

CORPORATE REPORT

# Equalities report 2021

January to December 2020

**ofqual**

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# Introduction

## The purpose of this report

In this report we summarise how we have fulfilled our duties in relation to equality, both as a regulator and an employer. The report covers the period from January 2020 to December 2020.

We previously reported on work we have undertaken to meet our equalities duties in our [Annual Report and Accounts 2019 to 2020](#) (covering April 2019 to 31 March 2020), our [equalities report 2020](#) (covering April 2015 to December 2019), and our [annual equality report](#) (covering April 2014 to March 2015).

## Equalities

As a public body, Ofqual is required under the [Equality Act 2010](#) (the Equality Act) to meet the Public Sector Equality Duty. This requires us to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

We are required under [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#) to publish one or more equality objectives at least every 4 years. We also have a duty under the [Apprenticeships, Skills, Children and Learning Act 2009](#) to have regard to the reasonable requirements of students who take regulated qualifications and national assessments, including those with special educational needs and disabilities (SEND), as well as to the reasonable needs of employers, higher education institutions and the professions.

We must consider our equalities duties alongside our other statutory objectives, including our objectives to maintain qualification and assessment standards.

## Our equality objectives

Until the end of 2019 the objectives we had set ourselves to help us meet the Public Sector Equality Duty were to:

- regulate to promote good practice in the way qualifications are designed, delivered and assessed
- promote equality in recruiting and employing members of staff
- promote equality when we procure goods and services

We agreed new objectives in late 2019 to be in place until 2023. Our new objectives are to:

- develop, consult on and publish new statutory guidance for awarding organisations on designing valid and manageable qualifications that are as accessible as they can be to all learners who would likely benefit from gaining the qualification
- encourage awarding organisations to recognise the relationship between validity and equality
- collect more, and more accurate, data on the number and nature of the reasonable adjustments being made for disabled learners taking a wide range of regulated qualifications
- evaluate the appropriateness and effectiveness of the most frequently used forms of reasonable adjustment, such as extra time and the use of assistive technology, for learners taking the qualifications we regulate
- implement our new diversity and inclusion strategy with the aims of increasing the representation of currently under-represented groups at all levels within Ofqual and strengthening our culture and reputation as a great place to work for everyone

Shortly after agreeing these objectives our work was disrupted by the coronavirus (COVID-19) pandemic and the need to put in place alternative ways by which qualification results could be issued to learners affected by the cancellation of exams or the adaptation of assessments. This work raised many equalities-related issues that we had not contemplated when we put our new objectives in place. We have considered these in this report, and not restricted ourselves to reporting on our progress towards achieving our new objectives.

We explain in this report how we meet our equality duties in several different ways, including engaging and consulting with stakeholders and undertaking equality impact assessments. We also explain how we carry out research and evaluation, and collect and analyse data to inform our understanding of the potential or actual impact on students of the qualifications and assessments we regulate.

Our monitoring work helps us to understand how awarding organisations are complying with the equality-related rules we set. We can take regulatory action to bring about their compliance with our rules if necessary.

## Our statutory objectives

We are required to act (so far as is reasonably practicable) in accordance with our 5 statutory objectives. In brief, these are to:

- secure qualification standards
- promote national assessment standards
- promote public confidence in regulated qualifications and national assessment arrangements
- promote awareness of the range and benefits of regulated qualifications
- secure that regulated qualifications are provided efficiently

## What we do

We regulate qualifications and national assessments taken in England. We are independent of government and report directly to Parliament.

We regulate about 165 awarding organisations that develop, deliver and award qualifications. Between them they award around 10.3 million certificates from around 11,600 qualifications each year. We also regulate national assessments taken by primary school pupils in England<sup>1</sup>.

We have a wide range of duties as set out in the [Apprenticeships, Skills, Children and Learning Act 2009](#). For example, we must have regard to the reasonable requirements of students who take regulated qualifications and national assessments, including people with special educational needs as well as to the reasonable needs of employers, higher education institutions and the professions. A child or young person has special educational needs if they have a learning difficulty or disability which calls for special educational provision.

We must regulate to make sure that a qualification gives a reliable indication of a person's knowledge, skills and/or understanding. This means only a person who has been able to demonstrate the required knowledge, skills and/or understanding for a qualification should be awarded that qualification. For example, if the purpose of a qualification is to attest to a person's ability to build a wall, it should only be awarded to someone who can safely do so. A person, perhaps because of their age or a disability, might not be able to build a wall safely, even with reasonable adjustments, in which case they should not be awarded the qualification. It would not be

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<sup>1</sup> The national curriculum assessments, including key stage 1 and key stage 2 tests, teacher assessments, and associated data collections were cancelled for the academic years 2019 to 2020 and 2020 to 2021 due to the pandemic.

appropriate for us to intervene to change this because, by doing so, the qualification would not be valid.

