

GCSE Mathematics

Consultation on Requirements and Guidance



May 2015

Ofqual/15/5692

Contents

About this consultation.....	3
How to respond to this consultation.....	4
1. Proposed amendments to requirements for GCSE mathematics.....	6
2. Proposed amendments to guidance on assessment objective AO3 for GCSE mathematics.....	9
3. Equality impact analysis.....	13
Responding to the consultation.....	15
Questions.....	19
Appendix A: Regulatory tools.....	22
Appendix B: Ofqual’s role, objectives and duties.....	24

About this consultation

We are seeking views on amendments to the rules and guidance that are currently in place for new mathematics GCSEs. These new qualifications are due to be taught in England from September 2015.

We published Conditions and requirements¹ and guidance² for new GCSE mathematics since April 2014. Exam boards used these rules and guidance to develop specifications and sample assessment materials for the new GCSE and we accredited these between September 2014 and January 2015.

While all specifications that we accredited met our requirements, during accreditation we identified some aspects that we believed could be improved. This consultation focuses on the additional subject-specific requirements and guidance that we need to put in place to ensure better assessment of mathematical problem-solving in new GCSE mathematics.

We explain how these requirements and guidance will work alongside our other regulatory tools in Appendix A.

Further information about the reform of GCSEs, AS and A levels can be found at www.gov.uk/government/publications/get-the-facts-gcse-and-a-level-reform.

¹ www.gov.uk/government/uploads/system/uploads/attachment_data/file/371223/2014-05-23-gcse-subject-level-conditions-and-requirements-for-mathematics-version-2-may.pdf

² www.gov.uk/government/uploads/system/uploads/attachment_data/file/371237/2014-05-23-gcse-subject-level-guidance-for-mathematics-may.pdf

Summary of our proposals

- To ensure that assessment objective weightings do not prevent exam boards from using good quality tasks or questions, we propose to allow exam boards limited flexibility to deviate from those weightings.
- Additional guidance is needed to promote more effective assessment of mathematical problem-solving in new GCSE mathematics.
- This additional guidance relates to assessment objective AO3. No changes are proposed to the guidance for AO1 or AO2.
- This additional guidance will clarify our expectations that every specification and each assessment series must provide opportunities for students to:
 - make decisions and connections between different parts of mathematics in non-routine situations; and
 - follow a problem-solving cycle by solving multi-step problems.

How to respond to this consultation

The closing date for responses is 18th June 2015.

Please respond to this consultation in one of three ways:

- Complete the online response at <http://surveys.ofqual.gov.uk/s3/gcse-mathematics-consultation-on-requirements-and-guidance>.
- Email your response to consultations@ofqual.gov.uk. Please include the consultation title (Mathematics Consultation 2015) in the subject line of the email and make clear who you are and in what capacity you are responding.
- Post your response to Mathematics 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 the 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 that 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 18th June 2015.

1. Proposed amendments to requirements for GCSE mathematics

- 1.1 For all reformed GCSEs, either we or the Department for Education has set assessment objectives for the qualification and allocated weightings to each of those assessment objectives.
- 1.2 The assessment objectives for GCSE mathematics were published within the Department for Education’s document *Mathematics GCSE subject content and assessment objectives*.³ These final assessment objectives are repeated below for completeness.

	Assessment objectives	Weighting	
		Higher	Foundation
AO1	<p>Use and apply standard techniques</p> <p>Students should be able to:</p> <ul style="list-style-type: none"> ■ accurately recall facts, terminology and definitions ■ use and interpret notation correctly ■ accurately carry out routine procedures or set tasks requiring multi-step solutions. 	40%	50%
AO2	<p>Reason, interpret and communicate mathematically</p> <p>Students should be able to:</p> <ul style="list-style-type: none"> ■ make deductions, inferences and draw conclusions from mathematical information ■ construct chains of reasoning to achieve a given result ■ interpret and communicate information accurately ■ present arguments and proofs ■ assess the validity of an argument and critically evaluate a given way of presenting information <p>Where problems require candidates to ‘use and apply standard techniques’ or to independently ‘solve problems’ a proportion of those marks should be attributed to the corresponding assessment objective.</p>	30%	25%

