

CONSULTATION

Changes to our rules for GCSEs, AS and A levels in music and dance

Consultation on changes to the rules for Performance Assessments in GCSE, AS and A level music, and GCSE, AS and A level dance

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1. Proposals at a glance

- 1.1 Following the first delivery of the reformed GCSEs, AS and A levels in music in summer 2018, we identified two issues with our rules for the performance assessment in these qualifications. One of these issues also applies to the reformed GCSE, AS and A level in dance. We have also identified an editorial error specifically related to the reformed GCSE in dance. To address these issues, we are proposing to make three small changes to our subject-level conditions.
- 1.2 We propose to:
- Revise our requirements to allow exam boards to determine how to mark a student's performance when that performance falls short of the minimum required length.
 - Add a footnote to the conditions for GCSE and GCE music, to broaden the range of acceptable reference material beyond a traditional written score, where such a score is not available.
 - Revise our requirements for how many dances students are required to perform in the GCSE dance performance assessment, in order to align with the DfE Subject Content.

2. Audience

- 2.1 Stakeholders with a likely interest in this consultation include exam boards, teachers, students and relevant subject associations.

3. Consultation arrangements

Duration

- 3.1 The consultation will be open for four weeks, starting on 9 November 2018 and ending at 23:45 on 9 December 2018.

Respond

- 3.2 Please respond to this consultation by using one of the following methods;
- complete the online response at: <https://www.smartsurvey.co.uk/s/ZU501/>
 - email your response to consultations@ofqual.gov.uk. Please include the consultation title ('Changes to our rules for GCSEs, AS and A levels in music and dance') in the subject line of the email and make clear who you are and in what capacity you are responding.

4. Introduction – minimum performance times

- 4.1 Teaching of the reformed GCSEs, AS and A levels in both music and dance began in September 2016. The reformed AS qualifications in these subjects were first awarded in summer 2017, with the GCSEs and A levels first awarded in summer 2018.

- 4.2 In each of the reformed music and dance qualifications, students are required to undertake a performance assessment. Our rules currently state that “the only evidence which will be admissible” is a performance or performances of a stated minimum duration. Each of the qualifications has a different minimum duration requirement:

GCSE music: at least two pieces of music, with a combined duration of at least four minutes, one of which must be a performance of at least one minute in duration as part of an ensemble.

AS music: one or more pieces of music, with a combined duration of at least six minutes.

A level music: one or more pieces of music, with a combined duration of:

- (i) where 25% of the total marks available for the qualification are allocated to tasks targeting assessment objective AO1¹, at least six minutes,
- (ii) where 30% of the total marks available for the qualification are allocated to tasks targeting assessment objective AO1, at least eight minutes,
- (iii) where 35% of the total marks available for the qualification are allocated to tasks targeting assessment objective AO1, at least 10 minutes.

GCSE dance: a dance of at least three minutes and 30 seconds in duration.

AS dance:

- (i) a solo dance of between two and three minutes in duration, and
- (ii) a dance of between two and three minutes in duration as part of a duo or trio.

A level dance:

- (i) a solo dance of between two and three minutes in duration, and
- (ii) a dance of between three and four minutes in duration as part of a quartet.

- 4.3 At GCSE, exam boards can choose whether the performance assessment is marked internally (by the school or college), in which case the exam board uses recordings of the performances to moderate the marking, or externally (for example, by a visiting examiner). At AS and A level, the performance assessment must be marked externally.
- 4.4 Our rules mean that students are required to meet the stated minimum duration in order to be awarded any marks. Therefore, if a student’s performance falls short of the minimum time, the exam board is required to award zero marks.

5. Emerging issues

Minimum assessment times in performance assessments

- 5.1 In the first year of delivery for the reformed GCSEs and A levels in music, some students failed to meet the required minimum performance times because they:
- selected a piece which was likely to be performed in less than the minimum required time;
 - performed the piece more quickly than they intended; or

¹ Assessment objectives describe the principal abilities that students taking the qualification must be given the opportunity to develop and demonstrate. In A level music, AO1 is: “Interpret musical ideas through performing, with technical and expressive control and an understanding of style and context.”

