Subject content for digital Functional Skills qualifications

Equality impact assessment

October 2021

Contents

Introduction

This document assesses the impact of the subject content for digital Functional Skills qualifications (FSQs) on people with protected characteristics.

Section 149 of the Equality Act 2010[1] requires the Secretary of State, when exercising the functions of the Secretary of State, to have due regard to the need:

- to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- to advance equality of opportunity between people who share a protected characteristic and those who do not; and

- to foster good relations between people who share a protected characteristic and those who do not.

The Equality Act 2010 identifies the following as protected characteristics for the public sector equality duty:

- age

- disability

- gender reassignment

- pregnancy and maternity

- race (including ethnicity)

- religion or belief

- sex

- sexual orientation.

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[1] [Equality Act 2010, section 4](#)

Engagement and involvement

The public consultation on the subject content for digital FSQs opened on 16 May 2019 and closed on 11 July 2019. We received 33 responses from a range of stakeholders including FE providers, representatives working in adult community learning, other education institutions, practitioners, employers, awarding organisations and representative bodies.

In developing and finalising the subject content, we worked alongside Ofqual and subject experts, including awarding organisations.

In April 2019, we published the national standards for essential digital skills[2], on which the digital FSQ subject content is based. We also set out our plans to introduce a new legal entitlement to fully funded digital qualifications for adults with no or low digital skills and to reform basic digital qualifications to improve their quality and relevance. This followed a period of extensive consultation, including around the impact of the national standards and the digital entitlement on protected characteristic groups including learners with learning difficulties and disabilities (LDD) or special educational needs (SEN) sharing the protected disability characteristic. An equality impact assessment was published in April 2019[3] and has informed this document.

The consultation on the subject content for digital FSQs asked the following questions about the potential impact of the subject content on people with protected characteristics:

- Does the proposed subject content have the potential to positively impact on specific groups, in particular the 'protected characteristic' groups?

- Does the proposed subject content have the potential to negatively impact on specific groups, in particular the 'protected characteristic' groups? If so, how could this be reduced?

This equality impact assessment has been informed by responses to these questions, as well as our own wider analysis and evidence review. It focuses solely on issues directly related to the digital FSQ subject content.

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[2]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/796596/National_standards_for_essential_digital_skills.pdf
[3]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/796393/Improving_adult_basic_skills_-_equality_impact_assessment.pdf

Description of the policy

Digital skills are as important to employability and participation in society as English and maths, yet in 2021 an estimated one in five adults lack essential digital skills [4].

To address this, from August 2020, the government introduced a legal entitlement to fully funded digital qualifications, alongside the existing English, maths, level 2 and level 3 entitlements. Adults with no or low digital skills now have the opportunity to undertake specified digital qualifications, at entry level and level 1, free of charge. The entitlement will help providers to support adults at risk of being left behind in an increasingly digital world.

Alongside the new entitlement, the government is reforming basic digital qualifications to improve their quality and relevance, based on the national standards for essential digital skills[5], published in April 2019. We have introduced new Essential Digital Skills qualifications (EDSQs), available from August 2020, and are reforming Functional Skills Qualifications (FSQs) in digital skills. Digital FSQs will replace existing FSQs in ICT from August 2023.

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[4] https://www.lloydsbank.com/assets/media/pdfs/banking_with_us/whats-happening/210923-lb-essential-digital-skills-2021-report.pdf

[5] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/796596/National_standards_for_essential_digital_skills.pdf

Evidence base

Our assessment of the potential impact of the proposed subject content for digital FSQs has been informed by:

- responses to our consultation, which sought views on whether the proposed subject content had the potential to positively or negatively impact on specific groups, in particular persons sharing protected characteristics;

- previous analysis of the impact of the national standards for essential digital skills, on which the subject content is based;

- analysis of 2019/20 data on the characteristics of adult learners, funded through the adult education budget, on existing basic digital qualifications;

- a review of relevant literature; and

- meetings with Ofqual, subject experts and awarding organisations.

Evidence review

The following summary of evidence draws on relevant literature, analysis of 2019/20 data on the characteristics of learners taking existing basic digital qualifications, responses to the public consultation on the subject content for digital FSQs, and views expressed by stakeholders in meetings held during the development of the subject content.