³ www.gov.uk/government/publications/gcse-mathematics-subject-content-and-assessment-objectives

AO3	<p>Solve problems within mathematics and in other contexts</p> <p>Students should be able to:</p> <ul style="list-style-type: none"> ■ translate problems in mathematical or non-mathematical contexts into a process or a series of mathematical processes ■ make and use connections between different parts of mathematics ■ interpret results in the context of the given problem ■ evaluate methods used and results obtained ■ evaluate solutions to identify how they may have been affected by assumptions made. <p>Where problems require candidates to ‘use and apply standard techniques’ or to ‘reason, interpret and communicate mathematically’ a proportion of those marks should be attributed to the corresponding assessment objective.</p>	30%	25%
------------	---	-----	-----

- 1.3 To ensure valid and comparable assessments, exam boards must adhere to the prescribed weightings when designing assessments.
- 1.4 The nature of mathematics at GCSE creates particular challenges for assessment design that can make it difficult for exam boards to achieve the exact same weightings in every assessment series.
- 1.5 We want to avoid creating a situation where good quality tasks or questions cannot be used because they would cause a small departure from the required weightings. So we propose to allow exam boards limited flexibility to deviate from those weightings.
- 1.6 Our proposed approach is to allow assessments in any given assessment series to vary assessment objective weightings by ± 3 per cent – but to require assessments to (on average) meet the specified weightings over the course of four assessment series.
- 1.7 To do this, we propose to introduce the following requirements for interpreting this aspect of the subject content.

Requirements in relation to subject content for GCSE Qualifications in Mathematics

The subject content and assessment objectives for GCSE Qualifications (graded 9 to 1) in Mathematics is set out in the Department for Education's *Mathematics GCSE subject content and assessment objectives*, document reference DFE-00233-2013 (the 'Content Document').

Condition GCSE(Mathematics)1.1(c) requires awarding organisations to interpret the Content Document in line with any requirements published by Ofqual.

We set out our requirements for the purposes of Condition GCSE(Mathematics)1.1(c) below.

Weighting of assessment objectives

The Content Document specifies percentage weightings for each of the three assessment objectives AO1 to AO3 for both higher and foundation tier assessments.

In respect of each GCSE Qualification in Mathematics which it makes available, or proposes to make available, an awarding organisation must interpret the assessment objective weightings specified in the Content Document as requiring it to ensure that –

- (a) in each assessment series, the weighting allocated to each assessment objective at each of the foundation and higher tiers differs by no more than ± 3 per cent from that specified in the Content Document, and
- (b) taking together those assessments over each consecutive two-year period (i.e. four consecutive assessment series), the weightings specified in the Content Document are achieved for each of the foundation and higher tiers.

2. Proposed amendments to guidance on assessment objective AO3 for GCSE mathematics

- 2.1 We are proposing to introduce new guidance on mathematical problem-solving. This is covered by assessment objective AO3. The changes we are proposing do not affect the assessment objective itself. The changes are to the detail of **how** we expect exam boards to cover AO3 in their assessments.
- 2.2 Mathematical problem-solving is a complex concept. There are many views on what it is and how it should be assessed. Making sure we develop guidance which sets clear and reasonable expectations appropriate for GCSE is key to ensure the quality of the assessment of mathematical problem-solving in new mathematics qualifications.
- 2.3 Our current guidance goes some way towards this. We have since identified that we could provide more information to make our expectations clearer to exam boards. Our proposed additional guidance relates largely to two main areas.
- 2.4 First, good mathematical problem-solving involves students making decisions and connections between different parts of mathematics. Questions which best assess this are likely to present students with non-routine contexts which require them to draw on their knowledge and understanding of mathematics to decide how to approach solving the problem.
- 2.5 Our new guidance makes this expectation clearer to exam boards.
- 2.6 Second, mathematical problem-solving is a cyclical process. This process is already described in our guidance. It begins with a student determining a method by which a problem can be solved, following that method through and considering how well that method addressed the problem.
- 2.7 Our new guidance makes this expectation of a cyclical process clearer to exam boards. We propose that at least one-third of the marks for AO3 in every assessment series should be used in tasks which require multiple parts of the problem-solving cycle to be drawn together.
- 2.8 The table on pages 11 and 12 shows the guidance for AO3 which we propose will replace the current guidance for AO3.⁴ The guidance on how to assess mathematical problem-solving can be found in the column headed

⁴ www.gov.uk/government/uploads/system/uploads/attachment_data/file/371237/2014-05-23-gcse-subject-level-guidance-for-mathematics-may.pdf, pp. 11–12.

