

# **GCSE, AS and A level Physical Education**

Consultation on Conditions and Guidance



March 2015

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## **About this consultation**

We are seeking views on the regulatory requirements we propose to put in place for new GCSEs, A levels and AS qualifications in physical education. These new qualifications are due to be taught in England from September 2016.

We do not repeat the policy proposals for this qualification on which we consulted during 2014 or the options we considered when we did so. You can find the outcome of that consultation on our website,<sup>1</sup> along with a summary of the responses to the consultation and our equality and regulatory impact assessments.

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

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<sup>1</sup> [www.gov.uk/government/consultations/gcse-as-and-a-levels-reform-of-subjects-for-september-2016](http://www.gov.uk/government/consultations/gcse-as-and-a-levels-reform-of-subjects-for-september-2016)

### **Summary of our proposals – GCSE physical education**

- New GCSEs in physical education must comply with the Department for Education's subject content requirements, and with our assessment objectives.
- In line with our previous decisions, and with current qualifications, new GCSEs in physical education will be untiered.
- For all new GCSEs in physical education, 60 per cent of the marks will be allocated to examinations, set and marked by the awarding organisations.
- The remaining 40 per cent of the marks will be allocated to non-exam assessments, which will separately test students' performance skills (30 per cent of the total marks) and ability to analyse and evaluate performance (10 per cent).
- In line with the subject content requirements, students must be assessed in the role of player/performer in three different sports or activities drawn from the lists published by the Department for Education, including at least one team activity and one individual activity.
- Awarding organisations will set the non-exam assessment tasks. Awarding organisations may mark the non-exam assessments themselves, or moderate schools' internal marking.
- Wherever possible, marks will be moderated by observing live performances. Awarding organisations must ensure that all performances they observe for moderation are recorded. This is to evidence moderation decisions, and to allow schools to appeal against those decisions.
- For the limited range of sports where live moderation is not possible, awarding organisations must require schools to obtain video evidence to support their marks, and to provide that evidence when it is needed for moderation.
- Awarding organisations must explain their approach to marking and moderation in their assessment strategies, including how they are managing the particular risks associated with that approach.

## **Summary of our proposals – AS and A level physical education**

- New A levels and AS qualifications in physical education must comply with the Department for Education's subject content requirements, and with our assessment objectives.
- For all new A levels and AS qualifications in physical education, 70 per cent of the marks will be allocated to examinations, set and marked by the awarding organisations.
- The remaining 30 per cent of the marks will be allocated to non-exam assessments, which will separately test students' performance skills (15 per cent of the total marks) and ability to analyse and evaluate performance (15 per cent).
- In line with the subject content requirements, students must be assessed in the role of player/performer or coach in one sport or activity drawn from the lists published by the Department for Education.
- Awarding organisations will set the non-exam assessment tasks. Awarding organisations may mark the non-exam assessments themselves, or moderate schools' internal marking.
- Wherever possible, marks will be moderated by observing live performances. Awarding organisations must ensure that all performances they observe for moderation are recorded. This is to evidence moderation decisions, and to allow schools to appeal against those decisions.
- For the limited range of sports where live moderation is not possible, awarding organisations must require schools to obtain video evidence to support their marks, and to provide that evidence when it is needed for moderation.
- Awarding organisations must explain their approach to marking and moderation in their assessment strategies, including how they are managing the particular risks associated with that approach.

## How to respond to this consultation

The closing date for responses is 12th April 2015.

Please respond to this consultation in one of three ways:

- complete the online response at <http://surveys.ofqual.gov.uk/s3/gcse-as-and-a-level-physical-education-conditions-and-guidance>; or
- email your response to [consultations@ofqual.gov.uk](mailto:consultations@ofqual.gov.uk)  
Please include the consultation title (Physical Education 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: Physical Education Consultation 2015, Ofqual, Spring Place, Coventry Business Park, Herald Avenue, Coventry, CV5 6UB.

### 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 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 12th April 2015.

## Conditions of Recognition

Awarding organisations 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 awarding organisation that breaches or is likely to breach a Condition.

There are three sets of Conditions that will apply to new GCSEs:

- (i) the published *General Conditions of Recognition*<sup>2</sup> that apply to all regulated qualifications;
- (ii) the published *GCSE (9 to 1) Qualification Level Conditions and Requirements*<sup>3</sup> that apply to all GCSEs (9 to 1);
- (iii) GCSE Subject Level Conditions that apply to a GCSE (9 to 1) in a specific subject.

There are three sets of Conditions that will apply to new A levels and AS qualifications:

- (i) the published *General Conditions of Recognition*<sup>4</sup> that apply to all regulated qualifications;
- (ii) *GCE Qualification Level Conditions and Requirements*<sup>5</sup> that apply to all new A levels and AS qualifications;
- (iii) GCE Subject Level Conditions that apply to a new A levels and AS qualifications in a specific subject.

The way the Conditions of Recognition work alongside our other regulatory tools is set out in Appendix A.

