

CONSULTATION

Revised GCSE qualifications in modern foreign languages

Consultation on changes to the assessment
arrangements for GCSE French, German and
Spanish

ofqual

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Proposals at a glance

The Department for Education (DfE) has launched a consultation on proposed changes to the subject content requirements for GCSE modern foreign language (MFL) qualifications in French, German and Spanish. This means that we need to review and if necessary revise the assessment arrangements to ensure they reflect the aims and requirements of the changed content.

We propose the following assessment arrangements, for revised GCSEs in MFL (French, German and Spanish):

- revised assessment objectives to reflect the changed content
- maintain tiered assessments (foundation and higher tier)
- maintain a single tier of entry (foundation only/ higher tier only)
- maintain non-exam assessment (NEA) for the assessment of speaking skills
- maintain the requirement that the NEA counts towards 25% of total marks

Audience

This consultation is open to anyone who may wish to respond but may be of most interest to:

- awarding organisations considering offering revised GCSE MFL qualifications in French, German and Spanish
- teachers of GCSE MFL qualifications, AS and A level MFL qualifications and those in wider education with an interest in GCSE MFL, such as FE and HE
- schools, colleges and others who deliver GCSE MFL qualifications
- students and potential students of future GCSE MFL qualifications

Consultation arrangements

This consultation will be open for 10 weeks starting on Wednesday 10 March and ending on Wednesday 19 May at 23:45.

Please respond to this consultation by using the online survey at

<https://www.gov.uk/government/consultations/revised-gcse-qualifications-in-modern-foreign-languages>

For information on how we will use and manage your data, please see Annex A: Your data.

Introduction

In November 2019, the Department for Education (DfE) announced the appointment of an independent panel of experts to review the subject content for GCSEs in modern foreign languages (MFL), in French, German and Spanish¹. Their aim was to recommend changes to ensure the content continues to be rigorous as well as supporting high-quality teaching.

The announcement followed a [review of language pedagogy carried out by the Teaching Schools Council which was published in 2016](#).

While the government is responsible for setting the curriculum requirements in the content for all GCSEs, AS and A level, Ofqual is responsible for ensuring the assessment arrangements will support valid and reliable results. Given that the subject content is to be revised, Ofqual must similarly review, and revise as appropriate, the requirements for assessing that content, which the exam boards offering GCSE MFL qualifications in French, German and Spanish are required to follow.

This consultation presents the proposed arrangements for assessing the revised subject content. They include the assessment objectives, which denote the percentage of qualification marks that must be awarded for each aspect of assessment, the proposal to maintain tiered assessments and the approach to non-exam assessment (NEA).

The changes to the subject content proposed by the DfE are subject to public consultation, which will run alongside this consultation on the assessment arrangements. We recommend that respondents to this consultation consider the proposed changes to the subject content before responding to this consultation. We also recommend that respondents respond to the consultation on the proposed revisions to the subject content. [The DfE consultation on the subject content](#) can be accessed from the DfE website.

These proposals have been developed to reflect the aims of the proposed content currently being consulted on by the DfE. The analysis of responses to this consultation will be published alongside the decisions we make regarding the proposed assessment arrangements. Publication of these documents will coincide with the publication of the final subject content and consultation analysis documents by the DfE. In this way, the decisions relating to the course of study and final

¹ GCSE MFL qualifications in other languages may be revised at a later date, after the revisions to French, German and Spanish have been made. These proposals would also be subject to public consultation.

assessments for GCSE MFL (French, German and Spanish) qualifications will be clear.

Consultation details

We present here the detailed explanation behind our proposals, beginning each proposal with a reminder of how these qualifications are currently assessed.

Each section ends with the relevant consultation question, which can be accessed in [the online consultation survey](#).

1 Assessment objectives (AOs)

Assessment objectives (AOs) denote the percentage of total qualification marks that must be allocated for each aspect of assessment relating to the knowledge, understanding and skills required by the content. Exam boards that offer GCSE MFL qualifications in French, German and Spanish will need to ensure they follow the assessment objective requirements and weightings.

Currently, GCSEs in MFL must be designed so that marks are awarded separately for each of the 4 skills of speaking, listening, reading and writing, as the AOs separate the marks. The AOs are equally weighted, which places an equal emphasis on each of these skills in the marks. All exam boards that currently offer GCSEs in MFL structure their assessments so that each of the assessments – the exam papers and the non-exam assessment for speaking - cover each skill distinctly.

Current assessment objectives for GCSE MFL qualifications

AO1	Listening – understand and respond to different types of spoken language	25%
AO2	Speaking – communicate and interact effectively in speech	25%
AO3	Reading – understand and respond to different types of written language	25%
AO4	Writing – communicate in writing	25%

In each of AO2 and AO4, at least 10% of the marks available for that assessment objective must be allocated to knowledge of, and accurate application of, the grammar and structures of the language prescribed in the specification.