- failed to complete the performance in full.
- 5.2 Currently, our rules mean that students who do not perform for the minimum required time must receive no marks for their performance. When we accredited these qualifications we made sure that exam boards adopted this approach. We expected that students would therefore select pieces that would comfortably meet the minimum length requirements. However, we have seen that some students have selected pieces which, when performed, have fallen short of the minimum time. In some cases, we think it may be disproportionately severe in such circumstances to prevent students from gaining any marks at all. We intended our rules on minimum time would secure comparability, so students taking the same qualification performed pieces of a similar length, regardless of their exam board. Comparability of duration remains important, so we would still expect students whose performances fail to meet the minimum expectation to be penalised in some way. However, we propose that the exam boards should be allowed to determine how they do this.
- 5.3 Our proposed change would also allow an exam board to take into account their marking arrangements when deciding on the most appropriate and proportionate approach to marking a student whose performance was short of the minimum required time. A student whose performance is marked by their teacher might be given a further opportunity to perform their piece if they fall short of the minimum required time, whereas a student whose performance is marked by a visiting examiner might be given only one opportunity to perform. Our proposed changes would allow an exam board to take these differences of opportunity into account.
- 5.4 The issue does not present itself in the composition assessment of the same qualifications. Here, our rules use the phrase “require each Learner to” instead of “the only evidence which will be admissible”. This allows exam boards to decide how to mark work which does not meet the minimum time requirements, rather than preventing learners from being given any marks at all.
- 5.5 While we are not aware that any students have so far received no marks for short performances in GCSE or GCE dance, as the wording of the conditions for the performance assessment in these qualifications is similar to GCSE and GCE music, there is a risk that similar issues could arise. Therefore, we propose to change our rules for the dance qualifications in the same way we propose for the music qualifications.

Score or lead sheet

- 5.6 Our conditions for GCSE and GCE music include a requirement that, for the performance component of the non-examination assessment (NEA), centres must provide exam boards with:
- “the score or lead sheet for that performance”*
- 5.7 The submitted score is used by the examiner to judge the learner’s accuracy in terms of pitch, rhythm, tempo and, where appropriate, interpretation of the performance directions in the piece performed.
- 5.8 The way in which the requirement for a score or lead sheet is being interpreted differs across exam boards. For example, some boards allow a reference recording to be submitted in place of a written score or lead sheet, where this is appropriate to

the style of music performed. In some instances, despite a written score sheet or lead sheet being available, a reference recording is being accepted.

- 5.9 We believe that some flexibility is appropriate, as not all styles or genres of music use written scores – particularly those based on improvisation (e.g. some folk and world music, and contemporary genres such as rap).
- 5.10 We believe that where a written score or lead sheet is available, then it must be used to reference the intentions of the performance and to allow examiners to apply their marking criteria. However, where such a document is unavailable, other means of referencing the performance intentions should be permitted. (In all cases there must be something against which the performance can be judged.)

"One or more dances"

- 5.11 In GCSE dance, our rules for the performance assessment are, unintentionally, slightly inconsistent with the wording of the DfE's subject content.
- 5.12 The DfE's subject content requires learners to demonstrate the ability to:
"perform one or more dances"
However, our conditions state that a student should perform:
"a dance"
- 5.13 As written, our rules require students to perform one single dance, rather than giving them the opportunity to split their performance into two or more discrete dances. We propose to amend our conditions to allow students the flexibility allowed by the subject content.

6. Proposed changes to our rules

Minimum assessment times in performance assessments; and “one or more dances”

- 6.1 In order to allow exam boards to determine the most appropriate approach to marking performances that do not meet the required minimum duration, we propose to revise the Performance Assessment section of the conditions for GCSE and GCE music and GCSE and GCE dance, removing the reference to “the only evidence which will be admissible”.
- 6.2 In order to make our rules fully consistent with the DfE subject content, we also propose to revise the Performance Assessment section of the conditions for GCSE dance, to allow students to perform “one or more dances”.
- 6.3 We will also correct a typographical error in the conditions for GCE music. In the Performance Assessment section for both A level and AS, the conditions state that students should perform “one of more pieces of music” – we will correct this to “one or more pieces of music”.
- 6.4 The proposed additions to our current rules are shown in bold text in square brackets:

GCSE music²:

“An awarding organisation must ensure that each Performance Assessment is designed and set to –

