics’

3.4 We are also proposing to make consequential changes to the wording of the current Condition GCSE(Mathematics)4.3 – so that it refers to the definition in the new qualification-level Condition GCSE8 set out above – and to its numbering. The proposed new wording of Condition GCSE(Mathematics)4 is set out in full below; readers should note we are not proposing any changes to Condition GCSE(Mathematics)4.1.

Condition	Use of calculators
GCSE(Mathematics)4	
GCSE(Mathematics)4.1	In designing and setting the assessments for a GCSE Mathematics qualification which it makes available, or proposes to make available, an awarding organisation must ensure that between 33 and 50 per cent of the total marks available in those assessments are allocated to questions or tasks which must be completed by Learners without the use of a calculator.

GCSE(Mathematics)4.2 For the purposes of this Condition, the term 'calculator' has the same meaning as that given in Condition GCSE8.2.

Question 4: Do you have any comments on our proposed changes to our existing Conditions and requirements for new GCSEs in mathematics?

- 3.5 A further consequential change will be needed to the numbering of the existing GCE and GCSE Qualification Level Conditions covering Interpretation and Definitions. These will become Conditions GCE9 and GCSE9.

4. Equality impact analysis

Ofqual's role, objectives and duties

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

Equality impact analysis relating to proposed approach to regulating use of calculators

- 4.2 Our current rules for new GCSEs in mathematics prohibit certain specific calculator functions in exams. For other new GCSEs, AS and A levels where students can use calculators, all the exam boards currently take the same approach to the use of calculators. We do not expect exam boards to depart significantly from current practice in the immediate future.
- 4.3 Our new rules will, however, allow exam boards more flexibility, and over time they may choose to adopt more innovative approaches to the use of calculators which could better meet the needs of students who share protected characteristics. Any such impacts are difficult to quantify, and we do not think we can reasonably consider them in our analysis.
- 4.4 We have not identified any negative impacts on students who share protected characteristics which would result from the proposals in this consultation.
- 4.5 During this consultation, we will continue to seek and consider evidence and feedback to our proposals that might help us identify any potential subjectspecific impacts on students who share a protected characteristic.

Question 5: We have not identified any ways in which the proposals for regulating use of calculators in exams would impact (positively or negatively) on persons who share a protected characteristic.¹⁰ Are there any potential impacts we have not identified?

Question 6: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?

Question 7: Have you any other comments on the impacts of the proposals on students who share a protected characteristic?

5. Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the following information section.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please answer all questions marked with a star*

Name* **Charlie Stripp**

Position* **Chief Executive**

Organisation name (if applicable)* **Mathematics in Education and Industry (MEI)**

¹⁰ 'Protected characteristic' is defined in the Equality Act 2010. Here, it means disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation and gender reassignment.

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White Horse Business Park
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Email charlie.stripp@mei.org.uk

Telephone **07771 864507**

Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Is this a personal response or an official response on behalf of your organisation?*

Personal response (please answer the question 'If you ticked "Personal response"...')

Official response (please answer the question 'If you ticked "Official response"...')

If you ticked "Personal response", which of the following are you?

Student

Parent or carer

Teacher (but responding in a personal capacity)

Other, including general public (please state below)

If you ticked “Official response”, please respond accordingly:

Type of responding organisation*

- Awarding organisation
- Local authority
- School or college (please answer the question below)
- Academy chain
- Private training provider
- University or other higher education institution
- Employer
- Other representative or interest group (please answer the question below)

School or college type

- Comprehensive or non-selective academy
 - State selective or selective academy
 - Independent
 - Special school
 - Further education college
 - Sixth form college
 - Other (please state below)
-

Type of representative group or interest group

- Group of awarding organisations
- Union

- Employer or business representative group
- Subject association or learned society
- Equality organisation or group
- School, college or teacher representative group
- Other (please state below)

MEI is a charity and a membership organisation. It is an independent curriculum development body for mathematics. It is a major provider of mathematics teaching and learning resources, and of mathematics CPD for secondary school and post-16 mathematics teachers.

MEI developed and manages the DfE-funded Further Mathematics Support Programme.

MEI developed the current OCR(MEI) suite of AS/A level Mathematics and Further Mathematics qualifications which are administered by OCR.

Nation*

- England
- Wales
- Northern Ireland
- Scotland
- Other EU country: _____
- Non-EU country: _____

How did you find out about this consultation?