While this is straightforward for teachers in a presentational sense, it leads to a sometimes false impression that only one skill is used in each assessment.

In reality, the assessments often require students to use more than one skill in a task. Just as in real life, the development of any one language skill supports the development of the others. For example, the speaking assessment includes the demonstration of listening skills, as candidates need to understand the questions they are required to answer.

The revised subject content places a different emphasis on how the 4 skills should be taught, and therefore the assessment arrangements should reflect this approach. The revised content seeks to encourage more linkages between skills, for example the proposed content requires students to read aloud short sentences and demonstrate understanding. This would involve students being able to demonstrate both pronunciation skills through speaking, and comprehension skills through reading.

We are, therefore, proposing a changed structure for the assessment objectives, to cater for the more mixed skill assessments. Our proposals follow the structure already used for MFL at AS and A level. This has two benefits: it supports progression from GCSE to A level and is a design already familiar to many teachers.

Proposed assessment objectives for GCSE MFL qualifications in French, German and Spanish

AO1	Understand and respond to spoken language in speaking and in writing	35 %
AO2	Understand and respond to written language in speaking and in writing	45 %
AO3	Demonstrate knowledge and accurate application of the grammar and vocabulary prescribed in the specification	20 %

This proposed structure and weighting of assessment objectives would, we believe, support the aims of the subject content. For example, the read aloud task (AO2) would be likely to focus on clear and comprehensible pronunciation (AO3) and require students to answer questions on the text (reading comprehension, AO2). Another requirement in the content is for students to undertake dictation exercises with credit for accurate spelling, which would assess listening and writing skills (AO1) and accurate language use (AO3).

Question 1: To what extent do you agree or disagree with the proposed assessment objectives for GCSE MFL (French, German and Spanish)?

Question 2: Do you have any comments on the proposed assessment objectives for GCSE MFL (French, German and Spanish)?

2 Tiering

As with the current subject content, the revised content is tiered, which means it includes different requirements for foundation tier and higher tier assessments. Tiered assessments target a smaller range of grades, in recognition of the level of difficulty: foundation tier assessments target grades 1-5, while higher tier assessments target grades 4-9 (with grade 3 awarded where students narrowly miss grade 4).

Tiering is used only for subjects where different content requirements exist for each tier. Students working at higher tier are expected to learn additional and/or more complex material. This is the case with the current GCSE MFL qualifications.

Using tiered assessments helps manage these different content requirements for different levels of performance. A single tier of entry would not provide all students the opportunity to show their knowledge and abilities, given that in MFL assessments, the demand of the question targets the level of response required. For example, in MFL, where students are required to listen to (or read) a passage and respond to questions on it, the demand of that passage is central to how students can perform. Too accessible, and students will achieve the marks without differentiating those with higher levels of ability; too challenging, and students will not be able to achieve marks to demonstrate their ability at mid or lower levels. Using two tiers of assessments means that students will have the opportunity to demonstrate what they can achieve, in response to an appropriate passage within a target grade range that best suits them.

In the revised subject content, we believe that this is the case for tasks such as the dictation exercise, for example. Where students listen to a passage and achieve marks for accurate spelling, the difficulty of that passage will affect the outcome. If the passage includes words students are not familiar with (as set out in the content), they are likely to lose the thread of meaning and not gain the available marks.

This leads us to believe that tiered assessments should be used in the revised GCSE MFL qualifications in French, German and Spanish.

Further, we are proposing that students, as now, should be entered for all assessments at the same tier. In previous specifications², speaking and writing skills were assessed using controlled assessment, which by its nature was untiered, and students were allowed to mix their tier of entry for the reading and listening components. This led to some students taking a mix of foundation and higher tier assessments, although [statistical analyses by exam boards demonstrated that many students could have achieved higher overall grades had they taken only higher tier](#).

Using mixed tier entry also created difficulties for exam boards in the maintenance of standards, as the marks achieved across foundation tier and higher tier assessments contribute differently to the final grade (as higher tier marks were more highly weighted), which led to an inconsistent profile of achievement across the papers (and assessment objectives) across the cohort.

The proposed content requirements and assessment objectives, which support the teaching and learning of the range of language skills required, lead us to propose single tier entry for the revised qualifications.

Question 3: To what extent do you agree or disagree with the proposal to use tiered assessments (foundation and higher) in GCSE MFL (French, German and Spanish)?

Question 4: To what extent do you agree or disagree with the proposal to require a single tier of entry for the assessments in GCSE MFL (French, German and Spanish)?

Question 5: Do you have any comments on the proposal to use tiered assessments (foundation and higher) in GCSE MFL (French, German and Spanish)?

