

# **Decisions on Functional Skills Qualification reform – English and mathematics**



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# Introduction

Government is reforming Functional Skills Qualifications (FSQs) in English and mathematics. The reformed qualifications will be available for first teaching from September 2019.

In August 2017 the Minister for Apprenticeships and Skills, Anne Milton, wrote to us to set out policy steers<sup>1</sup> for the reformed qualifications. Since then the Department for Education (DfE) has published subject content for reformed FSQs in [English](#) and [mathematics](#).

In September 2017 we consulted on our approach to regulating new FSQs in English and mathematics<sup>2</sup>. This document sets out the decisions we have taken following our policy consultation.

In reaching our decisions, we considered the consultation responses we received and the views of attendees at our consultation and stakeholder events.<sup>3</sup> We also considered the detailed information that awarding organisations provided to us on the estimated cost of a number of our proposals.<sup>4</sup>

Our technical consultation<sup>5</sup> builds on the decisions set out in this document, and seeks views on the detailed Conditions, requirements and guidance we want to put in place for new FSQs in English and mathematics.

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[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/647351/Letter\\_to\\_Sally\\_Collier\\_OFQUAL\\_Sept2017.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/647351/Letter_to_Sally_Collier_OFQUAL_Sept2017.pdf)

<sup>2</sup> [www.gov.uk/government/consultations/reforming-functional-skills-qualifications-in-english-and-maths](http://www.gov.uk/government/consultations/reforming-functional-skills-qualifications-in-english-and-maths)

<sup>3</sup> [www.gov.uk/government/consultations/reforming-functional-skills-qualifications-in-english-and-maths](http://www.gov.uk/government/consultations/reforming-functional-skills-qualifications-in-english-and-maths)

<sup>4</sup> [www.gov.uk/government/consultations/reforming-functional-skills-qualifications-in-english-and-maths](http://www.gov.uk/government/consultations/reforming-functional-skills-qualifications-in-english-and-maths)

<sup>5</sup> [www.gov.uk/government/consultations/implementing-functional-skills-reform](http://www.gov.uk/government/consultations/implementing-functional-skills-reform)

# 1. Design rules – all new Functional Skills Qualifications

## Subject content

### **Our decision:**

All new FSQs must follow the subject content published by the Department for Education.

- 1.1 The Department for Education has published the final subject content for new FSQs in [English](#) and [mathematics](#).
- 1.2 We have considered the final subject content and consider that:
  - the demand of the content is appropriate for the level and size of the qualification;
  - it is possible to assess the knowledge, skills and understanding that the content contains in a sufficiently valid way; and
  - the content requirements are specified in a way that it is sufficiently clear for us to regulate against them.
- 1.3 As such we propose to adopt the subject content documents into our rules and guidance.

## Assessment time requirements

### **Our decision:**

We will specify both minimum and maximum overall assessment times.

- 1.4 In our consultation we proposed to set minimum overall assessment times, as we felt that this was one way (as part of a wider set of measures) of increasing comparability of qualifications across the range of awarding organisations offering them.
- 1.5 The majority of consultation respondents were in favour of us setting rules on minimum overall assessment time, however a number of respondents suggested that we should also consider setting rules around maximum overall assessment times which they felt would be equally helpful for comparability.
- 1.6 We had proposed not to set rules around maximum overall assessment times as we felt that it was generally undesirable to centres, learners and awarding organisations for there to be unduly long assessment times. However, having reviewed the approaches awarding organisations take in relation to current

FSQs, we have noted that awarding organisations make use of the full range of allowed overall assessment times. As such we think that there is some merit in setting an upper limit on allowed overall assessment times as this will reduce the potential differences in approaches awarding organisations may take.

- 1.7 In our technical consultation we are consulting on the minimum and maximum overall assessment times that we propose to put in place for new FSQs in English and mathematics.

## Number of assessments

### **Our decision:**

We will set rules on the number of assessments in new FSQs in English and mathematics.

