

## CONSULTATION DECISIONS

# Conditions and requirements for the assessment of MFL GCSEs in 2021

Proposed amendments to the assessment arrangements for GCSEs in Modern Foreign Languages in 2021 in response to the coronavirus (COVID-19) pandemic

# Contents

<b>Introduction .....</b>	<b>3</b>
<b>Summary of decisions .....</b>	<b>3</b>
<b>Details.....</b>	<b>4</b>
<i>When to assess spoken language.....</i>	<i>5</i>
<i>The Criteria for Pass, Merit and Distinction.....</i>	<i>5</i>
<i>Spoken language assessment tasks .....</i>	<i>6</i>
<i>Evidence of performance .....</i>	<i>6</i>
<i>Status of the spoken language assessment .....</i>	<i>7</i>
<b>Equalities impact assessment .....</b>	<b>7</b>
<b>Regulatory impact assessment.....</b>	<b>8</b>
<b>Implementation timescales .....</b>	<b>9</b>

## Introduction

In June 2020, [the Secretary of State for Education wrote to Ofqual to set out the government's broad policy objectives for exams and assessments in 2020/21](#) in the context of the coronavirus (COVID-19) pandemic. He said that students taking exams or assessments in 2021 should be able to move on to the next stage of their education or employment and that the overall standard and rigour of examinations and assessments should be maintained wherever possible.

In October, we published a consultation seeking views on short-term amendments to the GCSE Subject Level Conditions and Requirements (SLCs) for Modern Foreign Languages for 2021, in order to implement the assessment policy decisions we had made in August.

Our consultation on the proposed amendments ran between 12 October and 27 October 2020, and received 193 responses. A full summary and analysis of the responses has been published at the same time as this decision document.

## Summary of decisions

We have decided to implement the majority of the proposals we set out in the consultation document. Whilst the overall proposals remain unchanged, we have made some amendments to the drafting of the Requirements in light of the feedback we received, as respondents provided helpful insight into areas of the requirements which they considered were not sufficiently clear.

The changes to the Subject Level Conditions and Requirements will have the following impact for GCSE MFL qualifications completed in 2021:

### **Assessment of spoken language**

- to remove the assessment of spoken language from the calculation of the overall qualification result (the 9 to 1 grade)
- to put in place flexible requirements for the assessment of spoken language by teachers
- to put in place common criteria for the assessment of spoken language by teachers
- to require the teacher's assessment of spoken language to be marked on a 3-point scale – pass, merit, distinction (or not classified)
- to require each centre to provide a statement to their exam board confirming that it has taken reasonable steps to make sure there is an opportunity for the assessment of spoken language for every learner

- to require the outcome of the assessment of a learner's spoken language to be separately reported alongside the 9 to 1 grade when results and certificates are issued

### **Use of vocabulary in assessments**

- to allow exam boards greater flexibility in respect of the vocabulary which is to be used in assessments by removing the specific requirement which exists in other years, to use vocabulary not on the vocabulary list that they publish in their specification

## **Details**

The policy decisions affecting GCSE MFL qualifications for 2021 were taken in August 2020: to remove the assessment of spoken language from the calculation of the overall qualification result (the 9 to 1 grade), to put in place arrangements for teacher assessment of spoken language and to require a learner's performance in the spoken language assessment to be separately recorded on the qualification certificate.

We proposed amendments to the Subject Level Conditions and Requirements for MFL qualifications to implement our policy decisions. The majority of comments made by respondents concerned the Requirements we proposed to set under Condition GCSE (Modern Foreign Languages)4.3 in respect of the assessment of spoken language and the marking by teachers of the spoken language assessment.

The consultation responses highlighted a number of elements of those Requirements which respondents considered could usefully be expressed with greater precision. The paragraphs below explain our final decisions relating to each element raised in the consultation responses.

## When to assess spoken language

A number of respondents were concerned that the proposed Requirements appeared to specify that, other than exceptionally, spoken language assessments should not take place during a one-off assessment arranged for that purpose:

Spoken language assessment should take place during normal teaching and learning rather than during a one-off performance... there is no requirement to set up Centre-devised speaking tests to arrive at an outcome unless this is a necessary arrangement for specific Learners, e.g. for private candidates.”

Consultation respondents were unclear as to whether this meant that the speaking endorsement should *only* take place during classroom activities; that arranging dedicated assessment opportunities was not permitted other than for private candidates.