'Interpretations and definitions'. No changes have been proposed to the information in any of the other columns.

Guidance on assessment objectives

2.9 The draft guidance on assessment objectives (set out below) explains how we expect exam boards to interpret the assessment objectives in terms of:

- the discrete 'strands' within each of the assessment objectives;
- the discrete 'elements' within each assessment objective and its strands that questions and tasks could target and/or seek to credit;
- the coverage expectations, such as in relation to the different elements within each assessment objective and how those elements should be sampled over time; and
- the key areas of emphasis in each assessment objective and the particular meaning for the subject of any key terms and phrases used; defined terms are shown in bold text, followed by their definitions.

2.10 In line with the obligations set out in draft Condition GCSE(Mathematics)1.1(c), exam boards must have regard to any guidance on the assessment objectives. For example, an exam board could map how it has regard to the guidance as it:

- develops its sample assessment materials;
- delivers the qualification;
- develops and applies its approach to sampling the elements into which the assessment objectives are divided; and
- monitors the qualification to make sure it addresses all elements appropriately.

AO3: Solve problems within mathematics and in other contexts			30% (Higher tier) 25% (Foundation tier)
Strands	Elements	Coverage	Interpretations and definitions
1 – Translate problems in mathematical or non-mathematical contexts into a process or a series of mathematical processes	1a – Translate problems in mathematical contexts into a process.	<ul style="list-style-type: none"> ■ Full coverage over the shortest possible time period (but not in each assessment series). ■ Each assessment series should include problems in both mathematical and non-mathematical contexts, as well as both translation into a process and a series of processes – but this may be done in any combination. 	<ul style="list-style-type: none"> ■ In the context of this assessment objective, a ‘task’ is a set of requirements focusing on one problem. ■ Tasks may be broken down into a number of steps or parts, provided this does not undermine the expectation of students demonstrating their ability to solve problems as a coherent process. ■ Tasks should place the emphasis on the Learner’s own decision-making. They should require Learners to solve problems without the procedures that should be used being clear from the question or task. ■ The strands of AO3 reflect a problem-solving cycle and as such could be considered as parts of a continuum rather than as independent strands. Each assessment series should provide opportunities for Learners to undertake extended, or multi-step, tasks. ■ At least one-third of AO3 marks within an assessment series for a single tier should be allocated to tasks which target two or more strands of AO3. Within these multiple-strand tasks, all strands of AO3 should be addressed in each assessment series. ■ There should be a greater emphasis for both tiers on strands 1/2/3 rather than on strands 4/5. Within strand 1, there should be a greater emphasis on 1b and 1d than 1a and 1c to ensure an appropriate amount of multi-step problem-solving tasks within each assessment series.
	1b – Translate problems in mathematical contexts into a series of processes.		
	1c – Translate problems in non-mathematical contexts into a process.		
	1d – Translate problems in non-mathematical contexts into a series of processes.		

AO3: Solve problems within mathematics and in other contexts			30% (Higher tier) 25% (Foundation tier)
Strands	Elements	Coverage	Interpretations and definitions
2 – Make and use connections between different parts of mathematics.	The strand is a single element.	<ul style="list-style-type: none"> Full coverage in each assessment series (but not in every assessment). 	<ul style="list-style-type: none"> Where relevant, responses should be expected to be presented such that they are within the frame of the original problem rather than in the abstract. It is possible to have tasks where all the marks are allocated to AO3 but, in such situations, each mark must be awarded against the AO3 strands and elements. It will often be the case that, within a problem-solving task, if the task resolves into a routine procedure and if marks are awarded for the carrying out of that procedure accurately, then those marks must be allocated to AO1. Responses should not require explanation or justification as this is the focus in AO2, but working should usually be indicated to ensure that partially correct AO3 responses can still be credited. However, it may be appropriate in some cases that partial credit can still be given even where working is not shown – this would be reflected in mark schemes. Within strand 2, Learners should only be credited for making connections they have generated, rather than any linkages which are explicit in the task. Within strands 4 and 5, marks may be awarded for methods used, results obtained and/or solutions and assumptions generated by the Learner or provided to the Learner. It should not be understood as pertaining solely to mathematical modelling.
3 – Interpret results in the context of the given problem.	The strand is a single element.		
4 – Evaluate methods used and results obtained.	4a – Evaluate methods used.		
	4b – Evaluate results obtained.		
5 – Evaluate solutions to identify how they may have been affected by assumptions made.	The strand is a single element.		