- (a) [ensure that the only evidence which will be admissible in the assessment is the performance by each Learner or require each Learner to perform] at least two pieces of music, with a combined duration of at least four minutes, one of which must be a performance of at least one minute in duration as part of an ensemble,
- (b) require each Learner to select, following discussion with the Centre which will deliver the assessment, the pieces of music that the Learner will perform during the assessment,
- (c) be taken by each Learner in the academic year in which that Learner expects to be awarded the qualification,
- (d) be taken under conditions specified by the awarding organisation, including, in particular, conditions which ensure that the evidence generated by each Learner can be Authenticated, and
- (e) assess assessment objective AO1 in its entirety.

GCE music³:

A level:

“An awarding organisation must ensure that each Performance Assessment is designed and set to –

² <https://www.gov.uk/government/publications/gcse-9-to-1-subject-level-conditions-and-requirements-for-music>

³ <https://www.gov.uk/government/publications/gce-subject-level-conditions-and-requirements-for-music>

- (a) [ensure that the only evidence which will be admissible in the assessment is the performance by each Learner or require each Learner to perform one of or] more pieces of music, with a combined duration of –
 - (i) where 25 per cent of the total marks available for the qualification are allocated to tasks targeting assessment objective AO1, at least six minutes,
 - (ii) where 30 per cent of the total marks available for the qualification are allocated to tasks targeting assessment objective AO1, at least eight minutes,
 - (iii) where 35 per cent of the total marks available for the qualification are allocated to tasks targeting assessment objective AO1, at least 10 minutes,
- (b) require each Learner to select, following discussion with the Centre which will deliver the assessment, the piece or pieces of music that the Learner will perform during the assessment,
- (c) be taken by each Learner between 1 March and 31 May in the academic year in which that Learner expects to be awarded the qualification,
- (d) be taken under conditions specified by the awarding organisation, including in particular, conditions which ensure that the evidence generated by each Learner can be Authenticated, and
- (e) assess assessment objective AO1 in its entirety."

AS:

"An awarding organisation must ensure that each Performance Assessment is designed and set to –

- (a) [ensure that the only evidence which will be admissible in the assessment is the performance by each Learner or require each Learner to perform one of or] more pieces of music, with a combined duration of at least six minutes,
- (b) require each Learner to select, following discussion with the Centre which is delivering the assessment, the piece or pieces of music that the Learner will perform during the assessment,
- (c) be taken by each Learner between 1 March and 31 May in the academic year in which that Learner expects to be awarded the qualification,
- (d) be taken under conditions specified by the awarding organisation, including, in particular, conditions which ensure that the evidence generated by each Learner can be Authenticated, and
- (e) assess assessment objective AO1 in its entirety."

GCSE dance⁴:

"An awarding organisation must ensure that each Performance Assessment is designed and set to –

- (a) [ensure that the only evidence which will be admissible in the assessment is the performance by each Learner of a dance of at least three minutes and 30 seconds in duration require each Learner to perform one or more dances, with a combined duration of at least three minutes and 30 seconds"],
- (b) be taken under conditions specified by the awarding organisation, including, in particular, conditions which ensure that the evidence generated by each Learner can be Authenticated, and

⁴ <https://www.gov.uk/government/publications/gcse-9-to-1-subject-level-conditions-and-requirements-for-dance>

- (c) assess assessment objective AO1 in its entirety."

GCE dance⁵:

A level:

"An awarding organisation must ensure that each Performance Assessment is designed and set to –

- (a) ~~[ensure that the only evidence which will be admissible in the assessment is the performance by each Learner or require each Learner to perform]~~ –
 - (i) a solo dance of between two and three minutes in duration, and
 - (ii) a dance of between three and four minutes in duration as part of a quartet
- (b) be taken under conditions specified by the awarding organisation, including, in particular, conditions which ensure that the evidence generated by each Learner can be Authenticated, and
- (c) assess assessment objective AO1 in its entirety."

AS:

"An awarding organisation must ensure that each Performance Assessment is designed and set to –

- (a) ~~[ensure that the only evidence which will be admissible in the assessment is the performance by each Learner or require each Learner to perform]~~ –
 - (i) a solo dance of between two and three minutes in duration, and
 - (ii) a dance of between two and three minutes in duration as part of a duo or trio,
- (b) be taken under conditions specified by the awarding organisation, including, in particular, conditions which ensure that the evidence generated by each Learner can be Authenticated, and
- (c) assess assessment objective AO1 in its entirety.