In particular, respondents raised concerns around ongoing social distancing requirements, and the effect these have both of limiting speaking in the classroom, and of limiting movement around the classroom, such that teachers might find it difficult to hear students speaking together, unless they spoke individually to a quiet classroom. A further concern was raised in relation to students who might be uncomfortable speaking aloud in front of the class.

Some respondents specifically suggested that, in scenarios such as these, teachers should be permitted to arrange one-off assessments for learners, although other respondents noted that were this to be widely requested it might create an unmanageable time burden for teachers.

It was not our intention that the proposed Requirements would restrict the circumstances in which teachers could assess spoken language and we have decided to amend the Requirements to make it clear that awarding organisations may permit teachers to conduct spoken language assessments either as part of an ongoing classroom process or through specific one-off assessment opportunities.

## The Criteria for Pass, Merit and Distinction

To promote consistency when teachers assess spoken language, we proposed criteria for each of the specified levels of attainment: Pass, Merit and Distinction. The majority of respondents did not address the wording of the criteria. However, those that did raised some helpful points.

We have made some minor changes to the way the criteria are expressed to take account of some of the responses we received, these changes improve the clarity of the requirement, but do not change their meaning. Other responses suggested that the criteria might be expressed with greater specificity than we consider necessary: we explained in the Requirements that the criteria are not intended to be a mark

scheme but have been devised to provide an overall description of a learner's performance. Our intention is that the spoken language assessment should not be limited to specific topics or tasks, which could constrain teaching time and result in further logistical and administrative burden. Teachers should award the level that they feel confident the learner could sustain across a number of tasks or topics.

## Spoken language assessment tasks

Some respondents were unsure whether, and if so what, specific tasks needed to be set in order to cover the requirements of the Pass, Merit, Distinction criteria.

In view of the Coronavirus (COVID19) pandemic, we have deliberately set Requirements which allow spoken language to be assessed flexibly. Teachers should feel confident to draw on a range of activities or task types to understand a learner's spoken language ability. These tasks may be devised by the teacher, or others in the teaching community, or teachers may prefer to draw on tasks which were used in previous years as preparation for the formal speaking assessments.

The regulatory requirements do not stipulate task types for the assessment of spoken language, and awarding organisations therefore do not need to set specific requirements, although they may suggest various potential tasks for teachers to draw on if they wish.

## Evidence of performance

Respondents raised concerns that we had not set any requirements for evidence of learners' performance in spoken language assessments to be recorded or retained. Respondents were concerned that teachers could not be sure of the consistent application of the criteria by other centres, if awarding organisations were not required to review and moderate the outcomes awarded.

We explained when we set out our policy decisions that we would permit the assessment of spoken language on an ongoing basis throughout the course of study. To seek to implement that decision in a way which provides for relevant evidence to be recorded would be impractical, would undermine the flexibility we intended to allow, and would be burdensome for centres and learners. We consider the proposed Requirements reflect the most appropriate balance between validity and flexibility in light of the Coronavirus (COVID19) pandemic.

We explain in the Requirements that awarding organisations must do all they can to make sure teachers responsible for spoken language assessments understand and apply the Pass, Merit and Distinction criteria accurately and consistently. We have amended the Requirements to require that an awarding organisation must publish the criteria and, where possible, must provide guidance to teachers on the application of the criteria.

## Status of the spoken language assessment

One awarding organisation sought clarification on the status of the spoken language assessment, given the requirement for a statement from each centre to confirm it “has taken reasonable steps to secure that each Learner...has had the opportunity to take a spoken language assessment”.

In particular, the awarding organisation sought clarification as to whether the spoken language assessment was a compulsory element of GCSE MFL qualifications or whether it was optional, given concerns raised around implementation difficulties and preferences for individual assessment among some learners.

Condition GCSE (Modern Foreign Languages) 4.3 makes clear that an awarding organisation must require each centre to provide a statement confirming students have had the opportunity to take a spoken language assessment and that failure to provide such a statement in a timely manner would be treated as malpractice and/or maladministration.

Provision is made in Certificate Requirements for GCSE MFL qualifications for some disabled learners to be granted an exemption from the spoken language assessment. Should a learner who is not exempt refuse to take part in spoken language assessment the learner would be awarded a “not classified” outcome for the spoken language element. A 9 to 1 grade would still be issued to reflect the learner’s performance in their assessments by examination.