- 1.8 We consulted on not setting rules around the number of assessments in new FSQs. We had considered that there were a number of different legitimate approaches that awarding organisations could take to determining the appropriate number of assessments for each qualification, and setting a rule would restrict assessment design options available to awarding organisations. This marked a change in approach from current FSQs where there are rules on the number of components for each qualification.
- 1.9 Just over half of the respondents who provided a view in response to this proposal disagreed with our proposed approach. A number of respondents highlighted concerns that our approach could impact on the comparability of the approach across awarding organisations
- 1.10 Having considered the responses we received we agree that our proposed approach could lead to less comparability between awarding organisations. We also have further considered this proposal in light of the need for us to ensure that standards are being maintained across the different awarding organisations offering the new FSQs. Requiring a more consistent approach to assessment is likely to help us to secure standards across awarding organisations.
- 1.11 We have therefore decided to set rules on the number of assessments in new FSQs. In our technical consultation we are consulting on the rules we are proposing to put in place for FSQs in English and mathematics.

## Setting, contextualising and marking assessments

### **Our decisions:**

- At **Levels 1 and 2** all assessments in mathematics, and the Reading and Writing assessments in English must be set and marked by awarding organisations.

- At the **Entry levels** all assessments in mathematics, and the Reading and Writing assessments in English:
  - must be set by awarding organisations
  - may be contextualised by centres
  - may be marked either by the awarding organisation, or by the centre, or through a combination of the two
- For **Speaking, listening and communicating** at all levels, the assessments may be set and marked by the awarding organisation or by the centre, or through a combination of the two; but where a centre sets any assessment, the awarding organisation must have specified parameters for the assessment that ensure the assessment is fit for purpose and meets all the requirements specified.

## Levels 1 and 2

- 1.12 In our consultation we proposed that awarding organisations should set and mark all assessments in mathematics, and the Reading and Writing assessments in English. This is consistent with the rules that are in place for the current qualifications.
- 1.13 We felt that it was proportionate to maintain a high degree of awarding organisation control for these assessments, because FSQs at these levels are important qualifications that are part of accountability measures and form a part of apprenticeships.
- 1.14 This proposal was supported by the majority of respondents to the consultation, and we have therefore decided to implement this proposal.

## Entry levels

- 1.15 In current FSQs all assessments in mathematics, and the Reading and Writing assessments in English, must be specified by the awarding organisation but may be contextualised or adapted by centres and must be marked by centres.
- 1.16 Our proposal had intended to largely carry forward the existing arrangements in relation to setting and contextualising of these assessments, i.e. that they should be set by awarding organisations with centres being permitted to contextualise them for their learners.
- 1.17 Unfortunately, the wording in our consultation document led some respondents to misunderstand this element of our proposal. Some respondents thought that we proposed to allow centres to set all assessments for Entry level, and raised concerns that this would place excessive burden on centre staff.
- 1.18 Our proposal around marking was that we would allow, rather than require, assessments at the Entry levels to be centre set and centre marked. This was because the approach of requiring centres to mark these assessments would

prevent awarding organisations from stepping in, even in a case where, for example, large-scale malpractice has been uncovered at a centre. This outcome would obviously be undesirable. Additionally, we felt that should an awarding organisation wish to introduce more control into the conduct of the new FSQs, for example by marking the assessments at the Entry levels, this would not be something we would wish to prevent.

1.19 The majority of respondents agreed with our proposals around the setting, contextualising and marking of assessments at the Entry levels, with a number commenting that the current approach works well. We will therefore implement our clarified proposal.

### **Speaking, listening and communicating (all levels)**

1.20 Our rules for current FSQs require awarding organisations to provide exemplar tasks that cover the different requirements of the skills standards. Centres are then permitted to:

- adapt the exemplar tasks provided by the awarding organisation, within parameters that the awarding organisation sets out; or
- set their own tasks using the exemplars and parameters set out by the awarding organisation.

1.21 Centres are required to mark the Speaking, listening and communicating assessments in current FSQs.

1.22 We proposed to largely carry forward the existing arrangements, though in line with our proposals around marking in respect of the Entry level assessments, we proposed to allow, rather than require, assessments at the Entry levels to be centre set and centre marked.