Question 1: We propose to revise our rules on minimum assessment times in the performance assessment for GCSE and GCE music and GCSE and GCE dance, to allow exam boards to decide how to mark performances which do not meet the minimum time requirements. This is a change to the current position, where they should not give students any marks in these cases.

To what extent do you agree or disagree with our proposal?

Question 2: To what extent do you agree or disagree with our proposed change to our rules for GCSE dance, to make it clear students can perform more than one dance⁶?

Score or lead sheet

- 6.5 In GCSE and GCE music, in order to allow a broader range of acceptable reference material, and thereby not restrict the range of musical genres available to students,

⁵ <https://www.gov.uk/government/publications/gce-subject-level-conditions-and-requirements-for-dance>

⁶ <https://www.gov.uk/government/publications/gcse-dance>

we propose additions to our rules. These would mean that where a written score is available, students would still be required to submit the written score as their reference material. However, we propose to allow alternative reference materials to be used and submitted where a written score is not available.

- 6.6 We propose the following additions to the subsections entitled “The Performance Assessment” in the conditions for GCSE and GCE music (both A level and AS), indicated in bold text and square brackets:

“An awarding organisation must ensure that, in respect of each piece of music performed by a Learner in the Performance Assessment, the Centre which delivered that assessment provides the awarding organisation with –

- (a) a complete and unedited recording of the Learner’s live performance, and
(b) [**where available,**] the score or lead sheet for that performance.”

We propose to add a footnote to this rule that says:

[Where, in circumstances in which a written score is not available, an awarding organisation allows the piece of music to be performed by the Learner, it must require an alternative to a written score to be submitted. Where an awarding organisation allows the performance, the alternative materials must be sufficient to allow assessors to make valid judgements against the marking criteria for the task.]

Question 3: To what extent do you agree or disagree that we should revise our rules for GCSE and GCE music, in order to allow alternative forms of reference material where a written score is unavailable?

Question 4: Do you have any comments on our proposed changes to our rules for GCSE and GCE music or GCSE and GCE dance?

7. Regulatory Impact & Growth and Equality

- 7.1 We have considered the regulatory impact of our proposals and set out our view of the potential impacts below.

Minimum assessment times in performance assessments

- 7.2 We propose to revise our rules for the performance assessment in GCSE and GCE music and GCSE and GCE dance, to give exam boards greater flexibility to determine the most appropriate approach when students do not perform for the minimum required time.
- 7.3 Each exam board will be required to establish a consistent approach for marking performances which run short, and ensure that examiners are adequately briefed and trained. However, as this would be a minor amendment to an existing assessment, we do not anticipate the works required would be significant.
- 7.4 Current resourcing arrangements for examiners should presuppose that all performances will be marked. Therefore, we do not anticipate that our proposal would impose any extra burden or incremental ongoing cost in terms of examiner resourcing.

Score or lead sheet

- 7.5 In GCSE and GCE music, we propose to permit exam boards to allow alternative evidence to be submitted where a written score is not available, should they wish to do so.
- 7.6 While our proposal would broaden the range of music genres available in the performance assessment, it would not constitute a broadening of the qualification's subject content. Therefore, there would be no additional teaching or marking burden in terms of expanded content.
- 7.7 Our proposal would only permit alternative evidence where a written score is not available. If an exam board currently permits alternative evidence even where a written score is available, it would have to change its specification and ensure that schools and colleges and examiners are briefed accordingly. However, we anticipate that this would be a minor amendment to an existing assessment, and so do not anticipate any such one-off burden to be significant.
- 7.8 If an exam board chooses to modify its approach and permit reference recordings where it currently does not, the board would be required to modify its specification and ensure that schools and colleges and examiners are briefed accordingly. Again, we anticipate that this would be a minor amendment to an existing assessment, and so do not anticipate this one-off burden to be significant. If an exam board chooses not to modify its current approach, it would bear no additional burden.
- 7.9 We acknowledge that it may be more time-consuming for an examiner to mark a performance with a reference recording than with a written score, as the examiner may need to listen to the whole reference recording more than once. However, since reference recordings will only be permitted where a written score is unavailable, we anticipate that only a small proportion of performance assessments will use a reference recording. This, coupled with the fact that some exam boards already allow reference recordings, means that the additional burden to examiners should be minimal.
- 7.10 Therefore, we believe that the overall additional burden imposed by this proposal would be small.