22 (69%) respondents to our consultation said that the proposed subject content has the potential to positively impact on specific groups, in particular persons sharing protected characteristics, by supporting them to develop their digital skills. Reasons provided to support this view include giving specific groups greater opportunity to access online material, benefiting mature learners returning to education, supporting learners with LDD/SEN who may be vulnerable to online fraud or exploitation, as well as the potential to engage groups of learners who have not previously considered digital skills to be relevant or useful.

This view is supported by analysis of the characteristics of learners on existing basic digital qualifications, which shows that there is a greater proportion of adults on existing qualifications who are over 50, are people from ethnic minority backgrounds, or consider that they have LDD, than on other adult education budget funded provision[6].

The potential for subject content to have a positive impact on specific groups, in particular the protected characteristic groups, is also supported by the most recent (2021) survey of essential digital skills, undertaken by Ipsos Mori for Lloyds Banking Group[7]. This found, in relation to the following protected characteristics – age, disability, sex, race - that:

- 97% of adults aged 18-24 have essential digital skills for life, compared with 26% of those aged 75 or older;
- 85% of adults without a registered disability have essential digital skills for life, compared to 55% of those with a registered disability;
- 82% of men have essential digital skills for life, compared to 75% of women;
- 78% of White people have essential digital skills for life, compared to 87% of people from ethnic minority backgrounds.

19 (59%) respondents to our consultation said the proposed subject content had the potential to negatively impact on specific groups, in particular persons sharing protected characteristics. Respondents provided views on three of the protected characteristics –

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[6] This refers to data shown in Annex A, Table 2

[7] https://www.lloydsbank.com/assets/media/pdfs/banking_with_us/whats-happening/210923-lb-essential-digital-skills-2021-report.pdf

age, sex and disability. No explicit feedback was provided on the other five protected characteristics.

The key issues identified following our evidence review related to:

- accessibility of the subject content for learners with LDD/SEN;
- assessment design and delivery for learners with LDD/SEN;
- the single entry level in digital FSQs; and
- the delivery of digital FSQs in way that supports access for all learners, including persons sharing protected characteristics.

These issues are considered in the sections that follow. In all cases, our assessment has been informed by our work with stakeholders in developing the subject content.

Accessibility of the subject content for learners with LDD/SEN

Through our evidence review, we have identified the accessibility of the subject content for learners with LDD/SEN as a key equalities impact, as 26% of learners taking an existing basic digital qualification, funded through the adult education budget, have LDD.

Four respondents to our consultation expressed concerns around the accessibility of the subject content for learners with LDD/SEN. Particular concerns were raised regarding the ability of learners who have visual impairments to demonstrate all of the skills statements in the subject content, as well as the ability of those with other physical disabilities and learning difficulties, such as dyslexia.

However, it was also noted that, with the use of assistive technology, the subject content could have a positive impact.

Assessment

We consider that the potential impacts related to accessibility of the subject content for learners with LDD/SEN are reduced through mitigations set out for adults in the funding and performance management rules for the adult education budget[8]. Where a provider identifies that an individual has LDD or a financial barrier, their adult education budget allocation enables them to claim learning support and/or learner support funding to meet their additional needs. Learning support is available to meet the cost of putting in place a reasonable adjustment for individuals who have an identified LDD to achieve their learning goal.

Under the current funding rules there are three elements to this funding:

- **Fixed monthly rate** - providers claim a fixed monthly rate for each individual to fund support such as equipment, an interpreter or support worker.

- **Excess** - if support needs exceed the fixed monthly rate providers can claim excess costs.

- **Exceptional learning support** - if support costs exceed £19,000, providers can apply for 'exceptional learning support' with appropriate supporting evidence.

For 16-19 year olds, there is similar support as providers can access 'disadvantage funding' in order to make reasonable adjustments for individuals. This funding is

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[8] https://www.gov.uk/guidance/adult-education-budget-aeb-funding-rules-2020-to-2021

allocated by a formula within a provider's basic funding programme and is there to help meet the additional needs of individuals, including those with a disability or SEN.

Some individuals with profound LDD may have an Education, Health and Care Plan (EHCP), which includes high needs funding for individuals up to 25 years of age. This is funded outside of the adult education budget.

Conclusion

We have carefully considered the accessibility of the subject content statements for learners with LDD/SEN. Subject content statements have been designed to avoid creating unnecessary barriers for these learners and to support the use of assistive technology where possible. We have also taken care to ensure that where literacy and/or numeracy skills are required to apply digital knowledge or skills, these are set at an appropriate level that enables people sharing the disability protected characteristic to have equivalent or comparatively fair opportunity to access the subject content.