1.23 The majority of respondents to our consultation agreed with our proposed approach, and a number commented that the current system worked well. We have therefore decided to implement this proposal.

### **Assessment availability**

#### **Our decision:**

We will not put in place any restrictions on assessment availability.

1.24 We are permitting all assessments at the Entry levels and the Speaking, listening and communicating assessments at Levels 1 and 2 to be contextualised or set by centres, so, as we set out in our consultation, it would not be effective for us to try to restrict their availability.

- 1.25 In relation to the assessments at Levels 1 and 2 that must be set by awarding organisations, we considered whether we should become more restrictive around the availability of assessments in order to reduce the comparability, predictability and security concerns that the current approach gives rise to.
- 1.26 Awarding organisations currently take different approaches to the frequency and approach to their external assessments at Levels 1 and 2. These include set days when assessments are available, set periods when assessments are available, and on-demand availability. In our consultation we proposed retaining the current approach in terms of assessment availability.
- 1.27 The majority of respondents and stakeholders supported our proposal, and we recognise that the flexibility allowed in the current approach allows learners to progress through their FSQs in a way that fits their learning style and to take the assessments when they are ready. This has been highlighted as an important feature of FSQs. We have therefore decided not to put in place any explicit restrictions on assessment availability. We do however recognise that this approach could give rise to risks in relation to the maintenance of standards, comparability and the avoidance of predictability. We will therefore consider in our technical consultation whether there are any measures we would introduce to ensure that the approach each awarding organisation puts in place to manage or mitigate these risks is appropriate.

## Grading

### **Our decision:**

All new FSQs must use a Pass/Fail grading model.

- 1.28 In our consultation we proposed implementing a Pass/Fail grading model in relation to new FSQs. The same grading model is in place for the current qualifications.
- 1.29 The majority of respondents and stakeholders supported this approach, and it is in line with the curriculum intentions that the Department for Education has set out. We have therefore decided to retain the Pass/Fail grading model in the new FSQs.

## 2. Subject-specific features – English

### Content areas

#### **Our decision:**

Learners must continue to pass all three content areas (Reading; Writing; and Speaking, listening and communicating) to achieve an overall 'Pass' in the qualification.

- 2.1 Current FSQs in English set out three separate content areas; Reading, Writing, and Speaking, listening and communicating. Each of these content areas currently forms a separate component, and learners must pass each of the three components to achieve an overall pass in the qualification.
- 2.2 In the consultation we set out that the subject content for new FSQs in English retains the same three separate content areas, and we propose to continue to require learners to achieve a pass in all three content areas to achieve an overall pass in the reformed qualification. The majority of consultation respondents supported our proposal.
- 2.3 We take the view that this approach ensures that a 'Pass' in reformed FSQs in English indicates that a learner has demonstrated competency in all three content areas. As such we have decided to set rules that require learners to pass all three content areas in order to achieve an overall pass in the qualification.

### **Assessing spelling, punctuation and grammar in the Writing assessment**

#### **Weightings for spelling, punctuation and grammar**

#### **Our decision:**

We will set weighting ranges for spelling, punctuation and grammar within the Writing component.

- 2.4 The subject content for new FSQs in English requires the assessment of spelling, punctuation and grammar (SPaG) within the Writing assessment. In our consultation we proposed to set weighting for assessing SPaG. Current FSQs set a weighting range for SPaG at Levels 1 and 2.
- 2.5 The majority of respondents to our consultation agreed that we should set weightings for SPaG, and some commented that setting a weighting would ensure the comparability of assessments across awarding organisations.



- 2.6 We think that it is important for us to set weightings for SPaG which will ensure that there is an appropriate emphasis on SPaG to reflect the subject content requirements, and ensure a comparable approach is undertaken across the different awarding organisations. Given the expectations around SPaG that are set out in the content document for all levels, we take the view that it is necessary to specify a weighting for the Entry levels as well as Levels 1 and 2.
- 2.7 We think it is appropriate for us to set a weighting range. This will ensure that a comparable approach is taken by different awarding organisations without placing unnecessary constraints around assessment design.
- 2.8 We are consulting on the weighting ranges in our technical consultation.