"One or more dances"

- 7.11 We propose to revise our rules for the performance assessment in GCSE dance, so that students are not restricted to performing one single dance.
- 7.12 We do not envisage that this proposal would cause any additional burden. The qualification is currently offered by one exam board – we do not believe the board would have to change any of its current practices or documentation.

Question 5: We have set out our view of the regulatory impact of our proposals on changing our rules for GCSEs, AS and A levels in music and dance. Do you have any comments on this assessment?

Question 6: Are there any additional steps we could take to reduce the regulatory impact of our proposals?

Question 7: Are there any costs or benefits associated with our proposals which we have not identified?

Growth

- 7.13 We have a duty under the Apprenticeships, Skills, Children and Learning Act⁷ to have regard to the desirability of facilitating innovation in connection with the provision of regulated qualifications. We have committed in our Corporate Plan⁸ to survey exam boards' views of the impact of our regulatory requirements on innovation and consider any revisions required in response. We do not believe that there is anything in our proposals that would prevent innovation by exam boards offering these proposals, but would welcome your views on this.

Question 8: We have not identified any ways in which our proposals will prevent innovation by exam boards offering GCSE and GCE music and GCSE and GCE dance – in fact, we believe that all the changes we propose will allow for greater flexibility in their assessments and therefore may support greater innovation. Do you have any comments on this assessment? Please provide specific examples.

Equality analysis

- 7.14 Ofqual is a public body, so the public sector equality duty in the Equality Act 2010 applies to us.
- 7.15 We have considered how our proposals might affect people who share particular protected characteristics. We have not identified any impacts of our proposals (positive or negative) on persons who share the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Question 9: We have set out our view that our proposals would not impact (positively or negatively) on students who share a particular protected characteristic. Are there any potential impacts that we have not identified?

Question 10: Are there any additional steps we could take to mitigate any negative impact you have identified would result from our proposals, on students who share a protected characteristic?

Question 11: Do you have any other comments on the impacts of our proposals on students who share a protected characteristic?

⁷ <http://www.legislation.gov.uk/ukpga/2009/22/contents> (section 129 (2) (g))

⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/696861/Ofqual_corporate_plan_2018_to_2021.pdf

Annex A: Your data

The identity of the data controller and contact details of our Data Protection Officer

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). We are a 'controller' for the purposes of the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this Privacy Notice carefully as it contains important information about our processing of consultation responses and your rights.

How to contact us

If you have any questions about this Privacy Notice, how we handle your personal data, or want to exercise any of your rights, please contact:

Data Protection Officer at dprequests@ofqual.gov.uk or write to us at: Data Protection Officer, Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

As part of this consultation process you are not required to provide your name or any personal information that will identify you however we are aware that some respondents may be happy to be contacted by Ofqual in relation to their response. If you or your organisation are happy to be contacted with regard to this consultation, please give your consent by providing your name and contact details in your response.

Our legal basis for processing your personal data

For this consultation, we are relying upon your consent for processing personal data. You may withdraw your consent at any time by contacting us using the details above.

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response.

Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships (IFA) where the consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process. If we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IFA with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Following the end of the consultation, we will publish a summary of responses and may publish copies of responses on our website, www.gov.uk/ofqual. We will not include personal details.

We will also publish an annex to the consultation summary listing all organisations that responded. We will not include personal names or other contact details.

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients or including member of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

How long will we keep your personal data

For this consultation, Ofqual will keep your personal data (if provided) for a period of 2 years after the close of the consultation.

Your data

Your personal data:

- will not be sent outside of the European Economic Area
- will not be used for any automated decision making
- will be kept secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights, e.g. access, rectification, erasure.

As a data subject, you have the legal right to:

- access personal data relating to you
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details set out above.

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with the Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at ico.org.uk, or telephone 0303 123 1113. ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If there is any part of your response that you wish to remain confidential, please indicate so in your response.



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