- Our newsletter or another one of our communications
- Our website
- Internet search
- Other

May we contact you for further information?

() Yes () No

6. Questions

Question 1: To what extent do you agree or disagree with our proposed approach to regulating the use of calculators in new AS and A level qualifications?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons:

This seems a sensible approach, which requires proper consideration of the issues arising from the use of calculators but allows awarding organisations to keep pace with technological change and be innovative if they wish.

We disagree with some of Ofqual's reasoning in reaching the conclusion, but agree with the conclusion. In particular the sentence "For example, if students are allowed to use calculators which can carry out complex tasks, then the assessment becomes a test of the student's ability to use their calculator, rather than the student's mathematical skills." The DfE subject content documents for AS/A level Mathematics and Further Mathematics make it clear that the use of technology, including calculators, must permeate the study of the subject. The student's ability to use a calculator becomes one of their mathematical skills, and should be assessed in the examination.

It is important the individual requirements of a qualification take precedence over this general rule. The requirement that 'learners must demonstrate the ability to use calculator technology which can compute summary statistics and access probabilities from standard statistical distributions' in the content for the reformed AS/A levels in Mathematics must be enforced and individual exam boards must not be allowed to relax this requirement through their assessment strategy.

We have expressed in our response to the consultation on conditions and guidance for AS/A levels in Mathematics and Further Mathematics our disappointment that those regulations do not reinforce the intention of the reform that technology should permeate AS and A level Mathematics.

Question 2: To what extent do you agree or disagree with our proposed changes to our approach to regulating the use of calculators in exams for new GCSEs?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

This seems a sensible approach, which requires proper consideration of the issues arising from the use of calculators but allows awarding organisations to keep pace with technological change and be innovative if they wish.

Question 3: Do you have any comments on our proposed new Conditions for all new GCSE, AS and A level qualifications?

Yes No

We note that Ofqual's definition of a calculator appears to include computers and smartphones. We do not know whether the proposed new condition affects subjects such as Computing.

We welcome the possibility of using a computer in part of the assessment of A level Further Mathematics, as happens currently in some units in the OCR(MEI) specification.

We recommend that Ofqual includes a general condition that calculators and other devices may not be allowed to communicate with other machines or people during the examination – this allows the continued use of computers and tablets, as long as connectivity can be disabled satisfactorily during the examination. It is important that this does not rule out machines which are capable of communication – many calculators currently used can transfer files via USB ports.

Apart from these matters, the proposed new Conditions appear to be appropriate.

Question 4: Do you have any comments on our proposed changes to our existing Conditions and requirements for new GCSEs in mathematics?

Yes No

Please see response to question 3.

Question 5: We have not identified any ways in which the proposals for regulating use of calculators in exams would impact (positively or negatively) on persons who share a protected characteristic.¹¹ Are there any potential impacts we have not identified?

Yes No

Learners who are partially sighted or blind do find it very challenging to use a calculator. It is possible to obtain basic speaking calculators, but these give a problem with invigilation. We are not able to evaluate whether the proposed changes make the situation better or worse.

Question 6: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?

Yes No

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Question 7: Have you any other comments on the impacts of the proposals on students who share a protected characteristic?

Yes No

.....

.....

.....

¹¹ 'Protected characteristic' is defined in the Equality Act 2010. Here, it means disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation and gender reassignment.
Ofqual 2015 18

7. Accessibility of our consultations

We are looking at how we provide accessible versions of our consultations and would appreciate it if you could spare a few moments to answer the following questions. Your answers to these questions will not be considered as part of the consultation and will not be released to any third parties.

We want to write clearly, directly and put the reader first. Overall, do you think we have got this right in this consultation?

Yes No

Do you have any comments or suggestions about the style of writing?

Yes No

.....

.....

.....

Do you have any special requirements to enable you to read our consultations? (for example, screen reader, large text, and so on)

Yes No

Which of the following do you currently use to access our consultation documents? (select all that apply)

Screen reader / text-to-speech software

Braille reader

Screen magnifier

Speech-to-text software

- Motor assistance (blow-suck tube, mouth stick, and so on)
- Other

Which of the following document formats would meet your needs for accessing our consultations? (select all that apply)

- A standard PDF
- Accessible web pages
- Large-type PDF (16 point text)
- Large-type Word document (16 point text)
- eBook (Kindle, iBooks, or similar format)
- Braille document
- Spoken document
- Other

How many of our consultations have you read in the last 12 months?