### **Access to spelling and grammar checks**

#### **Our decision:**

There will be no access to spelling and grammar checks in the Writing component.

- 2.9 Our requirements for current FSQs allow learners to access spelling and grammar checks during their Writing assessments. However, the subject content for new FSQs in English requires learners to be tested on their underpinning skills, and at the Entry levels there is an additional requirement that Learners should be assessed on the spelling of specific words. We therefore proposed that learners should not have access to spelling and grammar checks in their Writing assessments.
- 2.10 Views in response to this proposal were mixed. Some respondents agreed with our proposal, and commented that it would not make sense for spelling and grammar checks to be available during assessments of these abilities. Others disagreed with our proposal and said that FSQs should be preparing learners for the workplace, and learners would have access to spelling and grammar checks in the real world.
- 2.11 We remain of the view that allowing learners to have access to spelling and grammar checks during their Writing assessments would undermine the assessment of their underpinning skills which is a requirement of the subject content. We are therefore proposing to prohibit access to spelling and grammar checks in the Writing component.

### **Assessment of Speaking, listening and communicating**

#### **Common assessment criteria**

#### **Our decision:**

We will set level-based common criteria for assessing Speaking, listening and communicating.

- 2.12 In our consultation we proposed that we should produce common assessment criteria for the Speaking, listening and communicating component, and require all awarding organisations to use them. The majority of respondents to our consultation supported this proposal.
- 2.13 We think that producing common assessment criteria will promote comparability across different awarding organisations, and as such we have decided that we will take this step.
- 2.14 We consulted on whether the common assessment criteria should follow a mark-based or level-based approach. Views in response to this proposal were mixed, with slightly more respondents favouring a level-based approach. We are consulting on the detail of the common assessment criteria in our technical consultation, but consider that a level-based approach will work best, as an overall consideration of a learner's performance is more of a valid assessment of the knowledge, understanding and skills being tested in this assessment.

### **Guidance to centres**

#### **Our decision:**

We will require awarding organisations to provide centres with guidance around the conduct and assessment of Speaking, listening and communicating

- 2.15 We consulted on us requiring awarding organisations to provide centres with guidance around the conduct and assessment of Speaking, listening and communicating component. The majority of respondents to our consultation supported this proposal.
- 2.16 Awarding organisations are already obliged under our [General Conditions of Recognition](#) to provide effective guidance to centres (Condition C2.5) and to ensure that assessment criteria are applied accurately and consistently by all assessors (Condition H1.1). We will however make our expectations around the provision of guidance to centres explicit in our rules in this instance, as we consider that this will lead to us securing a more comparable approach to the issue across the different awarding organisations.

### **Monitoring the Speaking, listening and communicating component**

#### **Our decision:**

We will set detailed monitoring requirements around the Speaking, listening and communicating component.

2.17 We consulted on whether we should introduce additional rules and/or guidance around awarding organisations' centre monitoring procedures. The majority of respondents agreed with this proposal, and we propose to take it forward, as we consider that there should be robust arrangements put in place by awarding organisations in this component which will be centre-set and centre-marked, and thus subject to less control than the other components within the qualification.

2.18 Given that we have particular expectations around the monitoring arrangements that will be appropriate we think that we should set these out in the rules and guidance that apply to the qualifications. We are consulting on the detailed monitoring arrangements we propose to put in place in our technical consultation.

## **Assessing reading and spelling at Entry level**

### **Our decision:**

At the Entry levels we shall set rules and guidance around the assessment of the reading and spelling of words and types of words as set out in the subject content.

2.19 The subject content document contains an appendix that sets out expectations for reading and spelling at each of the Entry levels. In our consultation we proposed that we should set rules around these reading and spelling expectations so that awarding organisations took a consistent approach in respect of this element of the subject content.