On the other hand, a qualification would not be valid if its assessment was influenced by irrelevant factors. For example, a qualification that is designed to allow a person to demonstrate they can use everyday English would not be valid if the assessments were designed so that, to be successful, a learner would need to be familiar with local traditions and customs. We should intervene if a qualification we regulated used invalid assessments such as this. Our intervention should both secure the validity of the qualification and, where there are barriers that are not related to the assessment construct, remove such barriers so that the assessment assesses only that which it is designed to assess. One of our new objectives is to encourage awarding organisations to recognise the relationship between validity and equality illustrated here.

# Exceptional arrangements for summer 2020

On 18 March 2020, the government announced that in summer 2020 most exams and assessments would be cancelled, but that GCSE, AS and A level qualifications would still be awarded to support student progression based on centre assessment grades<sup>2</sup> (CAGs), and rank orders of candidates within each grade, submitted by centres and standardised nationally. A similar approach to awarding, based on CAGs, was taken for some vocational and technical qualifications used to support progression to further or higher study, including Functional Skills qualifications. For occupational qualifications where it was necessary for the skills to be assessed for the valid award of the qualifications, for example where qualifications act as a licence to practise, adaptations were permitted to enable these assessments to go ahead safely.

One of our key aims in developing the exceptional arrangements needed to deliver qualification results in summer 2020 was that they should be as fair as possible for all students. We recognised that we needed to consider possible impacts on different groups of students, including those with particular protected characteristics, particularly given that arrangements would be new and untested.

We worked with exam boards to explore how the alternative arrangements could provide grades for private candidates taking GCSEs, AS and A levels. Following consultation, we could not identify any reliable way to calculate grades for private candidates who could not be included within a centre's cohort of students. Exam boards issued guidance about the alternative sources of evidence a centre might consider when determining a centre assessment grade for a student who had not studied with them. This meant that some private candidates were able to receive CAGs in 2020 but unfortunately this was not possible for all students, where sufficient evidence was not available to inform the grade. Such students used the opportunity to take exams in the additional 2020 autumn series. For vocational and technical qualifications (VTQs), for which there was a very small number of private candidates, awarding organisations had to include private candidates in their arrangements where possible.

We wanted to ensure that our approach to promoting equality and fairness was based on the best available evidence. We worked quickly to provide information that would allow schools, colleges and training providers to produce judgements and

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<sup>2</sup> The judgement submitted to the exam board by the Head of Centre about the grade that each student was most likely to have achieved if they had sat their exams.

awarding organisations to establish processes for national standardisation as necessary. Awarding organisations adapted VTQ assessments where this was possible, to allow occupational assessments to go ahead where this could happen safely.

Starting in March 2020, we undertook equality impact assessments of our proposals and, as part of this, completed a review of the research literature that considered the likely nature and extent of any bias that could arise. Our review of the available literature focused on bias in teachers' estimated or predicted exam grades compared to those actually achieved by students from different groups, and in teacher assessment generally. We concluded that the research evidence was mixed. Some studies identified bias in teachers' predictions of exam success by protected characteristics and broad measures of disadvantage, however the differences tended to be small and were not always consistent. The size of such effects had not been properly estimated and they did not always survive more sophisticated analyses controlling for the impact of other potentially confounding variables.

We were clear in [information provided to centres on 3 April 2020](#) that when centres judged what grade a learner would have been most likely to achieve, they should assume that any reasonable adjustments that would have been made for a disabled student would have been in place had exams and assessments taken place. We also suggested ways to protect the integrity of CAGs and the rank ordering from influence or pressure exerted by, or on behalf of, individual students.

We aimed to promote objectivity by proposing that CAGs should be considered by more than one teacher (one of whom should be the head of department or subject lead), and that grading decisions and rank orders should also be signed off by the head of centre. We published our equality impact assessments and our [literature review in April 2020 as part of our consultations on the summer's arrangements](#). Following this consultation, we issued further information for centres, based on a review of the available evidence about how to minimise bias in assessment judgements, to support centres to maximise objectivity in their grading and ranking decisions. Where occupational assessments went ahead in adapted forms, we worked with awarding organisations to encourage consistent approaches to be taken where possible, and to provide clear guidance on these to schools and colleges.

Ahead of 2020 results, we worked with the Equality Advisory Support Service (EASS) to agree signposting for any students concerned that they had experienced discrimination. We included information for students on making a complaint about bias or discrimination within our [2020 student guide to appeals, malpractice and maladministration complaints](#). This included contact details for the EASS for students to seek advice if they believed they had evidence of discrimination.