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<sup>2</sup> [www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)

<sup>3</sup> [www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions](http://www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions)

<sup>4</sup> [www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)

<sup>5</sup> [www.gov.uk/government/publications/gce-qualification-level-conditions-and-requirements](http://www.gov.uk/government/publications/gce-qualification-level-conditions-and-requirements)

# 1. Draft GCSE Subject Level Conditions and guidance for physical education

## Content requirements in physical education

1.1 The Department for Education has published a document that sets out the new content for GCSE physical education. GCSEs in physical education must comply with the requirements of that document.<sup>6</sup>

1.2 To bring this about, we propose to introduce the following Condition:

### **Condition GCSE (Physical Education)1**

### **Compliance with content requirements**

#### **GCSE(Physical Education)1.1**

**In respect of each GCSE Qualification in Physical Education which it makes available, or proposes to make available, an awarding organisation must –**

- (a) comply with the requirements relating to that qualification set out in the document published by the Secretary of State entitled ‘Physical Education GCSE subject content’,<sup>7</sup> document reference DFE-00697-2014,**
- (b) have regard to any recommendations or guidelines relating to that qualification set out in that document, and**
- (c) interpret that document in accordance with any requirements, and having regard to any guidance, which may be published by Ofqual and revised from time to time.**

#### **GCSE(Physical Education)1.2**

**In respect of each GCSE Qualification in Physical Education which it makes available, or proposes to make available, an awarding organisation must comply with any requirements, and have regard to any guidance, relating to the objectives to be met by any assessment for that qualification which may be published by Ofqual and revised from time to time.**

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<sup>6</sup> [www.gov.uk/government/publications/gcse-physical-education](http://www.gov.uk/government/publications/gcse-physical-education)

<sup>7</sup> [www.gov.uk/government/publications/gcse-physical-education](http://www.gov.uk/government/publications/gcse-physical-education)



## Assessment requirements

1.3 We have previously consulted on and announced our decisions on assessment arrangements in GCSE physical education:

- All GCSEs in physical education will be untiered (as at present), and
- All GCSEs in physical education will be assessed through a combination of 60 per cent assessment by examination, and 40 per cent non-examination assessment.

1.4 We propose to publish a range of requirements and guidance (see below) in relation to the design, setting, conduct and marking of assessments in GCSE physical education.

1.5 To bring this about, we propose to introduce the following Condition:

### **Condition GCSE(Physical Assessment Education)2**

#### **GCSE(Physical Education)2.1**

**Condition GCSE4.1 does not apply to any GCSE Qualification in Physical Education which an awarding organisation makes available or proposes to make available.**

#### **GCSE(Physical Education)2.2**

**In respect of the total marks available for a GCSE Qualification in Physical Education which it makes available, an awarding organisation must ensure that –**

- (a) 60 per cent of those marks are made available through Assessments by Examination, and**
- (b) 40 per cent of those marks are made available through assessments set by the awarding organisation that are not Assessments by Examination.**

#### **GCSE(Physical Education)2.3**

**An awarding organisation must ensure that in respect of each assessment for a GCSE Qualification in Physical Education which it makes available which is not an Assessment by Examination it complies with any requirements, and has regard to any guidance, which may be published by Ofqual and revised from time to time.**

1.6 In June 2013, we published the outcome of our *Review of Controlled Assessment in GCSEs*.<sup>8</sup> In that document, we set out the principles we would use for reformed GCSE qualifications to determine where we should use alternative assessment for elements that cannot be assessed by written exams. Of particular relevance to this consultation are the following:

- Non-exam assessment arrangements, including the weighting assigned to any non-exam assessment, should be designed to fit the requirements of the subject.
- Controls should be used to ensure that we can be confident that what is assessed is what was intended to be assessed.
- Where non-exam assessment contributes to the overall grade, we will require exam boards to put in place robust arrangements to make sure the marks are valid and reliable.

1.7 For GCSE physical education, there are two areas of the subject content which cannot be assessed by written exams: taking part in sports/activities, and analysing and evaluating performance. We are proposing that these two areas should be assessed separately, using the following approach:

- The non-examination assessment must be set by the awarding organisation and include separate assessments of students' performance skills (weighted at 30 per cent of the total marks) and ability to analyse and evaluate performance (10 per cent);
- Students' performance skills must be assessed in three different sports or activities drawn from the prescribed lists published by the Department for Education.<sup>9</sup> This must include at least one team activity and at least one individual activity;
- Students' may analyse and evaluate their own performance, or that of others. They must be assessed on evaluating performance in one of the sports or activities on the prescribed lists – this can be one of the three sports or activities they performed, or a fourth sport or activity from the lists.

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<sup>8</sup>

[http://webarchive.nationalarchives.gov.uk/20141110161323/http://ofqual.gov.uk/ofdoc\\_categories/regulations-and-guidance/gcse-a-to-g/gcse-controlled-assessment-regulations-gcse-a-to-g/](http://webarchive.nationalarchives.gov.uk/20141110161323/http://ofqual.gov.uk/ofdoc_categories/regulations-and-guidance/gcse-a-to-g/gcse-controlled-assessment-regulations-gcse-a-to-g/)

<sup>9</sup> [www.gov.uk/government/publications/gcse-physical-education](http://www.gov.uk/government/publications/gcse-physical-education)

1.8 We are also proposing to introduce rules around the marking and moderating of non-exam assessment in GCSE physical education. We summarise our proposals here, and discuss them in more detail below:

- Awarding organisations may mark the non-exam assessments themselves, or moderate schools' internal marking.
- Wherever possible, marks are moderated by observing live performances. Awarding organisations must ensure that all performances they observe for moderation are recorded. This is to evidence moderation decisions, and to allow schools to appeal against those decisions.
- For the limited range of sports where this is not possible, awarding organisations must require schools to obtain video evidence to support their marks, and to provide that evidence when it is needed for moderation.
- Awarding organisations must explain their approach to marking and moderation in their assessment strategies, including how they are managing the particular risks associated with that approach.