2.20 Just under half of the respondents to the consultation agreed with our proposal. Of the remaining respondents, most did not give a view as to whether we should set rules and guidance around the reading and spelling expectations. Some of these respondents, and a number of those who disagreed with our proposal expressed the opinion that we should not require standalone spelling tests, and others suggested that a learner's ability to spell should be assessed as part of the written composition.

2.21 We think it is important that we set rules and guidance around how awarding organisations approach the reading and spelling expectations set out in the subject content. If we did not set requirements here, awarding organisations could take very different approaches to the assessment of these aspects of the subject content which could undermine comparability between awarding organisations. We have therefore decided to set rules and guidance around the assessment of the reading and spelling expectations set out in the subject content.

### 3. Subject-specific features – mathematics

#### Weightings for calculator- and non-calculator based mathematics

**Our decision:**

We will introduce weightings for calculator- and non-calculator based assessment.

- 3.1 In our consultation we proposed setting weightings for calculator and non-calculator based assessment. This is because the subject content sets out that learners must demonstrate mathematical skills both with and without a calculator.
- 3.2 Of the respondents that expressed a view, most agreed with our proposal to set weightings for calculator- and non-calculator based mathematics. A number of those that disagreed indicated that they disagreed with the approach because they did not agree non-calculator based assessment should be introduced into the new FSQs.
- 3.3 Given the curriculum intentions set out in the subject content, we are of the view that non-calculator based assessment is required in the new FSQs. Further, we think that setting weightings will promote comparability between awarding organisations, and over time. We have therefore decided to set weightings for the amount of assessment that is required both with and without a calculator.
- 3.4 We are consulting on our proposed weightings for calculator- and non-calculator based assessment in our technical consultation.

#### Weightings for underpinning skills and problem solving

**Our decision:**

- We will introduce weightings for the assessment of underpinning skills and problem solving.
- The weightings we set will place a greater emphasis on problem solving in assessments than on underpinning skills.

- 3.5 We consulted on setting weightings for:
  - underpinning skills
  - underpinning skills in an applied context
  - problem solving in an applied context

- 3.6 While respondents were largely in favour of our proposed approach, a view was expressed that including weightings for three areas would make assessment design overly complicated. We have considered this, and decided that it is perhaps more helpful to simply set weightings around underpinning skills and problem solving.
- 3.7 We do consider that setting weightings for these skill areas remains important in terms of increasing the comparability of qualifications offered by different awarding organisations.
- 3.8 Linked to this, we also proposed to place a greater emphasis on problem solving, than on the assessment of underpinning skills. The majority of respondents to our consultation agreed with this approach. Taking these views into account, together with the fact that we think it better reflects the curriculum intentions around these qualifications, we consider that we should place a greater emphasis on problem solving in the assessments.
- 3.9 We are consulting on our proposed weightings for underpinning skills and problem solving in our technical consultation.

## Content areas

### **Our decision:**

We will set rules (but not weightings) around the coverage of subject content.

- 3.10 The subject content sets out three content areas (number and the number system; common measures, shape and space; and handling information and data). In our consultation we proposed to assign weighting ranges to these content areas. We also considered whether the weighting ranges should be consistent across all qualification levels. The proposal to introduce weighting ranges here was designed to increase the comparability of reformed FSQs.
- 3.11 Many consultation respondents were in favour of us setting weighting ranges around the different content areas, and there was also support for those weightings to vary across levels on this basis that this would reflect the relative importance of the different content areas at the different levels.
- 3.12 While we are still of the view that the introduction of weightings would increase comparability between awarding organisations, we did receive some feedback to our proposals that suggested the combined effect of us setting weightings that would apply to each of: the content areas; calculator- and non-calculator based mathematics; and underpinning skills and problem solving, would be likely to unduly constrain assessment design.

- 3.13 We think that a solution to this issue would be for us to set rules around the coverage of subject content that will still ensure a comparable approach is taken by different awarding organisations, but which does not present the same difficulties for awarding organisations when they are designing their assessments.
- 3.14 We are therefore proposing that we set rules (but not weightings) around the coverage of subject content.