- 1
- 2
- 3
- 4
- 5
- More than 5

Appendix A: Regulatory tools

Comparability and innovation

Exam boards operate in a market. They can design and deliver their qualifications in different ways, within the parameters we set. This provides some choice to schools or colleges, which is one of the benefits of a qualifications market. Exam boards must, however, make sure that the levels of attainment indicated by their qualifications are comparable to those of other exam boards' versions of the qualifications. The exam boards cooperate in a range of ways to make sure that the standards of their respective qualifications are comparable. To make sure standards are maintained and comparability is secured, we review GCSE, AS and A level qualifications before they can be made available, by applying an accreditation requirement to the qualifications, and we oversee the awarding of GCSE, AS and A level qualifications.

We do not wish to close down opportunities for exam boards to design and deliver their qualifications in different ways. Indeed, we have a statutory duty to have regard to the desirability of facilitating innovation in connection with the provision of regulated qualifications and a statutory objective with regard to the efficiency with which the qualifications market works. If we adopt a regulatory approach in which all aspects of a qualification are very tightly defined, we could effectively remove scope for exam boards to distinguish their qualifications from others and stop choice for schools or colleges. On the other hand, if exam boards have too much scope to vary their approach their qualifications might not be comparable.

In striking a balance, we use a range of tools to regulate qualifications and the exam boards that provide them. The main regulatory tools we use for the qualifications in this consultation are explained below.

Conditions of Recognition

Exam boards must comply at all times with our Conditions of Recognition. These are the main regulatory rules that we use. We can take regulatory action against an exam board that breaches or is likely to breach a Condition.

There are three sets of Conditions that apply to new GCSE qualifications:

- (i) the published *General Conditions of Recognition*¹² that apply to all regulated qualifications;

¹² www.gov.uk/government/publications/general-conditions-of-recognition

- (ii) *GCSE Qualification Level Conditions and Requirements*¹³ that apply to all new GCSE qualifications – we are consulting now on a new Condition which will be added to this document;
- (iii) GCSE Subject Level Conditions that apply to new GCSE qualifications in a specific subject. We are consulting on changes to the GCSE Subject Level Conditions for mathematics.¹⁴

Similarly, there are three sets of Conditions that will apply to new AS and A level qualifications:

- (i) the *General Conditions of Recognition*;
- (ii) *GCE Qualification Level Conditions and Requirements*¹⁴ that apply to all new AS and A level qualifications – we are consulting now on a new Condition which will be added to this document;
- (iii) GCE Subject Level Conditions that apply to new AS and A level qualifications in a specific subject.

Regulatory documents

In some Conditions we refer to published regulatory requirements. We publish these in regulatory documents. The Conditions require exam boards to comply with such documents.

We are not proposing to introduce any new regulatory requirements in this consultation, but we are proposing to remove the existing requirements in relation to use of calculators for GCSE mathematics.

Statutory guidance

We publish guidance to help exam boards identify the types of behaviour or practices they could use to meet a Condition. Exam boards must have regard to such guidance, but they do not have to follow this guidance in the same way that they must comply with the Conditions; they are free to meet the outcomes of the Conditions in their own ways. An exam board that decides to take a different approach to that set out in our guidance must still be able to show that it is meeting the Condition or Conditions to which the guidance relates.

We are not consulting on any new guidance at this time.

¹³ www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions-and-requirements

¹⁴ www.gov.uk/government/publications/gcse-9-to-1-subject-level-conditions-and-requirements-formathematics

¹⁴ www.gov.uk/government/publications/gce-qualification-level-conditions-and-requirements

Appendix B: Ofqual's role, objectives and duties

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

- (a) give a reliable indication of knowledge, skills and understanding; and
- (b) indicate:
 - (i) a consistent level of attainment (including over time) between comparable regulated qualifications; and
 - (ii) a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside the UK) that we do not regulate.

We must therefore regulate so that qualifications properly differentiate between students who have demonstrated that they have the knowledge, skills and understanding required to attain the qualification and those who have not.

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant students, including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

As a public body, we are subject to the public sector equality duty.¹⁵ 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 exam boards that design, deliver and award AS and A level 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.

¹⁵ Equality Act 2010, section 149.

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.

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

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

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

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

The protected characteristics under the Equality Act 2010 are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnerships;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

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

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