### **Marking of non-exam assessments**

1.9 Both non-examination assessments could be marked either by the awarding organisation (external marking), or by teachers within their own schools (internal marking). Both approaches have their strengths and weaknesses.

1.10 External marking allows for an independent assessment of students' performances, and usually makes it easier for awarding organisations to ensure markers take a fair and consistent approach. But it can be difficult, burdensome and costly to deliver. The number of students taking GCSE physical education, and the variety of sports/activities they can do, means a large number of examiners would be needed to mark all students' work. Managing the marking process – and ensuring that the right markers are in the right place at the right time – is not straightforward. And even if these challenges could be overcome, it can be difficult to form a reliable judgement about a student's ability from watching a single performance.

1.11 Internal marking by teachers can lead to a more balanced judgement about students' ability (particularly in team sports where an individual student's performance can be affected by the performance of their team-mates). But it also places a greater burden on teachers, and makes it more difficult for awarding organisations to ensure students' work is marked consistently.

1.12 There is no perfect solution here. On balance, we think that the costs of external marking outweigh the benefits, and that internal marking (which is the approach

used in current GCSEs) is likely to be the most appropriate approach. But we recognise that this decision is finely balanced, and we do not want to rule out approaches based on external marking unnecessarily. So we are proposing to permit both internal and external marking. We are also proposing to require awarding organisations to explain their approach – and how they are managing the risks associated with it – in their assessment strategies.

### **Moderating marking using live performances**

- 1.13 When using internal marking, our General Conditions of Recognition require awarding organisations to moderate that marking. This is to help ensure marking is consistent both within a single school, and between different schools.
- 1.14 The nature of the non-exam assessment in physical education creates challenges for moderation. Awarding organisations cannot observe every performance that teachers use to reach their judgements, and it would be impractical – and unnecessarily burdensome – for schools to provide video evidence to support every mark they give.
- 1.15 For most sports and activities, awarding organisations currently moderate marks by watching a sample of students perform live. Students' performances on moderation day may not exactly correspond with their marks, but should at least be broadly consistent with them. If moderation reveals serious inconsistencies, then the awarding organisation can review further performances, or adjust marks (up or down) to ensure consistency.
- 1.16 We are proposing that this approach should continue. As far as possible, awarding organisations will moderate marks by observing a sample of live performances. Where appropriate, awarding organisations will use performances observed on moderation days to adjust students' marks.
- 1.17 Awarding organisations must be able to justify and evidence any adjustments they make to students' marks through the moderation process. Students and schools must have opportunities to appeal these adjustments where they feel they are unjustified. We think the best way to ensure students are treated fairly is to require awarding organisations to obtain recordings of all performances they observe during live moderation.

### **Moderating marking without live performances**

- 1.18 Although most sports and activities can be moderated by observing live performances, some cannot. Some sports and activities are seasonal, and take place outside the time of year when moderation visits are possible (for example, skiing). Others require specialist facilities that may not be available in schools (for example, rowing and rock-climbing).

- 1.19 It is important that awarding organisations are able to moderate all the sports and activities offered – it is the only way to ensure that students are treated fairly (and their work marked consistently) across all sports and activities.
- 1.20 The approach we are proposing here builds on current best practice, and will require awarding organisations to moderate those marks based on video evidence of students' performance.
- 1.21 We recognise that video recording of sports and activities can be difficult. It may require specialist equipment, and recording a student's performance in a way that accurately represents their ability can be challenging (particularly in team sports). But the only alternative is to accept that – for some sports and activities – the marks awarded to a student by their teacher cannot be challenged. We do not think this appropriate, or fair to those students who happen to specialise in sports that can be directly observed by moderators.
- 1.22 So we are proposing to require awarding organisations to ensure schools obtain video evidence to support marks for sports that cannot be moderated from live performance, and provide that evidence when it is needed for moderation.
- 1.23 This is the only situation where we think schools will need to record students' performances. The majority of sports permitted at GCSE can be moderated from live performance, so schools would not need to make recordings to justify the marks they award, and awarding organisations would only need to record the performances of the smaller number of students in the moderation sample. We summarise this approach to video recording in the table below.

Sport can be moderated by observing live performance?	Student is in moderation sample?	Approach to video recording
Yes	No	No recording needed.
Yes	Yes	Student's performance during moderation visit is recorded. No other recordings.
No	No	School obtains video recording to evidence teacher's marks.
No	Yes	School obtains video recording to evidence teacher's marks and provides it for moderation.

1.24 We believe this targeted use of video recording is the best way to ensure marking and moderation are as fair to students as they can be, without imposing excessive or unnecessary burdens on schools or awarding organisations.

1.25 We set out our proposed requirements which implement this approach below.

### **Requirements in relation to assessments for GCSE Qualifications in Physical Education**

Condition GCSE(Physical Education)2.3 allows us to specify requirements and guidance in relation to assessments which are not Assessments by Examination for GCSE Qualifications in Physical Education.

We set out our requirements for the purposes of Condition GCSE(Physical Education)2.3 below.

#### **Forms of non-examination assessment**

Condition GCSE(Physical Education)2.2(b) states that an awarding organisation must ensure that of the total marks available for a GCSE Qualification in Physical Education, 40 per cent of those marks shall be made available through assessments set by the awarding organisation which are not Assessments by Examination.

In respect of that 40 per cent, an awarding organisation must ensure that –

- (a) 30 per cent of the total marks available for the qualification are made available through a task which assesses a Learner's knowledge, skills and understanding in relation to performance (the 'Performance Assessment'), and
- (b) 10 per cent of the total marks available for the qualification are made available through a task which assesses a Learner's ability to analyse and evaluate performance to bring about personal improvement in physical activity and sport (the 'Performance Analysis Assessment').