## 4. Setting and maintaining standards

### Awarding

#### **Our decision:**

We will require decisions on setting specified levels of attainment in new functional skills qualifications to be based on an appropriate range of qualitative and quantitative evidence.

- 4.1 Awarding organisations can take a range of valid approaches to ‘awarding’ – ie setting pass marks. The appropriateness of a particular approach depends on a number of factors, including the abilities an assessment is measuring and how this is done, the approach to assessment availability (for example, whether this entails scheduled opportunities or they are on-demand) and the size and nature of the cohorts taking assessments.
- 4.2 In our consultation we proposed to set specific expectations for awarding that takes place before assessments have been taken by all learners, and for awarding that takes place after assessments have been taken by all learners. However, the fundamental principle was the same – that awarding decisions must be based on an appropriate range of qualitative and quantitative evidence. Respondents tended to agree with this principle, and we are taking it forward.
- 4.3 There was some disagreement with our proposal that, in cases where awarding takes place after assessments have been taken by all learners, awarding is restricted to no more than four sessions annually. To be clear, we intended for this proposal to apply only where awards take place sessionally. However, some respondents misunderstood this, and thought we were proposing to restrict on-demand assessments to no more than four awards per year, which was not the case.

### First awards of reformed FSQs

#### **Our decision:**

We will ensure initial standards are set appropriately for the first award.

- 4.4 It is crucial that initial standards are appropriately set, as those standards will carry through to future years. The majority of consultation respondents agreed that we should regulate to ensure standards are appropriately set in the first year. We are currently developing the approach to this that will be put in place.

## Scrutiny of qualification outcomes

### **Our decision:**

We will put in place enhanced scrutiny of qualification outcomes over time.

- 4.5 The steer we received from government sets out an expectation that we establish the controls necessary to maintain qualifications standards over time.
- 4.6 We proposed to achieve this through a process to scrutinise qualification outcomes across awarding organisations offering reformed FSQs, and requiring awarding organisations to align their standards where this is required. (The processes in question would differ between Levels 1 and 2, and Entry Levels and SLC, to reflect the differences in how these assessments are set and marked.)
- 4.7 To enable flexible assessment and fast results turnaround to continue into reformed FSQs, we proposed that the scrutiny of outcomes process for reformed FSQs would occur *post-results*, and only affect *future* paper-setting and awarding decisions.
- 4.8 The majority of respondents and stakeholders agreed with our proposal. Some awarding organisations suggested that our proposals would impose regulatory burden on them.
- 4.9 We have carefully considered the estimated impact evidence that awarding organisations have given us. Whilst agreeing that our proposals introduce additional burden, we have come to the view that not implementing appropriate measures to set and maintain appropriate standards would lead to qualification users losing confidence in reformed FSQs. This would be equally detrimental to the awarding organisations that develop the qualifications, and the learners that take them.
- 4.10 On balance we consider the level of regulatory burden to be justified, and will therefore take forward this proposal.



## 5. Assuring the approach to assessment

### Assessment strategies

#### **Our decisions:**

- All awarding organisations will produce an assessment strategy document that explains their overall approach to assessment for new FSQs.
- We will set rules around what assessment strategies must include.

- 5.1 In our previous consultation we proposed to require awarding organisations to provide us with an assessment strategy document that describes and justifies their approach to developing new FSQs.
- 5.2 The majority of consultation respondents and attendees at our events supported this proposal.
- 5.3 We do not ask awarding organisations to produce these documents for current FSQs, but we think that they will play a vital role in helping us to determine whether the approach an awarding organisation takes is likely to produce qualifications that are robust and fit for purpose, and meet our rules.
- 5.4 We set out in our previous consultation that we plan to review the new FSQs before they are made available to learners. As a part of this review, we will consider the information that is set out in the assessment strategy.
- 5.5 We set out in our previous consultation that we were considering whether to specify rules around what awarding organisations must include within their assessment strategies. We think it is important that we receive and consider the same level of information from all awarding organisations, and we will be consulting on the rules we are proposing to put in place in our technical consultation.