An awarding organisation reflected that questions had been raised by teachers uncertain about whether their opinion of a learner’s spoken language ability (their “working at” level) could be shared with the learner, given the requirement in summer 2020 to keep centre assessed grades confidential until the final results day.

We have amended the Requirements to make clear that a teacher may share with a learner their “working at” level.

## Equalities impact assessment

We fully considered the potential impact of our proposals on persons with particular protected characteristics in our policy consultation, and again when we explained our decisions following that consultation. We explained in our technical consultation that we did not consider there were any equalities impacts from our proposals in respect of Subject Level Conditions, Requirements and Guidance for GCSE MFL qualifications which were not already taken into account when we made our policy decisions. Nothing in any of the responses has caused us to alter that view.

The most widely commented on aspect of our proposed amendments to Subject Level Conditions and Requirements was to remove the assessment of spoken

language from the calculation of the overall qualification result (9 to 1 grade). Many comments reflected that the resulting increased weighting of marks achieved in the remaining listening, reading and writing skills could negatively affect a learner who performed less well in those skills. This was particularly mentioned in relation to students with special educational needs, including communication and learning needs such as dyslexia for example, given their reading performance would now count towards a third of the overall qualification result, rather than a quarter when the spoken language marks are included.

We considered this impact when we decided to remove [the assessment of spoken language](#) from the qualification result. Whilst we understand the concerns raised, we could not identify mitigations that would reduce the disadvantage caused to particular groups. We took the view that the benefits of allowing greater flexibility for GCSE MFL qualifications outweighed the potential disadvantage to particular groups of students.

## Regulatory impact assessment

We sought views in the consultation on our initial regulatory impact assessment, and received a number of responses, mainly from awarding organisations.

The following points were raised:

1. the requirement for awarding organisations to “take reasonable steps to ensure that no Learner has access to a dictionary”, which one awarding organisation felt may not be possible where the spoken language assessment would take place during ongoing classroom activities
2. the requirement for an awarding organisation to have in place arrangements to ensure that, as far as possible, the criteria are understood by assessors and accurately and consistently applied might be burdensome, given that the spoken language assessment will be assessed by classroom teachers, who would not be subject to the usual standardisation and moderation activities applicable to exam and oral assessment markers
3. it was not clear whether teachers were permitted to share with learners their assessment of the level the learner was “working at” along with the criteria to allow learners to review their own progress
4. we should clarify that there would be no requirement for awarding organisations to receive or review evidence of learners’ spoken language performance
5. we should clarify whether the spoken language assessment was a compulsory element of the qualification or whether it was optional, given

concerns raised around implementation difficulties and preferences for individual assessment among some learners

In response to these queries, we can confirm the following:

1. Condition GCSE (Modern Foreign Languages)5.1(a) requires that an awarding organisation must take all reasonable steps to ensure that no Learner has access to a dictionary when taking any assessment for a GCSE MFL qualification. Where spoken language is assessed as part of ongoing classroom activities it will not be reasonable for an awarding organisation to require that no dictionary be present in the classroom. Rather, it will be sufficient for awarding organisations to make clear to teachers that spoken language should not be assessed where the learner is using a dictionary.
2. We have amended the Requirements to provide that an awarding organisation must publish the criteria and, where possible, must provide guidance to teachers on the application of the criteria.
3. We have amended the Requirements to make clear that teachers may share a learner's "working at" level, as well as the criteria.
4. We have amended the Requirements to make clear that there is no requirement for an awarding organisation to review evidence of a learner's spoken language performance.
5. We have explained in the main text the effect of the Subject Level Conditions which specify the need for all learners (other than where an exemption is granted) to have the opportunity for spoken language assessment in respect of GCSE MFL qualifications. A learner who does not take that opportunity will receive a grade of 'not classified' for the spoken language assessment as well as a 9 to 1 grade in respect of their assessments by examination.

## Implementation timescales

We have published the GCSE Subject Level Conditions and Requirements for Modern Foreign Languages alongside this decision document. The awarding organisations will develop teacher support materials to sit alongside these regulations.



© Crown Copyright 2020

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.

To view this licence, visit

[www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

or write to

Information Policy Team, The National Archives, Kew, London TW9 4DU

Published by:



Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

0300 303 3344

[public.enquiries@ofqual.gov.uk](mailto:public.enquiries@ofqual.gov.uk)

[www.gov.uk/ofqual](http://www.gov.uk/ofqual)