3. Equality impact analysis

Ofqual's role, objectives and duties

- 3.1 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 changes to GCSE qualifications

- 3.2 We have considered the potential impact on students who share protected characteristics⁵ of the application of the principles and features that will apply to all new GCSE qualifications. Our equality impact analysis for our earlier consultation on GCSE reform⁶ is therefore of interest and we encourage you to read it.
- 3.3 Any issues concerning the content were considered by the Department of Education, who published their own equalities impact analysis on their subject content.⁷
- 3.4 We also previously considered the potential impact on students who share protected characteristics of the policy decisions we are implementing for GCSE mathematics.⁸
- 3.5 We do not repeat here all of the evidence we have considered, as this can be found in our earlier reports. We focus instead on the specific issues that may arise as a result of the proposed changes to our subject-specific requirements and guidance.
- 3.6 We have not identified any additional negative impacts on students who share protected characteristics which would result from our proposed amendments to the requirements and guidance for GCSE mathematics (beyond those that we have already identified in our earlier reports).

⁵ For the purposes of the public sector equality duty, the 'protected characteristics' are disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation, gender reassignment.

⁶ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-june-2013/category/8-equality-impact-analysis>

⁷ www.gov.uk/government/publications/gcses-reformed-content

⁸ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-december-2013>

- 3.7 During this consultation, we will continue to seek and consider evidence and feedback to our proposals that might help us identify any potential subject-specific impacts on students who share a protected characteristic.
- 3.8 Exam boards are required to consider the accessibility of their qualifications at the design stage and to remove any unjustifiable barriers.

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

Address

Monckton House, Epsom Centre, White Horse Business Park, Trowbridge,
Wiltshire BA14 0XG

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 plays a key role in the management of the National Centre for Excellence in Teaching Mathematics. MEI was responsible for developing, and provides resources and CPD for, a suite of GCE Mathematics qualifications and two Core Maths qualifications run by OCR.

Nation*

- England
- Wales
- Northern Ireland

() Scotland

() Other EU country: _____

() Non-EU country: _____

Ofqual 2015

17

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

Questions

Question 1

Do you have any comments on our proposal to allow limited flexibility in assessment objective weightings for new mathematics GCSEs?

Yes No

If yes, please provide them here:

It seems sensible to allow some flexibility in the percentage weightings allowed, and $\pm 3\%$ for each assessment series seems about right. However the requirement below does not make sense at all.

(b) taking together those assessments over each consecutive two-year period (i.e. four consecutive assessment series), the weightings specified in the Content Document are achieved for each of the foundation and higher tiers.

To illustrate the problem, consider an exam board aiming at the 40% requirement for AO1 at the Higher Tier, and with these figures achieved in the first three series.

Series	1	2	3	4				
AO1 Higher %	42	39	40	?				

For series 4, in order to achieve the four-series rule, the exam board has no choice but to have a weighting of 39; there is no flexibility. What is more, in series 5, it has to have a weighting of 42 in order to achieve the rules over the consecutive series 2, 3, 4, 5. The exam board will have no flexibility at all from series 4 onwards and will be tied into this repeating sequence.

Series	1	2	3	4	5	6	7	8	9	10	...
AO1 Higher %	42	39	40	39	42	39	40	39	42	39	...

There will be a similar repeating sequence for each weighting, and no flexibility at all from series 4 onwards.

We suggest a $\pm 2\%$ tolerance for each series and no other restriction.

Question 2

Do you have any comments on the additional guidance on assessment objective AO3 for new mathematics GCSEs?