# Arrangements for academic year 2020 to 2021

During the period covered by this report, we carried out public consultations<sup>3</sup> on the arrangements for qualifications in 2021. We included equality impact assessments of the proposals, identifying in advance possible equalities impacts and seeking views on these. For GCSEs, AS and A levels, we planned and consulted on adjustments to exams and assessments, in line with government policy at that time that exams and assessments would go ahead in summer 2021. In this context, we made clear that exams and assessments cannot account for all the differential impacts of the pandemic on different groups of students because grades need to demonstrate what students know and can do. Through the provision of advance information and support materials to students, the arrangements would have taken account of learning loss where possible and appropriate. The arrangements would also have allowed for the provision of exam papers in modified formats, where appropriate, for students with SEND.

For vocational and technical qualifications, [in August 2020, we consulted on the introduction of a regulatory framework](#) to permit awarding organisations to make adaptations to their qualifications to assist in mitigating the impact of the pandemic on teaching, learning and assessment. We required awarding organisations to put in place arrangements so that learners taking VTQs instead of, or alongside, GCSEs, AS and A levels were not disadvantaged compared to their peers taking general qualifications and competing for the same progression places.

## Teaching and learning loss

Teaching and learning have been disrupted by the pandemic since March 2020. It is now widely accepted that impacts from the pandemic mean that students will complete the 2020 to 2021 academic year some way behind their peers from previous years in terms of their overall levels of attainment. It seems very likely that this 'learning loss' will affect some students and some groups of students more than others.

Some academics and education leaders predict that historical disadvantage gaps may be wider in summer 2021 than in previous years. Indeed, differential learning

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<sup>3</sup> [Consultation on the assessment and awarding of vocational technical and other general qualifications in 2020 to 2021](#)

[Consultation on proposed changes to the assessment of GCSEs, AS and A levels in 2021](#)

loss required us to consider whether the established function of GCSEs, AS and A levels should be radically revised for summer 2021 to introduce an element of compensation for learning loss. In our consultation on [advance information about topics to be covered in GCSE, AS and A level exams in 2021 and support materials in exams](#), we considered the equalities impacts of our proposals, including the impact of lost education on students.

To understand the nature and prevalence of learning loss in England and its equalities implications, we established 2 major lines of work. The first aimed to keep abreast of research and analysis into learning loss, which began to appear from March 2020 onwards. It included a comprehensive overview of work on learning loss in England, as well as a more selective overview of work on learning loss internationally.

The second aimed to explore stakeholder perceptions of learning loss, particularly in the run-up to the high-stakes assessments of summer 2021. This included a series of focus group studies, which began in December 2020, and a series of large-scale surveys, scheduled in early 2021. These lines of work continued into 2021, with an expectation that the literature reviews would be published before summer 2021 results days, and the perceptions studies subsequently. This research continues to inform our policy considerations.

# Equalities-related research

## A review of the literature concerning anxiety for educational assessments

We conducted a [literature review to better understand what is known about test anxiety](#). The literature indicates that test anxiety can be experienced by students across a range of assessment types and is associated with small reductions in test performance.

It is estimated that a few students per class are likely to be highly test anxious, but some demographic factors make an individual more prone to it. The literature shows that while children of all ages can experience anxiety around assessments it is more prevalent as age increases. The higher-stakes nature of assessments for older students likely drives this effect.

As with general anxiety, test anxiety is more prevalent among female students compared with male students, with females reporting more worry, tension and concerns about what others think of their test performance.

The literature also explores the relationship between academic ability and test anxiety. Although the relationship is complex, overall findings indicate that students with lower academic ability often report higher levels of test anxiety.

Students with SEND also report greater levels of stress, nervousness and anxiety around assessments. For these students, this effect is largely driven by worrying thoughts about less easily mastering skills they perceive to be important, compared with peers without SEND. There is indirect support indicating that access arrangements applied to assessments for students with SEND can alleviate these negative experiences of test anxiety, particularly for the allocation of 25% extra time.

In February 2020, we published [a blog post giving some practical tips on tackling test anxiety](#). This blog post contains links to several other resources, including blogs written by educational psychologists, which may help teachers, students, parents or carers with test anxiety.

## Impact of coursework on attainment dependent on student characteristics

We commissioned [analyses to investigate whether the attainment on GCSE and A level specifications with and without coursework differed depending on student characteristics](#). The findings, published in June 2020, indicate that prior and concurrent attainment largely contribute towards GCSE and A level grades, with

limited evidence to suggest differences as a result of demographic factors. The analyses found little evidence of coursework impacting the final grades of students across different socio-economic statuses or for students with special educational needs. There was also little evidence for differences in final grades across ethnic groups, except for students of Chinese ethnicity who, despite performing well overall, performed relatively poorly when entered for specifications with coursework. Male students were found to have better final GCSE grades than female students when there was no coursework assessment or where they had greater control over the nature of the coursework. Female students had better final grades when the coursework was internally set and marked. In some specifications there was flexibility over whether the students were required to complete coursework or an exam. In these cases, the exam provided a safety net for some less-able or less-motivated students to gain marks where they failed to submit their coursework.