However, we consider it fundamental to the quality and relevance of digital FSQs for the subject content to be based on the range of essential digital skills set out in the national standards. This outweighs the potential need to remove particular subject content statements that may present challenges for some learners, as this could compromise the overall value of the qualification.

The potential for learners with LDD/SEN to have difficulty accessing the subject content is mitigated by providers' ability to claim: learning support and/or learner support funding to meet additional needs where these have been identified in an adult learner; high needs funding where an individual has an EHCP; or disadvantage funding for 16-19 year olds.

Assessment design and delivery for learners with LDD/SEN

Through our evidence review, we have identified that the design and delivery of digital FSQ assessments has the potential to negatively impact on learners with LDD/SEN, who make up a significant proportion of enrolments on existing basic digital qualifications.

Respondents to our consultation raised a particular concern that assessment methods need to be flexible and adaptable so that learners with LDD/SEN are not disadvantaged. Some raised concerns that the online or onscreen assessment method, proposed by Ofqual, may disadvantage some learners and that exemptions and reasonable adjustments may need to be considered in some circumstances.

Assessment

We consider that the potential negative impact of digital FSQ assessments on learners with LDD/SEN is reduced by the duty placed on awarding organisations, under the Equality Act 2010, to make reasonable adjustments for disabled students taking their qualifications. Ofqual stipulates that awarding organisations must have clear arrangements in place for reasonable adjustments, and to publish those arrangements, including how individuals qualify for them and what reasonable adjustment will be made.

However, the Act also gives Ofqual the power to limit the extent to which awarding organisations must make or allow reasonable adjustments for specified qualifications, including Functional Skills. Ofqual does this by setting out specifications in relation to the reasonable adjustment of general qualifications[9].

In order to ensure that specified qualifications, including Functional Skills, give a reliable indication of the knowledge, skills and understanding of a student, and to maintain public confidence and value in a qualification, it is not always possible for awarding organisations to make adjustments or exemptions to meet all learners' needs. This could impact on an individual's ability to achieve a digital FSQ.

Conclusion

We have carefully considered the potential impact of Ofqual's specifications on the ability of learners with LDD/SEN to achieve a digital FSQ. While every effort has been made to accommodate all learners' needs in the design of the subject content, it may not be possible for a learner to demonstrate all skills statements in an assessment scenario

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[9]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/644336/specifications-in-relation-to-the-reasonable-adjustment-of-general-qualifications.pdf

without compromising the extent to which it provides an accurate indication of their digital knowledge and skills.

In order to ensure digital FSQs are qualifications in which learners, providers and employers can have full confidence, and to ensure comparability across different awarding organisations and individuals who have obtained a digital FSQ, we consider that we cannot change the subject content to the extent that assessment would not pose any potential barriers to learners with LDD/SEN. We consider the need for the digital FSQ subject content to reflect the vast majority of the skills set out in the national standards to outweigh the need to ensure all learners can achieve a digital FSQ.

Where a learner feels that they are unable to achieve a digital FSQ, due to the inability of an awarding organisation to make exemptions or reasonable adjustments that suit their needs, it might be more appropriate to study towards an Essential Digital Skills qualification (EDSQ). In the case of these qualifications, awarding organisations have greater flexibility to make exemptions or reasonable adjustments under Ofqual's rules. We are therefore confident that learners with LDD/SEN are not prevented from accessing the new suite of digital qualifications altogether.

Single entry level for digital FSQs

New digital Functional Skills will be available at a single entry level, rather than the three sub-entry levels (entry levels 1-3), reflecting the national standards for essential digital skills. We carefully considered the potential impact of this on those with protected characteristics during the development of the national standards and the subject content.

Some respondents to the consultation raised concerns about the single entry level in terms of the potential negative impact on some learners. One respondent noted that having a single entry level qualification could potentially prevent learners who would have previously taken entry level 1 or 2 from accessing digital FSQs. This could have a particular negative impact on individuals with LDD/SEN who might be able to demonstrate the practical skills required by the subject content statements, but may struggle with knowledge based elements of the assessment.