² The current specifications were introduced for first teaching from September 2016, and use non-exam assessment (NEA) for the assessment of speaking skills, with writing assessed by examination. Previous specifications included controlled assessment for writing and speaking skills.

3 Non-Exam Assessment (NEA)

The assessment approach of the current GCSE MFL qualifications includes 25% NEA, in order to assess students' spoken responses and interactions. The assessment is undertaken by teachers (or the exam board where visiting examiners is offered). Each student's performance is recorded and sent to the exam board for marking.

[Teachers tell us that this assessment arrangement works well](#). While teachers carry out the assessments, they are able to rely on exam board materials to ensure that the assessments are of a consistent level of demand covering the various content requirements, and that the tasks are randomly allocated to each student. This provides reassurance that speaking assessments cannot be pre-learned, and that each task represents the same level of challenge for each student within each tier.

We propose that teachers should administer the assessment of the new spoken language content and skills using exam board set tasks and that the exam boards should mark the assessments.

Given the new requirements in the content, it is likely that there will be some changes to the current approach to NEA. We would expect exam boards to review their tasks in light of the changes to the content but we believe that the NEA weighting should be retained at 25%. This would allow exam boards the option of continuing to offer a structure of 4 equally weighted components should that be the approach they want to take. While exam boards are required to meet our requirements for the weighting of assessment objectives and NEA, they are free to choose how they structure their specifications in terms of the number of assessment components and the marks available.

Question 6: To what extent do you agree or disagree with the proposal to use NEA to assess students' spoken responses and interactions in GCSE MFL (French, German and Spanish)?

Question 7: To what extent do you agree or disagree with the proposal that NEA should account for 25% of total marks in GCSE MFL (French, German and Spanish)?

Question 8: Do you have any comments on the proposal that NEA should account for 25% of total marks in GCSE MFL (French, German and Spanish)?

4 Impact of our proposals

The changes we are proposing follow the changes proposed by the Department for Education (DfE) in their consultation on the revised subject content for GCSE MFL qualifications in French, German and Spanish. We must review, and if necessary, revise our regulatory requirements in terms of assessment arrangements to support the aims and requirements of the revised content. It is our duty, however, to consider the likely impact of these proposals on those who develop, teach, or take these qualifications.

Equality impact assessment

As Ofqual is a public body, we must comply with the public sector equality duty in section 149(1) of the Equality Act 2010. In developing these proposals, we have considered the likely impact on persons who share particular protected characteristics.

We are required to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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?

Regulatory Impact Assessment

In a regulatory impact assessment, we consider the activities resulting from the proposals that we expect may give rise to additional costs and burdens, as well as any activities that may not take place and could therefore deliver savings.

Impact on schools and colleges

We expect there would be one-off, direct costs and administrative burdens to schools and colleges associated with the following activities:

- familiarisation with new qualifications, assessments and guidance from exam boards
- communication and training to teaching staff on the new assessments

Impact on exam boards

The proposed arrangements apply to GCSE MFL qualifications regulated by Ofqual, offered by the exam boards in French, German and Spanish.

We expect there would be one-off, direct costs and administrative burdens to these organisations associated with the following activities:

- familiarisation with the revised subject level conditions and guidance published by Ofqual on the approach to assessing the revised qualifications
- research with stakeholders into potential approaches
- development of new specifications and sample assessments and mark schemes in each language
- information and training to centres about the revised assessments

Before decisions are made regarding the assessment of GCSE MFL qualifications in French, German and Spanish, we will identify and take into account the wider impact of the proposed changes including on schools and colleges and the exam boards. We are seeking your views on these issues too, in particular on the future availability of GCSEs in a range of languages and on the fees exam boards might charge and schools and colleges would be willing to pay.

Question 11: We have set out our understanding of the cost implications and burdens of our proposals for schools, colleges and exam boards. Are there any other potential costs or burdens that we have not identified?

Question 12: Are there any additional steps we could take to reduce the costs or burdens of our proposals?

Annex A: Your data

Privacy notice – March 2021

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). The relevant data protection regime that applies to our processing is the UK GDPR³ 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.

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 dp.requests@ofqual.gov.uk

Our legal basis for processing your personal data

Where you provide personal data for this consultation, we are relying upon the public task basis as set out in Article 6 (1) (e) of UK GDPR to process personal data which allows processing of personal data when this is necessary for the performance of our public tasks. We will consult where there is a statutory duty to consult or where there is a legitimate expectation that a process of consultation will take place.

Why we are collecting your personal data

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 would like to provide contact information. If you or your organisation are happy to provide personal data, with regard to this consultation, please complete the details below. You do not have to provide this information and it is entirely optional.