## CAG interviews

Following submission of grades and rank orders to the exam boards in summer 2020, and before the results days in August 2020, we carried out a survey of teachers which received 1,234 responses. We then interviewed 54 of these respondents at length, to understand their views and experiences of making their centre judgements. We published our [analysis of the centre judgment research in May 2021](#).

In the survey, most respondents felt that effective steps had been taken to minimise bias with only 1% reporting that they were unaware of any steps taken in their centre. Overall confidence of those responsible for the final submissions that the submitted judgements were free from bias was very high with an average rating of 95 out of 100.

Teachers we spoke to were not concerned about any significant bias. Whilst some recognised that it was very difficult to eliminate any bias the consensus was that there would have been little or no bias partly through teacher awareness, but also through procedures put in place by centres – sharing of guidance around bias, sometimes formal training, and the involvement of special educational needs (SEN) teams and internal data analysis relating to SEN and other groups of students. The greater concern was over students with different effort profiles and whether the CAGs were fair to last-minute revisers. There was a tendency for teachers to believe that last-minute revisers were generally boys, but there was no evidence to link any other protected characteristics to last-minute revisers.

## Equalities analysis

For summer 2020, we published separate [equalities analyses for GCSE and A level](#) and [equalities analyses for VTQs](#). These reports examined whether the process of awarding grades to candidates in summer 2020 introduced bias in outcomes that could be attributed to their known protected characteristics or socio-economic status.

For both GCSEs and A levels, the univariate analyses suggested that calculated grades (derived from the application of a statistical algorithm to standardise the outcomes with previous years) would have more closely maintained the relationships between candidate characteristics and outcomes than do either CAGs or final grades. The multivariate analyses are clear that, at both GCSE and A level, the most consistent and significant effect is an uplift in outcomes for all entries using CAGs and final grades, but not using calculated grades.

The report concluded that there is no evidence that either the calculated grades or the final grades awarded in 2020 were systematically biased against candidates with particular protected characteristics or from disadvantaged backgrounds.

For VTQs, the same uplift in outcomes was seen for several types of qualifications. In the majority of cases, there was no statistically significant change in the attainment gaps between years for different groups of learners based on characteristics such as ethnicity, special educational needs, and measures of deprivation. There were some specific cases where attainment gaps appeared to have changed between years for males compared to females, but these differences were small in real terms and the cause of those changes were unclear.

## Online and on-screen assessment in high stakes, sessional qualifications: a review of the barriers to greater adoption and how these might be overcome

We carried out discussion groups and interviews with stakeholders to develop our understanding of [the barriers to the adoption of online and on-screen assessments](#). This work, complemented by a review of the literature on this topic, revealed 3 categories of barriers, one of which centres around the assurance of fair treatment of all students. Within this category, 2 key issues were identified in the discussion groups. The first relates to differential access to software and devices and the impact of this for opportunities to practise using them, and the knock-on effects this may have for students' performance in the assessment. The second relates to concerns around the development of appropriate adjustments for students with special educational needs and disabilities. The review highlights the importance of avoiding unequal experiences and additional access barriers for online and on-screen modes

of assessment. It indicates the means by which these barriers have been overcome where on-screen and online assessments have been successfully implemented (typically in international contexts).

## An investigation of the comparability of scores between optional questions in GCSE English literature, GCSE history and A level sociology

Some qualifications include an element of optionality whereby students are able to choose the questions they want to answer in an exam, or different assessment components. We carried out [analyses to explore the relationship between optionality in assessments and candidate characteristics](#). Findings indicate that there appears to be no differences between assessment options and candidates' characteristics with respect to the final grade received. Although the trends were not clear cut, findings generally indicated that where difficulty varied across assessment options, more able students and students with low levels of deprivation were more likely to choose the easier options than less able students and students with high levels of deprivation. This appears to be somewhat mitigated, however, when setting component or qualification grade boundaries. There were generally no differences between the difficulty of the assessment option taken by the candidate and other variables, such as gender and ethnicity.

## The use of assistive technology in assessment

One of our new objectives is to evaluate the appropriateness and effectiveness of the most frequently used forms of reasonable adjustment, such as extra time and the use of assistive technology, for learners taking the qualifications we regulate. We have also set ourselves the objective to collect more, and more accurate, data on the number and nature of the reasonable adjustments being made for disabled learners taking a wide range of qualifications.