#### **The Performance Assessment**

An awarding organisation must ensure that each Performance Assessment is designed and set to require each Learner to be assessed in the role of player/performer in three different sports or activities listed in the document published by the Secretary of State entitled 'GCSE PE activity list', document reference DFE-00698-2014 (the 'Activity List') –

- (a) at least one of which must be drawn from the list of team activities, and
- (b) at least one of which must be drawn from the list of individual activities.

In respect of each Performance Assessment involving a sport or activity which cannot be observed by the awarding organisation for the purposes of Moderation, an

awarding organisation must ensure that the Centre which delivered the assessment –

- (a) obtains an audiovisual recording of the evidence generated by each Learner in that assessment which allows the awarding organisation to effectively –
  - (i) Moderate that assessment, and
  - (ii) authenticate the evidence generated by the Learner in that assessment, and
- (b) provides that recording to the awarding organisation on request.

### **The Performance Analysis Assessment**

An awarding organisation must ensure that each Performance Analysis Assessment is designed and set to require each Learner to analyse performance in a sport or activity listed in the Activity List.

A Learner is not required to analyse, but is not precluded from analysing, his or her performance in one of the sports or activities which he or she has undertaken for the purposes of the Performance Assessment.

### **Marking of assessments**

Evidence generated by a Learner in an assessment for a GCSE Qualification in Physical Education which is not an Assessment by Examination may be marked –

- (a) by the awarding organisation or a person connected to the awarding organisation,
- (b) by a Centre, or
- (c) through a combination of (a) and (b).

In any event, the awarding organisation must demonstrate to Ofqual's satisfaction in its assessment strategy that –

- (a) it has taken all reasonable steps to identify the risk of any Adverse Effect which may result from its approach to marking of assessments (and Moderation where appropriate) and
- (b) where such a risk is identified, it has taken all reasonable steps to prevent that Adverse Effect or, where it cannot be prevented, to mitigate that Adverse Effect.

In respect of any performance by a Learner which it observes for the purposes of Moderation, an awarding organisation must ensure that –

- (a) a complete audiovisual recording is made of the evidence used to support the outcome of that Moderation, and
- (b) that recording is retained by the awarding organisation for a sufficient period of time to allow for the completion of –

- (i) all relevant enquiries about results and appeals, and
- (ii) all appropriate steps to correct or, where relevant to mitigate, the effect of any failure discovered through such enquiries about results and appeals.

## Assessment objectives

1.26 We have previously consulted on and announced our decisions on assessment objectives in new GCSEs in physical education.

1.27 Following further feedback, we are proposing to make a minor change to part of AO4 – replacing the wording ‘Analyse and evaluate own performance to identify areas of improvement’ with ‘Analyse and evaluate performance’. This is because we are concerned that the previous wording could be read as narrowing the scope of the subject content and unnecessarily constraining assessment.

1.28 We set out our proposed revised assessment objectives in full in the table below.

	Objective	Weighting
AO1	Demonstrate knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport	25%
AO2	Apply knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport	20%
AO3	Analyse and evaluate the factors that underpin performance and involvement in physical activity and sport	15%
AO4	(a) Demonstrate and apply relevant skills and techniques in physical activity and sport (b) Analyse and evaluate performance	40%

## Guidance on assessment objectives

1.29 The draft guidance on assessment objectives explains how we expect awarding organisations 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.

1.30 In line with the obligations set out in draft Condition GCSE(Physical Education)1.2, awarding organisations must have regard to any guidance on the assessment objectives. For example, an awarding organisation 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.

1.31 The draft guidance on assessment objectives is set out below.

AO1: Demonstrate knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport.			25%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> <li>■ Full coverage in each set of assessments<sup>10</sup> (but not every assessment).</li> <li>■ No more than 15% of the total marks for the qualification should be allocated to items<sup>11</sup> which only reward demonstrating knowledge.</li> </ul>	<ul style="list-style-type: none"> <li>■ Questions/tasks may target knowledge in isolation, but understanding should normally be assessed in combination with knowledge.</li> <li>■ Questions/tasks may target performance and/or involvement in combination or individually.</li> <li>■ Questions/tasks may target sport and/or physical activity in combination or individually.</li> </ul>

<sup>10</sup> For the purposes of this guidance, a 'set of assessments' means the assessments to be taken by a particular Learner for a GCSE Qualification in Physical Education. For clarity, the assessments taken by Learners may vary, depending on any possible routes through the qualification.

<sup>11</sup> For the purposes of this guidance, the term 'item' means any part of the assessment which is allocated separate marks.

AO2: Apply knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport.			20%
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> <li>Full coverage in each set of assessments (but not every assessment).</li> </ul>	<ul style="list-style-type: none"> <li>The emphasis here is on the ability of the Learner to apply their knowledge and understanding to make connections between theory and practice.</li> <li>In this context, knowledge and understanding are both prerequisites for application, and should be assessed together.</li> <li>Questions/tasks may target performance and/or involvement in combination or individually.</li> <li>Questions/tasks may target physical activity and/or sport in combination or individually.</li> </ul>

AO3: Analyse and evaluate the factors that underpin performance and involvement in physical activity and sport.			15%
Strands	Elements	Coverage	Interpretations and definitions
n/a	1a – Analyse the factors that underpin performance and involvement in physical activity and sport.	<ul style="list-style-type: none"> <li>■ Full coverage in each set of assessments (but not every assessment).</li> <li>■ Awarding organisations should justify the balance between elements 1a and 1b in their assessment strategies.</li> </ul>	<ul style="list-style-type: none"> <li>■ Questions/tasks may target performance and/or involvement in combination or individually.</li> <li>■ Questions/tasks may target physical activity and/or sport in combination or individually.</li> </ul>
	1b – Evaluate the factors that underpin performance and involvement in physical activity and sport.		