³ Please note that as of 1 January 2021, data protection laws in the UK have changed. The General Data Protection Regulation (EU) 2016/679 (GDPR) no longer applies to the UK. However, the UK has incorporated GDPR into domestic law subject to minor technical changes. The Data Protection, Privacy and Electronic Communications (Amendment etc.) EU exit Regulations (DPPEC) came into force in the UK on 1 January 2021. This consolidates and amends the GDPR and UK Data Protection Act 2018 to create the new UK GDPR.

If there is any part of your response that you wish to remain confidential, you will have the opportunity to indicate this in your response. Where you have requested that your response or any part remains confidential, we will not include your details in any published list of respondents, however, we may quote from the response anonymously in order to illustrate the kind of feedback we have received.

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 including members 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 and assess this in accordance with applicable data protection rules.

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 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. We will analyse all responses and produce reports of consultation responses. In the course of analysis, we will where possible, avoid using your name and contact details. We will only process the body of your response but we are aware that in some cases, this may contain information that could identify you.

Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships & Technical Education (IFATE) 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. Where possible, 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 IFATE with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Where we share personal data, we ensure that adequate safeguards are in place to ensure that your rights and freedoms are not affected.

We use Citizen Space, which is part of Delib Limited, to collect consultation responses and they act as our data processor. You can view Citizen Space's privacy notice at https://app.citizenspace.com/privacy_policy/.

Your response will also be shared internally within Ofqual in order to analyse the responses and shape our policies and regulatory activity. We use third party software to produce analysis reports, which may require hosting of data outside the UK, specifically the US. Please note that limited personal information is shared. All personal contact information is removed during this process. Where we transfer any personal data outside the UK, we make sure that appropriate safeguards are in place to ensure that the personal data is protected and kept secure.

Following the end of the consultation, we will publish an analysis of responses on our website, <https://www.gov.uk/government/organisations/ofqual>. We will not include personal details in the responses that we publish.

We may also publish an annex to the analysis listing all organisations that responded, but will not include personal names or other contact details.

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 UK unless there are appropriate safeguards in place to protect your personal data
- 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, for example, access, rectification, erasure

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

- access personal data relating to you
- object to the processing of your personal data
- 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. You can also find further details about Ofqual's privacy information [here](#).

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.

Annex B – Ofqual’s role, objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has five statutory objectives, set out in the Apprenticeship, Skills, Children and Learning Act 2009;

- 1) **The qualification standards objective**, which is to secure that the qualifications we regulate:
 - a) give a reliable indication of knowledge, skills and understanding; and
 - b) indicate:
 - i) a consistent level of attainment (including over time) between comparable regulated qualifications; and
 - ii) a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) that we do not regulate
- 2) **The assessment standards objective**, which is to promote the development and implementation of regulated assessment arrangements which:
 - a) give a reliable indication of achievement, and
 - b) indicate a consistent level of attainment (including over time) between comparable assessments
- 3) **The public confidence objective**, which is to promote public confidence in regulated qualifications and regulated assessment arrangements
- 4) **The awareness objective**, which is to promote awareness and understanding of:
 - a) the range of regulated qualifications available,
 - b) the benefits of regulated qualifications to Students, employers and institutions within the higher education sector, and
 - c) the benefits of recognition to bodies awarding or authenticating qualifications

- 1) **The efficiency objective**, which is to secure that regulated qualifications are provided efficiently, and that any relevant sums payable to a body awarding or authenticating a qualification represent value for money.

We must therefore regulate so that qualifications properly differentiate between Students who have demonstrated that they have the knowledge, skills and understanding required to attain the qualification and those who have not.

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant Students, including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

The Equality Act 2010

As a public body, we are subject to the public sector equality duty. This duty requires us to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The awarding organisations that design, deliver and award qualifications are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications, except where we have specified that such adjustments should not be made.

When we decide whether such adjustments should not be made, we must have regard to:

- a) the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities
- b) the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred
- c) the need to maintain public confidence in the qualification

We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, sometimes conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a Student's knowledge, skills and understanding, a Student who has not

been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification.

A person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them at a disadvantage relative to others who have been awarded the qualification.

It is not always possible for us to regulate so that qualifications give a reliable indication of knowledge, skills and understanding and advance equality between people who share a protected characteristic and those who do not. We must review all the available evidence and actively consider all the available options before coming to a final, justifiable decision.

Qualifications cannot mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, Students' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a Student's ability to achieve a particular assessment, our influence is limited to the qualification design and assessment.

We require awarding bodies to design qualifications that give a reliable indication of the knowledge, skills and understanding of the Students that take them. We also require awarding organisations to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a Student to achieve because they have a particular protected characteristic. We require awarding organisations to monitor whether any features of their qualifications have this effect.

In setting our proposed requirements, we want to understand the possible impacts of the proposals on Students who share a protected characteristic. The protected characteristics under the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage and civil partnerships
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

With respect to the public sector equality duty under section 149 of the Equality Act, we are not required to have due regard to impacts on those who are married or in a civil partnership.



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