### Transition between current and reformed FSQs

#### **Our decisions:**

- There should be a transition period between the current and new FSQs which should take place as soon as reasonably practicable, but in a way that ensures, as far as possible, that learners are not disadvantaged by the arrangements.
- There should be a maximum 12 month overlap period between the current and new FSQs.

- 5.6 We consulted on setting a requirement on awarding organisations to continue to make current FSQs available for teaching and assessment (including resits) for a minimum of 9 months, and a maximum of 12 months once the reformed FSQs become available for teaching in September 2019.

5.7 Through our proposals we were attempting to ensure that transition from current to new FSQs takes place as soon as reasonably practicable, but in a way that means learners are not disadvantaged by the arrangements. We took the view that from September 2019:

- all new learners should be enrolled onto the new FSQs, rather than the current qualifications; but
- learners that are already enrolled on current FSQ courses should be allowed to complete assessments and have a reasonable opportunity to resit on the current courses.

5.8 Responses to our proposal on transitional arrangements were mixed, though slightly more respondents agreed with our proposal than disagreed with it. Some respondents indicated that our approach was generous, and with some awarding organisations commented that they would support a shorter transition period as it would create additional regulatory burden to run the two qualifications in parallel for an extended period. Other respondents – in particular those who were representing learners on apprenticeship programmes felt that the transition period should be longer. Some respondents acknowledged that take-up of the new FSQs would be low until centres were required to register their learners on the new qualifications.

5.9 We acknowledge that the highly varied uses these qualifications are put to makes it very difficult to set an overall transition period that strikes the right balance between protecting existing learners on the one hand, and being justifiable in terms of the costs involved for awarding organisations and centres on the other.

5.10 Having considered the feedback received in response to our consultation, we consider that 12 months is an appropriate maximum length for the transition period. We consider that if we made the permitted transition period any longer, we would not be meeting the need for the transition to take place as soon as possible. We do however think that in order to avoid an unnecessary regulatory burden, each awarding organisation should be able to plan the withdrawal of its existing qualifications in the way that best works for its approach to assessment within this 12 month transition period, taking into account the need to protect the interests of learners taking its qualifications. We are therefore not proposing to implement the 9 month minimum transition period that we consulted on.

5.11 We are able to check each awarding organisation's proposed approach to withdrawal of the current FSQs and may require changes if we do not think the awarding organisation has taken all reasonable steps to protect the interests of learners in relation to that qualification.

## 6. Equality analysis

- 6.1 Ofqual is a public body, the public sector equality duty in the Equality Act 2010 applies to us.
- 6.2 We have previously considered the impact of our decisions around our high level regulatory approach<sup>6</sup> on people who share protected characteristics,<sup>7</sup> and invited the stakeholders that we spoke to, and respondents to our consultation to comment on these. We do not repeat here all the impacts and evidence that we considered at the policy consultation stage. Here we focus on the potential additional impacts our decisions give rise to, as well as any potential impacts we had not previously foreseen at the policy consultation stage.
- 6.3 Neither respondents nor the stakeholders we spoke to identified any impacts of our proposals on persons who share the protected characteristics of age, race, sex or sexual orientation.
- 6.4 For the remaining protected characteristics, we set out all of the impacts (both positive and negative) we have identified, as well as the ways we will mitigate any negative impacts.

### Overall assessment time

- 6.5 We have decided to set both minimum and maximum overall assessment times for reformed FSQs, on the basis that this will help to increase the comparability of the qualifications developed by different awarding organisations.
- 6.6 Our proposal to set maximum overall assessment times may have a positive impact on learners who have a disability by preventing there from being assessments that are unduly long. We are consulting further in our technical consultation on our proposed minimum and maximum overall assessment time requirements to ensure that our proposed times are appropriate.
- 6.7 Existing mitigations will continue to remain available for the new FSQs. So learners with particular disabilities that mean they need longer to complete certain assessments will remain eligible to apply for reasonable adjustments, such as extra time.