Yes No

If yes, please provide them here:

We welcome the attempt to require questions covering more than one aspect of the problem-solving cycle. (AO3 strand 1 'Interpretations and definitions' bullet points 4 and 5). This is an issue we have raised with Ofqual previously. It remains our view that it is the atomisation of assessment objectives which underlies this issue but, given that Ofqual has started down this route, this seems to be the best approach possible.

We agree that 'at least one-third...' is a sensible proportion of AO3 marks to appear in questions which target two or more strands of AO3.

We remain concerned that bullet point 2 'tasks may be broken down into a number of steps or parts' may mean that some exam boards put strand 1 of AO3 (say) in part (a) of a question and strand 3 (say) in part (c), and so fulfil the requirement of bullet point 5 across multi-part questions. How can we be sure that learners will be required to solve a problem, or might they just be required to show they can tackle each part of the process somewhere? The second part of bullet point 2 'provided this does not undermine the expectation of students demonstrating their ability to solve problems as a coherent process' is vital, and we welcome its inclusion; we hope it will be achievable and will be monitored.

Question 3

We have not identified any ways in which our additional requirements and guidance for new mathematics GCSEs would impact (positively or negatively) on persons who share a protected characteristic.⁹ Are there any potential impacts we have not identified?

Yes No

If yes, please provide them here:

We are not aware of any unidentified potential impacts.

Question 4

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

If yes, please provide them here:

⁹ 'Protected characteristic' is defined in the Equality Act 2010. For the purposes of the public sector equality duty, it means disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation and gender reassignment.

Question 5

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

Yes No

If yes, please provide them here:

.....

.....

.....

.....

.....

.....

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 levels before they can be made available, by applying an accreditation requirement to the qualifications, and we oversee the awarding of GCSE, AS and A levels.

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 will apply to new GCSEs (together 'the Conditions'):

- (i) the published *General Conditions of Recognition*¹⁰ that apply to all regulated qualifications;

<http://www.gov.uk/government/publications/general-conditions-of-recognition>¹⁰
www.gov.uk/government/publications/general-conditions-of-recognition

- (ii) GCSE (9 to 1) Qualification Level Conditions and Requirements¹¹ that apply to all new GCSEs; and
- (iii) GCSE Subject Level Conditions and Requirements that apply to a new GCSE in a specific subject. For GCSE mathematics, we published these in April 2014,¹² and are now consulting on minor changes to them.

Additional requirements

In some Conditions we refer to additional requirements which we may publish and revise from time to time. The Conditions require exam boards to comply with such requirements.

For GCSE mathematics, these requirements currently cover our requirements in relation to:

- Tiering of assessments
- Use of calculators.

We are now consulting on additional requirements in relation to interpreting the subject content.

The requirements will have effect as if they were part of a Condition. The requirements will be set out in a stand-alone section of the Conditions document, simply because they are technical and detailed so they sit better as separate to, rather than within, the Condition itself.

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 guidance must still be able to show that it is meeting the Condition or Conditions to which the guidance relates.

¹¹ www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions

¹² www.gov.uk/government/publications/gcse-9-to-1-subject-level-conditions-and-requirements-for-mathematics

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 of the UK) that we do not regulate.

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

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

As a public body, we are subject to the public sector equality duty.¹³ This duty requires us to have due regard to the need to:

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

The exam boards that design, deliver and award GCSE, AS and A levels are required by the Equality Act to, among other things, make reasonable adjustments for disabled people taking their qualifications, except where we have specified that such adjustments should not be made.

¹³ 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; and
- (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, AS and A levels, 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.

We wish to make our publications widely accessible. Please contact us at publications@ofqual.gov.uk if you have any specific accessibility requirements.



© Crown copyright 2015

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit <http://nationalarchives.gov.uk/doc/open-government-licence/version/3> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: publications@ofqual.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/ofqual.

Any enquiries regarding this publication should be sent to us at:

Office of Qualifications and Examinations Regulation

Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB

2nd Floor
Glendinning House
6 Murray Street
Belfast BT1 6DN

Telephone 0300 303 3344
Textphone 0300 303 3345
Helpline 0300 303 3346