Assistive technology is an umbrella term that can, in the broadest sense, include any device, software or system that is used to support an individual who has some form of disability or impairment. In the context of education and assessment, examples include scanning and reading pens, eye-tracking technology, Braille note takers, magnification software and equipment, modified equipment (such as enlarged keyboards), and more generic devices (such as laptops, tablets and digital recorders).

The number of students using a non-interactive electronic question paper, the format most commonly used alongside various forms of assistive technology, increased from 9,870 to 22,115 between 2015 and 2019. As more students use assistive

technology in their exams and assessments, we want to improve our understanding of their experiences of doing so, and any barriers to its use. As we have previously reported, during 2019 and into 2020, we carried out a research project to explore this further. We held interviews with students with special educational needs, teachers and special educational needs coordinators (SENCOs) about how disabled students use assistive technology for assessment. Publication of our [report on the use of assistive technology for assessment](#) was delayed due to the pandemic and has now been published.

## Stakeholder engagement

We engage with stakeholders to help us understand the equalities impact of our work and to inform our regulatory approach. During the pandemic, our approach to engaging with stakeholders and understanding the equalities impact on students, including potential impacts on those with particular protected characteristics, has been even more significant.

### The Access Consultation Forum

We organise and host the Access Consultation Forum (ACF) in partnership with the other UK qualification regulators (Qualifications Wales for Wales, CCEA Regulation for Northern Ireland, and the Scottish Qualifications Authority (SQA) for Scotland).

The ACF brings together awarding organisations and bodies who represent the interests of disabled students, to consider and discuss issues that affect the accessibility to disabled students of the qualifications and assessments we regulate. We consider a wide variety of matters, including qualification and assessment design and features of new or reformed qualifications. We also ask ACF members to respond to, and help to raise awareness of, our consultations.

In 2020, we held 3 meetings with members of the ACF, during which we sought views on the arrangements to be put in place due to the pandemic. We met with the group in June 2020 to discuss our consultation on proposed arrangements for an additional GCSE, AS and A level exam series to take place in autumn 2020. In November 2020, we discussed issues related to the delivery of qualifications in 2021. We covered a number of topics at our December 2020 meeting. We shared an overview of our 2 reports evaluating summer 2020 qualification results by student group, for which our research suggests that students were not systemically disadvantaged in 2020 based on their protected characteristics or socioeconomic status. The exam boards shared updates on their work to improve accessibility, including work to engage with ACF member experts to improve language accessibility, accessibility for students with visual impairments and colour blindness, and issues related to modified papers.

## The Equalities and Human Rights Commission

We have established relationships at both policy and senior levels with the Equalities and Human Rights Commission (EHRC) and have been in regular contact with them in relation to the exceptional arrangements for issuing grades for students in 2020 and 2021. This includes meetings between Ofqual's Chief Regulator and the Chief Executive of the EHRC, and meetings with policy colleagues to discuss equalities issues throughout 2020 and 2021.

On 10 December 2020 we provided a written response to the recommendation in [EHRC's 20 October 2020 report on how coronavirus has affected equality and human rights](#) that:

“Governments should undertake and publish an analysis of how the exceptional arrangements for issuing grades this summer, both the standardisation process and the decision to replace this with teacher assessed grades, impacted on outcomes for pupils with protected characteristics. This should be used to identify any disproportionate impacts and to inform contingency plans for issuing grades in preparation for the possibility of future disruptions to exams.”

## Centres

We engaged with stakeholders at centres to understand their concerns about the impact of the pandemic on students and centres. This included a research piece with a range of colleges, independent training providers and sixth-form colleges on the general impact of the pandemic and any specific impacts for those with SEND.

## Wider equalities stakeholders

In 2020 we expanded the range of stakeholders with whom we engage regularly on equality-related matters. We engaged with these groups during our consultations on the proposed arrangements for the assessment and awarding of general qualifications (GQs), and vocational, technical and other general qualifications (VTQs), and encouraged them and their members to respond formally to our consultations.

When we consulted on the regulatory arrangements for awarding VTQs in summer 2020 and for adapting VTQs in academic year 2020 to 2021, we arranged stakeholder calls (April 2020, May 2020 and September 2020) to discuss the equalities impacts of our proposals.

In 2020, we extended our engagement with equalities groups, particularly in relation to the arrangements put in place to make sure students could receive results, despite exams and assessments being cancelled. This included groups focused on

social mobility, race equality and Gypsy, Roma and Traveller students. Suggestions from these groups, as well as from members of the ACF, informed our guidance.