AO4:			40%
<ul style="list-style-type: none"> <li>■ Demonstrate and apply relevant skills and techniques in physical activity and sport</li> <li>■ Analyse and evaluate performance.</li> </ul>			
Strands	Elements	Coverage	Interpretations and definitions
<b>1 – Demonstrate and apply relevant skills and techniques in physical activity and sport.</b>	This strand is a single element.	<ul style="list-style-type: none"> <li>■ Full coverage in each set of assessments (but not every assessment).</li> <li>■ Awarding organisations should justify the balance between elements 2a and 2b in their assessment strategies.</li> </ul>	<ul style="list-style-type: none"> <li>■ In the context of this assessment objective, <b>demonstrate</b> means the practical demonstration of skills and techniques, in a performance.</li> <li>■ <b>Skills</b> and <b>techniques</b> are interchangeable terms, and refer to those outlined in paragraph 16 of the Content Document.</li> <li>■ Analyse and evaluate should include theoretical content.</li> <li>■ Within strand 2, Learners should be expected to make appropriate recommendations to bring about improvement(s), but should not be assessed on whether or not improvement(s) occurs.</li> </ul>
	2a – Analyse performance.		
<b>2 – Analyse and evaluate performance.</b>	2b – Evaluate performance.		

## 2. Draft A level and AS Subject Level Conditions and guidance for Physical Education

### Content requirements in physical education

2.1 The Department for Education has published a document that sets out the new content for A levels and AS qualifications in physical education. A levels and AS qualifications in physical education must comply with the requirements of that document.<sup>12</sup>

2.2 To bring this about, we propose to introduce the following Condition:

<b>Condition</b>	<b>Compliance with content requirements</b>
<b>GCE(Physical Education)1</b>	
<b>GCE(Physical Education)1.1</b>	<p>In respect of each GCE Qualification in Physical Education which it makes available, or proposes to make available, an awarding organisation must –</p> <ul style="list-style-type: none"><li>(a) comply with the requirements relating to that qualification set out in the document published by the Secretary of State entitled ‘Physical Education GCE AS and A level subject content’,<sup>13</sup> document reference DFE-00696-2014,</li><li>(b) have regard to any recommendations or guidelines relating to that qualification set out in that document, and</li><li>(c) interpret that document in accordance with any requirements, and having regard to any guidance, which may be published by Ofqual and revised from time to time.</li></ul>
<b>GCE(Physical Education)1.2</b>	<p>In respect of each GCE Qualification in Physical Education which it makes available, or proposes to make available, an awarding organisation must comply with any requirements, and have regard to any guidance, relating to the objectives to be met by any assessment for that qualification which may be published by Ofqual and revised from time to time.</p>

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<sup>12</sup> [www.gov.uk/government/publications/gce-as-and-a-level-physical-education](http://www.gov.uk/government/publications/gce-as-and-a-level-physical-education)

<sup>13</sup> [www.gov.uk/government/publications/gce-as-and-a-level-physical-education](http://www.gov.uk/government/publications/gce-as-and-a-level-physical-education)

## Assessment requirements

2.3 We have previously consulted on and announced our decision that all A levels and AS qualifications in physical education will be assessed through a combination of 70 per cent assessment by examination, and 30 per cent non-examination assessment.

2.4 We also propose to publish a range of requirements and guidance (see below) in relation to the design, setting, conduct and marking of assessments in AS and A level physical education.

2.5 To bring this about, we propose to introduce the following Condition:

<b>Condition</b>	<b>Assessment</b>
<b>GCE(Physical Education)2</b>	
<b>GCE(Physical Education)2.1</b>	<b>Condition GCE4.1 does not apply to any GCE Qualification in Physical Education which an awarding organisation makes available or proposes to make available.</b>
<b>GCE(Physical Education)2.2</b>	<b>In respect of the total marks available for a GCE Qualification in Physical Education which it makes available, an awarding organisation must ensure that –</b>  <b>(a) 70 per cent of those marks are made available through Assessments by Examination, and</b>  <b>(b) 30 per cent of those marks are made available through assessments set by the awarding organisation that are not Assessments by Examination.</b>
<b>GCE(Physical Education)2.3</b>	<b>An awarding organisation must ensure that in respect of each assessment for a GCE Qualification in Physical Education which it makes available which is not an Assessment by Examination it complies with any requirements, and has regard to any guidance, which may be published by Ofqual and revised from time to time.</b>

2.6 We have followed the same approach used at GCSE to determine the controls that we propose to put in place around non-exam assessment for AS and A level physical education. The issues that arise at AS and A level are largely the same as those at GCSE, so we are proposing to take a similar approach.

