

Equalities impact assessment: setting the grade standards of new GCSEs in England – part 2



September 2016

Ofqual/16/6104

Introduction

This document sets out our final equality analysis for our proposals for setting grade standards for new GCSEs. This document is based on the equality analysis we undertook before publishing our consultation on ‘Setting the grade standards of new GCSEs in England – part 2’ and has been updated to reflect the responses we received to that second consultation.

Ofqual’s role, objective and duties

1. We are subject to the public sector equality duty. We have set out on our website A how this duty interacts with our statutory objectives and other duties¹.

Equality analysis relating to proposals for setting the grade standards of new GCSEs

2. We recognise the importance of making sure the decisions we take in relation to regulated qualifications do not unfairly discriminate against or prejudice students because of their protected characteristics.²
3. We previously published equality analysis that informed our decisions on the design, assessment and grading of new GCSEs.³
4. We also published an equality analysis in our April 2014 consultation on setting the grade standards of new GCSEs in England.⁴
5. We noted in our equality analysis for our previous consultation on ‘Setting the grade standards of new GCSEs in England’ that under our General Conditions of Recognition⁵, we require exam boards to design assessments in such a way as to minimise any disadvantage that may be experienced by students with protected characteristics. We also require that exam boards put in place arrangements which allow reasonable adjustments to be made for disabled students when taking assessments.⁶ We ask exam boards to demonstrate how

¹ <https://www.gov.uk/government/organisations/ofqual/about>

² The protected characteristics under the Equality Act 2010 are: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, and sex or sexual orientation. Under section 149 of the Equality Act 2010, we are not required to consider the impact of the reforms on those who are married or in a civil partnership.

³ See our equality analysis of GCSE reforms:

<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/gcse-reform-june-2013/>

⁴ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/setting-the-grade-standards-of-new-gcse-april-2014/>

⁵ General Condition E4.2 – <https://www.gov.uk/government/publications/general-conditions-of-recognition>

⁶ General Condition G6.2 – <https://www.gov.uk/government/publications/general-conditions-of-recognition>

they have taken such equalities considerations into account in the assessment strategies which they are required to put in place for the new GCSEs.

6. The purpose of these measures is to ensure that by the time grade boundaries are set for a particular assessment, as far as possible, all students have been given a fair opportunity in that assessment to demonstrate their knowledge, skills and understanding.
7. Grade setting therefore focuses on the level of the knowledge, skills and understanding which has been demonstrated in those assessments, and does not take account of the particular characteristics of the individual students who have taken those assessments. The grade awarded to each individual student solely reflects the performance of that student in their assessments. To do otherwise would risk introducing different standards in the same qualification for students with particular protected characteristics and those without. This would not be desirable for students, or for those who rely on qualifications, such as employers and further and higher education providers.
8. We did not identify in our previous consultation, and have not identified in respect of the proposals in this consultation, any potential impacts on students who share any protected characteristics. We have considered this in light of the consultation responses received.
9. We have published separately an analysis of all the feedback we received during the consultation.⁷ As part of the consultation, we asked the following three questions about equalities.

Question 7 – We have not identified any ways in which our proposals on setting the grade standards of new GCSEs would impact (positively or negatively) on persons who share a protected characteristic.⁸ Are there any potential impacts we have not identified?

Question 8 – Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?

Question 9 – Do you have any other comments on the impacts of the proposals on students who share a protected characteristic?

⁷ <https://www.gov.uk/government/consultations/setting-the-grade-standards-of-new-gcse-in-england-2017-2018>

⁸ 'Protected characteristic' is defined in the Equality Act 2010. Here, it means age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10. We received 370 responses to the consultation. None of these were from equality groups or from those with a specific focus on any of the protected characteristics. Not all respondents chose to answer the equality focussed questions; the number of responses to these questions can be found in the consultation analysis. We also reviewed answers to other consultation questions to identify any additional equality issues raised.
11. Analysis of the responses to these questions can be found in our consultation document. A small number of respondents expressed a view on equalities issues and we grouped these into comments that were outside of the consultation and / or did not relate to persons who share a protected characteristic and those that related to the consultation.
12. Of those that related to the consultation and to persons who share particular protected characteristics, we considered:
 - Comments about the impact of the ‘tailored’ approach to the award of grade 9 on girls’ achievement in mathematics and the respondents’ preference for our previous proposal (the ‘20 per cent’ approach).
 - Comments about the impact of our proposals on the following groups:
 - i. those with learning difficulties;
 - ii. students that belong to religious groups (in relation to religious studies GCSE);
 - iii. high performing students with mental health issues;
 - iv. students whose first language is not English.
13. Some respondents suggested that girls are more likely than boys to choose their A level subjects based on their GCSE grades. We have found no evidence to support this suggestion.
14. Although comments were made about students with learning difficulties, students that belong to religious groups, high performing students with mental health issues and students whose first language is not English, the comments did not make clear what the impact on those students would be.
15. We considered the consultation responses and did not identify any new potential impacts on students who share particular protected characteristics.

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