Our engagement with stakeholders during 2020 has included:

- meeting with groups that represent the interests of, or teach, disabled students
- meeting colleagues in other government departments to discuss areas of overlap and/or mutual interest that concern the accessibility of qualifications and assessments to students
- speaking to centres, teachers and students to seek and understand their perspective on the impact of the pandemic on qualifications, including specific equality impacts
- stakeholder briefing calls with a range of equalities groups and other interested parties about our arrangements for qualifications in 2020 and 2021
- creating and disseminating a range of guides and videos for students, teachers and parents on our arrangements for qualifications in 2020

# Equalities impact assessments through consultations

We must consult before we make changes to – or introduce new – conditions, requirements or statutory guidance. Equalities impact assessments are an essential part of our consultation process. We consider the possible equality impacts of the options before we consult, and we seek views on our equality impact analysis (EIA) of our proposals during our consultations. In our EIAs we set out the potential equalities impacts we have considered as we have developed our proposals and the impacts that might arise, either positive or negative, due to the approach we propose to put in place. EIAs help us to determine any likely positive or negative impacts of a policy option on people who share a particular protected characteristic.

EIAs also help us to consider how we can mitigate or eliminate any negative impacts, promote opportunities for ensuring equality, and decide what future action to take. To make sure we have considered as many of these impacts as possible, we ask respondents to our consultations whether there are any impacts we have not identified, and whether they have any suggestions for how any negative equalities impacts could be removed or reduced.

Between 1 January and 31 December 2020, we published 12 consultations (plus decisions on 2 consultations that had closed in late 2019), each of which contained a specific equality impact assessment.

Before we finalise any approach, we consider these potential impacts, including any new impacts raised by respondents which we might not previously have identified, to decide whether there are additional steps we can take to reduce any potential negative impacts. Where we can, we may:

- reconsider proposals in response to issues raised
- gather further information to help fully assess the impacts as part of subsequent consultations or targeted activities

On occasion, we might decide that such impacts are unavoidable.

As part of our decisions following a consultation, we publish our equalities impact assessment, setting out decisions we have taken to address the issues identified.

Between January and December 2020, consultations decisions we published for which we had identified potential equalities impacts included:

- ['Arrangements for the assessment and awarding of Vocational and Technical and Other General Qualifications in 2020 to 2021'](#)
- ['Statutory guidance in relation to the GQCovid regulatory framework'](#)
- ['Proposed changes to the assessment of GCSEs, AS and A levels in 2021'](#)
- ['Additional GCSE, AS and A level exam series in autumn 2020'](#)
- ['Exceptional arrangements for assessment and grading in 2020'](#)
- ['Regulating performance table qualifications'](#)
- ['Awarding organisation controls on centre assessments'](#)

Through these consultations we identified equalities impacts, which included:

- the differential impact of lost learning on different groups of students as a result of the pandemic
- the effect of socio-economic factors on students taking assessments, including in relation to those students who take vocational and technical qualifications compared with general qualifications
- the impact of a lack of access to resources and equipment on students' ability to complete adapted assessments remotely where required as a result of the pandemic
- the effect of any changes to assessment arrangements on students who require reasonable adjustments to complete assessments
- different impacts of alternative assessment arrangements on students who take assessments in settings other than schools and colleges, such as workplaces, training providers and prison settings
- disadvantages faced by students taking specific types of assessments (for example, practical licence to practise qualifications) who may not be able to complete an assessment using alternative arrangements, either due to the nature of any adaptations, or the need for them to have demonstrated competence in key areas such as health and safety
- the effect a lack of support during the pandemic may have on students with SEND
- concerns about the risk of bias where centres are making judgements on student performance in place of externally marked or moderated assessments
- some positive impacts of allowing assessments to be adapted, for example to allow remote delivery, which may make them more accessible for some students

These equalities impact assessments led to us taking a range of measures to seek to mitigate the potential negative equalities impacts, which included:

- allowing flexible approaches in our regulatory frameworks covering the approaches taken by awarding organisations in response to pandemic disruption
- setting out clearly our requirements of awarding organisations delivering assessments
- providing guidance as part of our frameworks covering assessment delivery during pandemic disruption about how equalities should be considered as part of awarding organisations' approaches
- working with awarding organisations to encourage consistent and fair approaches to assessment delivery
- gathering information and evidence to help us assess further the impact of decisions we have taken
- meeting with equalities stakeholders to discuss our proposed approaches
- working with other stakeholders in the system to mitigate potential disadvantages as far as is possible, in particular where these arise as a result of factors outside the scope of our regulation
- where a negative impact cannot be mitigated, setting out clearly and transparently the reason why this is the case

Further information on the impacts, actions and decisions we have taken is available as part of the equalities impact assessment in the relevant consultation.