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<sup>6</sup> [www.gov.uk/government/consultations/reforming-functional-skills-qualifications-in-english-and-maths](http://www.gov.uk/government/consultations/reforming-functional-skills-qualifications-in-english-and-maths)

<sup>7</sup> The term 'protected characteristics' is defined in the Equality Act 2010. Here, it means sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation and gender reassignment.

## **Assessment availability**

- 6.8 Our decision to permit flexibility around the availability of assessments may have a positive impact on individuals who share the protected characteristics of racial group, religion or belief, maternity or pregnancy, gender reassignment and disability.
- 6.9 This decision gives flexibility for learners who might avoid taking assessments at particular times as a result of their protected characteristics, for example due to pregnancy, participation in religious or cultural festivals, or gender reassignment surgery. Similarly, this decision may benefit learners with certain disabilities, particularly those with chronic or fluctuating conditions, as they may be able to take assessments at times when their symptoms are less severe.

## **Allowing centres to set, contextualise and mark assessments**

6.10 We have decided to permit centres to:

- contextualise all assessments in mathematics and the Reading and Writing assessments at the Entry levels; and
- set the Speaking, listening and communicating assessments (within specified parameters) at all levels.

6.11 The fact that centres are able for these assessments to contextualise assessments so that they are accessible to their learners may have a positive impact on learners with certain disabilities (for example, autism-spectrum disorders) who may find it difficult to respond to questions or tasks if they are set in unfamiliar contexts. Our decision will allow centres to tailor the context that the assessment is set in, to meet the needs of specific learners.

## **Access to spelling and grammar checks in Writing component**

- 6.12 We identified in our consultation that our decision to prevent access to Spelling, punctuation and grammar (SPaG) checks in the Writing assessment could have a negative impact for learners with certain disabilities.
- 6.13 Our decision to prohibit access to spelling and grammar checks in the Writing assessment is necessitated by the requirements of the subject content. However, we do recognise that this decision is likely to have a negative impact on learners with particular disabilities such as dyslexia.
- 6.14 Whilst access to dictionaries and SPaG checks would not be permitted as a reasonable adjustment in the Writing assessment, other existing mitigations will continue to remain available. So learners with particular disabilities remain eligible to apply for reasonable adjustments that do not give them access to SPaG aids, for example, extra time. Any learners whose disability means they

are unable to access any of the marks in the Writing assessment will be able to request an exemption from it.

### **Use of sign language in FSQs in English**

6.15 We set out in our policy consultation that learners will be able to demonstrate their communication skills in English using sign language such as BSL or sign-supported English.

6.16 We think that this will have a positive impact on sign language users (who are normally hearing-impaired), as it will allow them to access all elements of a widely recognised English qualification, rather than receiving an exemption for one of the components.

### **Assessing non-calculator skills in mathematics**

6.17 Current FSQs in mathematics allow learners to use a calculator throughout the assessment. In the new FSQs we will require there to be both calculator- and non-calculator based assessment in the new qualifications.

6.18 We sought views on whether this would give rise to any impacts, positive or negative, on persons who share protected characteristics. Only one respondent raised an issue, which was that learners with certain disabilities may struggle to hold or to operate a calculator.

6.19 However, the decision to introduce non-calculator based assessment stems from the subject content which requires the assessment of underpinning knowledge and skills, both with and without a calculator.

6.20 Existing mitigations will continue to remain available for new FSQs in mathematics. So learners with particular disabilities which mean they may struggle with the non-calculator element of the assessment will remain eligible to apply for reasonable adjustments. They will not be able to seek access to calculators through these adjustments, as the purpose of the non-calculator assessment is to test their skills without the use of a calculator. They may however be eligible for other reasonable adjustments, for example, extra time.

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Office of Qualifications and Examinations Regulation

Spring Place  
Coventry Business Park  
Herald Avenue  
Coventry CV5 6UB

Telephone 0300 303 3344

Textphone 0300 303 3345

Helpline 0300 303 3346