2.7 The main difference between GCSE and AS and A level is the focus of the subject content. Compared to GCSE, the AS and A level subject content places

a greater emphasis on theoretical content and the analysis and evaluation performance, and less emphasis on performance itself. It also allows students to be assessed in the role of coach, as well as that of player/performer. In line with the emphasis of the subject content, we are proposing the following approach to the design, setting and conduct of the non-exam assessment for AS and A level physical education:

- The non-examination assessment must be set by the awarding organisation and include separate assessments of students' performance skills (weighted at 15 per cent of the total marks) and ability to analyse and evaluate performance (also weighted at 15 per cent of the total marks);
- Students' performance skills must be assessed in one sport or activity drawn from the prescribed lists published by the Department for Education.<sup>14</sup> This can be either a team or an individual activity, and students may be assessed in the role of coach as well as the role of player/performer;
- Students may analyse and evaluate their own performance, or that of others. They must be tested in one of the sports or activities on the prescribed lists – this can be the sport or activity they performed, or a different sport or activity that is on the lists.

2.8 As at GCSE, the nature of the non-exam assessment tasks (and the permitted sports and activities) creates significant challenges for the marking and moderation of non-exam assessment tasks – and no single approach is perfect. The issues at AS and A level are the same as those at GCSE (see paragraphs 1.8 to 1.21 above), and we do not repeat them here.

2.9 In line with our proposals at GCSE, we think the best approach to marking and moderating for AS and A level is as follows:

- Awarding organisations may mark the non-exam assessments themselves, or moderate schools' internal marking.
- Wherever possible, marks are moderated by observing live performances. Awarding organisations must ensure that all performances they observe for moderation are recorded. This is to evidence moderation decisions, and to allow schools to appeal against those decisions.
- For the limited range of sports where this is not possible, awarding organisations must require schools to obtain video evidence to support

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<sup>14</sup> [www.gov.uk/government/publications/gce-as-and-a-level-physical-education](http://www.gov.uk/government/publications/gce-as-and-a-level-physical-education)



their marks, and to provide that evidence when it is needed for moderation.

- Awarding organisations must explain their approach to marking and moderation in their assessment strategies, including how they are managing the particular risks associated with that approach.

2.10 We set out our proposed requirements which implement this approach below.

### **Requirements in relation to assessments for GCE Qualifications in Physical Education**

Condition GCE(Physical Education)2.3 allows us to specify requirements and guidance in relation to assessments which are not Assessments by Examination for GCE Qualifications in Physical Education.

We set out our requirements for the purposes of Condition GCE(Physical Education)2.3 below.

#### **Forms of non-examination assessment**

Condition GCE(Physical Education)2.2(b) states that an awarding organisation must ensure that of the total marks available for a GCE Qualification in Physical Education, 30 per cent of those marks shall be made available through assessments set by the awarding organisation which are not Assessments by Examination.

In respect of that 30 per cent, an awarding organisation must ensure that –

- (a) 15 per cent of the total marks available for the qualification are made available through a task which assesses a Learner's knowledge, skills and understanding in relation to performance (the 'Performance Assessment'), and
- (b) 15 per cent of the total marks available for the qualification are made available through a task which assesses a Learner's ability to analyse and evaluate performance to bring about personal improvement in physical activity and sport (the 'Performance Analysis Assessment').

#### **The Performance Assessment**

An awarding organisation must ensure that each Performance Assessment is designed and set to require each Learner to be assessed in the role of player/performer or coach in one sport or activity listed in the document published by the Secretary of State entitled 'GCE PE activity list', document reference DFE-00690-2014 (the 'Activity List').

In respect of each Performance Assessment involving a sport or activity which cannot be observed by the awarding organisation for the purposes of Moderation, an

awarding organisation must ensure that the Centre which delivered the assessment –

- (a) obtains an audiovisual recording of the evidence generated by each Learner in that assessment which allows the awarding organisation to effectively –
  - (i) moderate that assessment, and
  - (ii) authenticate the evidence generated by the Learner in that assessment, and
- (b) provides that recording to the awarding organisation on request.

### **The Performance Analysis Assessment**

An awarding organisation must ensure that each Performance Analysis Assessment is designed and set to require each Learner to analyse performance in a sport or activity listed in the Activity List.

A Learner is not required to analyse, but is not precluded from analysing, his or her performance in one of the sport or activity which he or she has undertaken for the purposes of the Performance Assessment.

### **Marking of assessments**

Evidence generated by a Learner in an assessment for a GCE Qualification in Physical Education which is not an Assessment by Examination may be marked –

- (a) by the awarding organisation or a person connected to the awarding organisation,
- (b) by a Centre, or
- (c) through a combination of (a) and (b).

In any event, the awarding organisation must demonstrate to Ofqual's satisfaction in its assessment strategy that –

- (a) it has taken all reasonable steps to identify the risk of any Adverse Effect which may result from its approach to marking of assessments (and Moderation where appropriate) and
- (b) where such a risk is identified, it has taken all reasonable steps to prevent that Adverse Effect or, where it cannot be prevented, to mitigate that Adverse Effect.

In respect of any performance by a Learner which it observes for the purposes of Moderation, an awarding organisation must ensure that –

- (a) a complete audiovisual recording is made of the evidence used to support the outcome of that Moderation, and
- (b) that recording is retained by the awarding organisation for a sufficient period of time to allow for the completion of –

- (i) all relevant enquiries about results and appeals, and
- (ii) all appropriate steps to correct or, where relevant to mitigate, the effect of any failure discovered through such enquiries about results and appeals.

## Assessment objectives

2.11 We have previously consulted on and announced our decisions on assessment objectives in new A levels and AS qualifications in physical education.

2.12 As at GCSE, we are proposing to make a minor change to part of AO4 – replacing the wording ‘Analyse and evaluate performance to identify areas of improvement’ with ‘Analyse and evaluate performance’. This is because we are concerned that the previous wording could be read as narrowing the scope of the subject content and unnecessarily constraining assessment.