# Communicating with awarding organisations

## Ofqual and The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018

In January 2020 we set up an internal working group, with representatives from our Communications, Awarding Organisation Communications, Digital and other relevant teams to review our approach to digital accessibility. In September 2020, we published an [accessibility statement](#) on our website. The statement detailed the in-built accessibility features that help people to use our website (including being able to change colours, contrast levels and fonts and to use speech recognition software). The statement also highlighted some parts of our website which are not fully accessible, and invited anyone experiencing difficulty accessing content on our website to contact us to discuss their accessibility needs.

We also published the accessibility statement on the Portal – a secure online site that we use to share information with the awarding organisations that we regulate.

In December 2020 we started to review the accessibility of the Portal in line with government commitments to accessibility. We will use the findings of the review to understand any changes that might be required in the future.

In 2020 we worked with an external software company, to understand whether we could use video translation on the Portal to communicate with awarding organisation staff who use BSL (British Sign Language). Such an arrangement goes beyond what is required to comply with Public Sector Website Accessibility Regulations but is something which awarding organisations have identified as important to them and which we would like to offer. We will continue to talk to awarding organisations to ensure that they are able to access the most important information in ways which are accessible to them.

## New statutory guidance on accessible assessments

We have set ourselves an objective to develop, consult on and publish new statutory guidance for awarding organisation on designing valid and manageable qualifications that are as accessible as they can be to all learners who would likely benefit from gaining the qualification. In late 2019 and early 2020, we held focus groups with awarding organisations to discuss the development of such accessibility guidance.

When we consulted in January 2020 on the changes we then proposed to the assessment of GCSEs, AS, and A levels in 2021, respondents emphasised that assessments should be as accessible and inclusive as possible so that students were not prevented from demonstrating what they know and can do.

In February 2020 we shared a draft of the Statutory Guidance with some awarding organisations and sought feedback ahead of our planned consultation. We delayed our plans to consult on the draft guidance, however, to allow awarding organisations to focus their resources on responding to the pandemic. We now plan to consult on the guidance later in 2021.

## Working with specific awarding organisations on accessibility issues

One of the awarding organisations we regulate is run solely by deaf staff who use BSL as their first language. We increased direct engagement with this awarding organisation in 2020, including more one-to-one meetings, advance notice of meetings to enable them to arrange to use BSL interpreters, and issuing relevant slides or information to help them to participate fully in discussions.

We shared [our GCSE videos](#) with this awarding organisation and invited its feedback to help us to better understand any issues for BSL users. We also asked our stakeholders if they had experience of on-demand BSL video transcription services such as the one which we had evaluated.

## Complaints

We require awarding organisations to have their own procedures for dealing with complaints. We will consider a complaint raised with us once the awarding organisation's own complaints procedure has been used. On our website, we explain [the types of complaint we can deal with and how to make a complaint](#). We encourage and enable people to complain by whichever communication method makes the most sense to them and are mindful of any particular support needs they may have throughout our interaction with them.

Our staff are trained to identify and support vulnerable people's needs, engage with advocates who support vulnerable people, and flexibly respond to individual needs. When responding, we aim to use plain, accessible language.

Between 1 January 2020 and 31 December 2020, 58 of the 1,765 complaints we received (around 3%) related primarily to arrangements for reasonable adjustments, special consideration, or concerns over bias or discrimination by centres.

# Our diversity and inclusion strategy

## Promoting equality in recruiting and employing members of staff

Ofqual is committed to recruiting and retaining expert, engaged people. We aim to make sure we have a diverse and empowered workforce.

In December 2020 our employee headcount was 253 who are usually based in our office in Coventry but have been working mainly from home since March 2020 in accordance with government advice.

## People strategy

Ofqual's people strategy reflects the Civil Service's wider ambition to become the UK's most inclusive employer. It has 2 specific aims that relate to equality and diversity, which are:

- to build a collaborative, innovative, healthy and safe working environment with a culture that promotes equality and diversity
- to recruit the best people by attracting talented and capable people from a diverse range of sectors and from all walks of life

As a result of the impact of the pandemic we took the opportunity to review our people strategy in 2020 and have developed a people plan for 2021 which sets out what we will deliver to achieve the strategic aims. Diversity and inclusion (D&I) is a specific theme of this plan and it runs through all other workstreams.

## Diversity and inclusion strategy

In early 2018, we established the diversity and inclusion working group to discuss the D&I agenda, ways of promoting equality and diversity within Ofqual, and D&I issues in relation to staff. As we reported previously, during 2019 this group helped us develop our first diversity and inclusion strategy aligned with our corporate plan and people strategy.

Following the launch of Ofqual's diversity and inclusion strategy in 2019 we have undertaken significant work to move us towards our D&I aims in the areas of inclusion, representation and monitoring. The pandemic has presented some challenges to Ofqual, as it has to all organisations, most notably with a switch to remote working for all employees in March 2020. We are proud of the way that switch was managed, and our employees have expressed how supported they felt.