2.13 We set out our proposed revised assessment objectives in full in the table below:

	Objective	Weighting (A level)	Weighting (AS)
AO1	Demonstrate knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport.	20–25%	20–25%
AO2	Apply knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport.	20–25%	20–25%
AO3	Analyse and evaluate the factors that underpin performance and involvement in physical activity and sport.	20–25%	20–25%
AO4	<ul style="list-style-type: none"> <li>■ Demonstrate and apply relevant skills and techniques in physical activity and sport.</li> <li>■ Analyse and evaluate performance.</li> </ul>	30%	30%

## Guidance on assessment objectives

2.14 The draft guidance on assessment objectives explains how we expect awarding organisations 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.

2.15 In line with the obligations set out in draft Condition GCE(Physical Education)1.2, awarding organisations must have regard to any guidance on the assessment objectives. For example, an awarding organisation 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.

2.16 The draft guidance on assessment objectives is set out below.

AO1: Demonstrate knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport.			20–25% (A level) 20–25% (AS)
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> <li>■ Full coverage in each set of assessments<sup>15</sup> (but not every assessment).</li> <li>■ No more than 10% of the total marks for the qualification should be allocated to items<sup>16</sup> which only reward demonstrating knowledge.</li> </ul>	<ul style="list-style-type: none"> <li>■ Questions/tasks may target knowledge in isolation, but understanding should normally be assessed in combination with knowledge.</li> <li>■ Questions/tasks may target performance and/or involvement in combination or individually.</li> <li>■ Questions/tasks may target sport and/or physical activity in combination or individually.</li> </ul>

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<sup>15</sup> For the purposes of this guidance, a ‘set of assessments’ means the assessments to be taken by a particular Learner for a GCE Qualification in Physical Education. For clarity, the assessments taken by Learners may vary, depending on any possible routes through the qualification.

<sup>16</sup> For the purposes of this guidance, the term ‘item’ means any part of the assessment which is allocated separate marks.

AO2: Apply knowledge and understanding of the factors that underpin performance and involvement in physical activity and sport.			20–25% (A level) 20–25% (AS)
Strands	Elements	Coverage	Interpretations and definitions
n/a	This AO is a single element.	<ul style="list-style-type: none"> <li>Full coverage in each set of assessments (but not every assessment).</li> </ul>	<ul style="list-style-type: none"> <li>The emphasis here is on the ability of the Learner to apply their knowledge and understanding to make connections between theory and practice.</li> <li>In the context of this assessment objective, knowledge and understanding are both prerequisites for application and should be assessed together.</li> <li>Questions/tasks may target performance and/or involvement in combination or individually.</li> <li>Questions/tasks may target sport and/or physical activity in combination or individually.</li> </ul>

AO3: Analyse and evaluate the factors that underpin performance and involvement in physical activity and sport.			20–25% (A level) 20–25% (AS)
Strands	Elements	Coverage	Interpretations and definitions
n/a	1a – Analyse the factors that underpin performance and involvement in physical activity and sport.	<ul style="list-style-type: none"> <li>■ Full coverage in each set of assessments (but not every assessment).</li> <li>■ Balanced coverage of elements 1a and 1b. Awarding organisations should justify the balance between these elements in their assessment strategies.</li> </ul>	<ul style="list-style-type: none"> <li>■ Questions/tasks may target performance and/or involvement in combination or individually.</li> <li>■ Questions/tasks may target sport and/or physical activity in combination or individually.</li> </ul>
	1b – Evaluate the factors that underpin performance and involvement in physical activity and sport.		

AO4:			30% (A level) 30% (AS)
<ul style="list-style-type: none"> <li>■ Demonstrate and apply relevant skills and techniques in physical activity and sport</li> <li>■ Analyse and evaluate performance.</li> </ul>			
Strands	Elements	Coverage	Interpretations and definitions
<b>1 – Demonstrate and apply relevant skills and techniques in physical activity and sport.</b>	This strand is a single element.	<ul style="list-style-type: none"> <li>■ Full coverage in each set of assessments (but not every assessment).</li> <li>■ Balanced coverage of elements 2a and 2b. Awarding organisations should justify the balance between elements 2a and 2b in their assessment strategies.</li> </ul>	<ul style="list-style-type: none"> <li>■ In the context of this assessment objective, <b>demonstrate</b> means the practical demonstration of skills and techniques, in a performance.</li> <li>■ <b>Skills</b> and <b>techniques</b> are interchangeable terms, and refer to those outlined in paragraph 18 of the Content Document.</li> <li>■ Analyse and evaluate should include theoretical content.</li> <li>■ Within strand 2, Learners should be expected to make appropriate recommendations to bring about improvement(s), but should not be assessed on whether or not improvement(s) occurs.</li> </ul>
	<b>2 – Analyse and evaluate performance.</b>		



## 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, A level and AS qualifications

- 3.2 We have considered the potential impact on students who share protected characteristics<sup>17</sup> of the application of the principles and features that will apply to all new GCSEs, A level and AS qualifications. Our equality impact analyses for our earlier consultations on GCSE,<sup>18</sup> AS and A level<sup>19</sup> reform are therefore of interest and we encourage you to read them.
- 3.3 Any issues concerning the proposed content have been considered by the Department of Education, who have published their own Equalities Impact Analysis on their subject content proposals.<sup>20</sup>
- 3.4 We have also previously considered the potential impact on students who share protected characteristics of the policy decisions we are implementing for GCSE, AS and A level physical education.<sup>21</sup>
- 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 arise from the way in which we are implementing our previous policy decisions.
- 3.6 We have not identified any additional negative impacts on students who share protected characteristics which would result from our proposed approach to implementing assessment arrangements in GCSE, AS and A level physical education (beyond those that we have already identified in our earlier reports).

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<sup>17</sup> 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.

<sup>18</sup> <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-june-2013/category/8-equality-impact-analysis/>

<sup>19</sup> <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/a-level-regulatory-requirements-october-2013/category/part-3-impact/equality-impact-analysis/>

<sup>20</sup> [www.gov.uk/government/publications/a-level-subject-content-equality-impact-assessment](http://www.gov.uk/government/publications/a-level-subject-content-equality-impact-assessment)

<sup>21</sup>

<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/developing-new-qualifications-for-2016/4-equality-impact-analysis/assessment-arrangements/>

- 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 Awarding organisations 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\***

**Position\***

**Organisation name (if applicable)\***

**Address**

**Email**

**Telephone**

**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)

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**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)
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**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)
- 

**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

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**May we contact you for further information?**

Yes    No

## Questions

### Question 1

**Do you have any comments on the draft Conditions for new physical education GCSEs?**

Yes                       No

**If yes, please provide them here:**

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### Question 2

**Do you have any comments on our draft assessment requirements for new physical education GCSEs?**

Yes                       No

**If yes, please provide them here:**

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**Question 3**

**Do you have any comments on our proposed change to the assessment objectives for new physical education GCSEs?**

Yes                       No

**If yes, please provide them here:**

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**Question 4**

**Do you have any comments on the draft guidance on assessment objectives for new physical education GCSEs?**

Yes                       No

**If yes, please provide them here:**

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**Question 5**

**Do you have any comments on the draft Conditions for new physical education A levels and AS qualifications?**

Yes                       No

**If yes, please provide them here:**

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**Question 6**

**Do you have any comments on the draft assessment requirements for physical education A levels and AS qualifications?**

Yes    No

**If yes, please provide them here:**

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**Question 7**

**Do you have any comments on our proposed change to the assessment objectives for new physical education GCSEs?**

Yes                       No

**If yes, please provide them here:**

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**Question 8**

**Do you have any comments on the draft guidance on assessment objectives for new physical education A levels and AS qualifications?**

Yes                       No

**If yes, please provide them here:**

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**Question 9**

**We have not identified any ways in which the proposed requirements for new physical education GCSEs, A levels and AS qualifications would impact (positively or negatively) on persons who share a protected characteristic.<sup>22</sup> Are there any potential impacts we have not identified?**

Yes                       No

**If yes, please provide them here:**

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**Question 10**

**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 comment on the additional steps we could take to mitigate negative impacts:**

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<sup>22</sup> '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, gender reassignment

**Question 11**

**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:**

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## Appendix A: Regulatory tools

### Comparability and innovation

Awarding organisations 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. Awarding organisations must, however, make sure that the levels of attainment indicated by their qualifications are comparable to those of other awarding organisations' versions of the qualifications. The awarding organisations 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, A level and AS qualifications before they can be made available, by applying an accreditation requirement to the qualifications, and we oversee the awarding of GCSE, A level and AS qualifications.

We do not wish to close down opportunities for awarding organisations 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 awarding organisations to distinguish their qualifications from others and stop choice for schools or colleges. On the other hand, if awarding organisations 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 awarding organisations that provide them. The main regulatory tools we use for the qualifications in this consultation are explained below.

### Conditions of Recognition

Awarding organisations 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 awarding organisation 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*<sup>23</sup> that apply to all regulated qualifications;

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<sup>23</sup> [www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)

- (ii) GCSE (1 to 9) Qualification Level Conditions and Requirements<sup>24</sup> that apply to all new GCSEs;
- (iii) GCSE Subject Level Conditions that apply to a new GCSE in a specific subject – we are consulting now on draft GCSE Subject Level Conditions for physical education.

There are three sets of Conditions that will apply to new A levels and AS qualifications (together ‘the Conditions’):

- (i) the published *General Conditions of Recognition*<sup>25</sup> that apply to all regulated qualifications;
- (ii) *GCE Qualification Level Conditions and Requirements*<sup>26</sup> that apply to all new A level and AS qualifications;
- (iii) GCE Subject Level Conditions that apply to all new A levels and AS qualifications in a specific subject – we are consulting now on draft GCE Subject Level Conditions for physical education.

## Regulatory documents

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

We are consulting now on two draft regulatory documents:

- (i) the assessment requirements for GCSE physical education; and
- (ii) the assessment requirements for AS and A level physical education.

These requirements will have effect as if they were part of a Condition. They will comprise a stand-alone section of the Conditions document because they are technical and detailed, so sit better as separate to, rather than within, the Condition itself.

## Statutory guidance

We publish guidance to help awarding organisations identify the types of behaviour or practices they could use to meet a Condition. Awarding organisations must have

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<sup>24</sup> [www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions](http://www.gov.uk/government/publications/gcse-9-to-1-qualification-level-conditions)

<sup>25</sup> [www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)

<sup>26</sup> [www.gov.uk/government/publications/gce-qualification-level-conditions-and-requirements](http://www.gov.uk/government/publications/gce-qualification-level-conditions-and-requirements)

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 awarding organisation that decides to take a different approach from that set out in the guidance must still be able to show that it is meeting the Condition or Conditions to which the guidance relates.

We are consulting now on draft guidance for physical education.

## 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, 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.<sup>27</sup> 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 GCSEs, A levels and AS 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.

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<sup>27</sup> 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 GCSEs, A levels 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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