Ofqual reported the highest scores for home working experience in [Leesman's Home Working and the UK Civil Service report, December 2020](#).

Our need to respond to the impact of the pandemic meant capacity was challenged in some areas which affected our ability to take forward some planned equality, diversity and inclusion (EDI) initiatives as quickly as we would have liked. EDI remains a priority for Ofqual, however, and we are pleased with the progress we have continued to make in this important area.

2020 saw the further embedding of the diversity and inclusion working group which has proved to be an invaluable consultation forum for all matters related to D&I. The group also held 2 extraordinary meetings to provide views on 2020 assessment arrangements and the events over the summer.

Our governance arrangements have evolved to reflect the maturity of the organisation, with our Executive Director of Strategy, Risk and Research and Deputy Chief Regulator, appointed as executive sponsor for EDI.

Following the launch of the strategy we saw, in January 2020, declaration rates for staff ethnicity increase to 95% and an 11% increase in staff completing disability information, up to 68%. At the end of 2020 declaration rates relating to ethnicity had continued to increase to 96% and we can now report that 75% of colleagues have completed their personal information relating to disability.

Our D&I work has been regularly reviewed by Ofqual's finance and human resources committee and strategically important D&I agenda items have been considered on several occasions by the Ofqual Board. Our Board diversity and inclusion champion, has worked alongside their executive director counterpart ensuring we effectively continue to progress such an important piece of work.

## Recruitment and representation

We have continued to encourage more diversity in our recruitment processes by advertising our vacancies on a range of diversity job boards. Ofqual is now a 'Proud partner of LGBTJobs.co.uk', and also advertises posts on Coventry-Live and The Diversity Dashboard ([diversitydashboard.co.uk](#)). We now have systems capacity to analyse attrition rates during the recruitment process so we can see any differences in the characteristics of those who apply and those who are appointed. In response to the pandemic, we have moved to a fully virtual selection and induction process, with consistently positive feedback from candidates. We have seen an increase in recruitment as a result of growth to deliver new activities and internal progression.

From January to December 2020 we recruited 36 new joiners to Ofqual, 22% of whom declared their ethnicity as being either Black, Asian or another minority ethnic group. For internal candidates in 2020, 29 existing colleagues secured new roles

within Ofqual, 25 of which were promotions. 16% of colleagues securing these promotions have declared their ethnicity as Black, Asian or from another minority ethnic group.

In February 2020, Ofqual achieved accreditation as a Disability Confident Employer (level 2). We are committed to achieving level 3 in 2021.

Our Black, Asian and minority ethnic representation in December was 15.02% compared to 75.49% for white colleagues, with disability at 8.7043%. In January 2020 our Black, Asian and minority ethnic representation was 14.7% of all staff and 7% of staff had declared a disability.

There remains a lack of representation of Black, Asian and minority ethnic colleagues at senior levels and addressing this is a priority of our EDI plan.

## Training and support for staff

As a result of the pandemic, we had to move all induction and training online in 2020.

In April 2019 we began to pilot a reverse mentoring scheme.

The pilot scheme was open to everyone, but we sought expressions of interest particularly from Black, Asian, minority ethnic, disabled, lesbian, gay, bisexual and transgender staff. Following positive feedback from all participants, the scheme has now been extended. Up to the end of December 2020, 14 mentor and mentee pairs had participated, including our Chief Executive and all Executive Directors.

The scheme was successful in:

- opening up conversations between senior leaders or managers and more junior staff about potential workplace barriers to progression
- helping senior leaders reflect upon and challenge attitudes to inclusion and take appropriate action within the organisation
- helping to shape Ofqual to become a more diverse and inclusive place to work

Throughout 2020 we provided a range of awareness raising sessions, blogs and guest speakers on a variety of D&I related topics.

All new starters complete equality, diversity and inclusion training as part of their induction programme, including 'Inclusion in the Civil Service'.

Colleagues have attended a number of EDI conferences, including:

- 'Race to Equality: Supporting BAME colleagues in the workplace'
- 'BAME into Leadership'
- 'Civil Service BAME development event of the year'

- '10 Years of the Equality Act'

In further support of our goal to improve representation of Black, Asian and minority ethnic staff in senior roles we have enhanced our offer by developing a revised mentoring offer alongside a new and innovative sponsorship programme that will be launched in 2021.

The sponsorship programme will be targeted specifically at Black, Asian and minority ethnic colleagues with a Civil Service talent rating of star, excellent or strong on their annual performance review for 2020 to 2021. Each sponsorship commitment will last for 6 months.

To support resilience and wellbeing we have provided bespoke one-to-one support, a half-day resilience training for staff which over 60 people have attended, with a further 20 attending a shorter 'taster' training event.



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