There was also a concern raised that starting at entry level 3 could have a disproportionately negative impact on learners who are disadvantaged due to their economic circumstances, and those who are furthest away from the labour market.

Assessment

We have carefully considered the impact of a single entry level on individuals with LDD/SEN. Analysis of enrolments on entry level qualifications[10] suggests that entry level 1 and 2 qualifications do not play a significant role in supporting individuals with LDD to progress to a greater extent than they do for other individuals[11].

In the development of the national standards, providers and awarding organisations agreed that skills statements at entry levels 1, 2 and 3 provided insufficient progression and broke up knowledge and skills in an artificial and fragmented manner. We concluded that a single entry level would better support the development of digital skills by reflecting the way they are typically taught, learned and applied. We also found in most cases the purpose statements for existing entry level 3 qualifications state that no prior knowledge is required.

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[10] This refers to data shown in Annex A, Table 2

[11] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/796393/Improving_adult_basic_skills_-_equality_impact_assessment.pdf

Conclusion

We have concluded that the replacement of sub-entry level FSQs in ICT, with digital FSQs assessed at entry level 3, will not introduce barriers for most individuals.

For individuals with LDD who are assessed at pre-entry level and where assessment has identified that a learner cannot undertake an entry level digital FSQ, non-regulated provision can be accessed through the ESFA-funded Adult Education Budget. The specified mayoral combined authorities and the Mayor of London will determine what provision they fund outside of the legal entitlements.

Delivery of digital FSQs in way that supports access for all learners, including those sharing protected characteristics

Through our evidence review, we identified that the delivery of the digital FSQ has the potential to negatively impact on learners in specific groups, including those with protected characteristics. This was a particular issue raised by respondents to our consultation, who highlighted various groups for whom accessing a digital FSQ may be challenging, depending on how the course is delivered.

This issue was raised in relation to two protected characteristics – age and sex – and in relation to leaners experiencing forms of social exclusion, for example those who are economically disadvantaged.

Respondents suggested the subject content needs to be delivered in multiple ways to ensure it is accessible for all learners and caters to a wide range of learning styles. For example, it was noted that having content delivered online may help to build some learners' confidence, however where possible having paper materials that can be taken away would be beneficial for other learners, such as older people or those without access to a computer in their home.

Some respondents felt that there are sections of society that may not have access to current digital technology and that some digital vocabulary may alienate older learners, resulting in them feeling unable to engage with a digital FSQ. An example provided particularly in relation to older female learners was a learner returning to work after a long period of absence who may find common technology and the associated terminology has changed significantly. Concerns were also raised about the desire of older learners to engage with new digital skills.

Other, less prominent concerns included the accessibility of the subject content for learners who have ESOL (English for Speakers of Other Languages) needs and for learners in prisons.

One respondent noted that although the subject content has the potential to empower and help all users to support vulnerable people, including those with additional needs, the content could be enhanced to have a greater focus on issues affecting vulnerable people, for example by including requirements for all users to be able to create accessible online content.

Assessment

Digital FSQs have been designed to support adults with no or low digital skills to upskill and enable them to make the most of the digital age. Many digitally excluded adults are over the age of 65 and/or are more likely to have certain characteristics such as living

with a disability, having no formal qualifications, having a lower household income or being unemployed.

Data shows that there is a greater proportion of adults taking existing basic digital skills qualifications who are over 50, from ethnic minority backgrounds, or consider that they have LDD than on other adult education budget funded provision. We therefore anticipate that a higher proportion of these learners will take also new digital FSQs.

The subject content stipulates that awarding organisations should design digital FSQs so that tasks and activities are authentic and relevant to real life workplace and everyday scenarios. This ensures that digital FSQs are an accessible and practical qualification for a wide range of learners in varied circumstances. Where literacy and/or numeracy skills are required to apply digital knowledge or skills, care has been taken in the subject content statements to ensure that these are set at least at the level below that of the digital knowledge or skills. This will ensure the focus is on the development and assessment of the digital skill, rather than a student's literacy and/or numeracy level.

Conclusion

The subject content reflects recent significant advances in technology and its application, and will enable learners to gain the digital skills they need for further study, work and life. When compared with the existing FSQs in ICT, the introduction of new digital FSQs will improve standards and has the potential to increase opportunities for everyone. Because learners in protected characteristic groups are overrepresented among adults taking basic digital qualifications, we consider that the reforms will have a disproportionately positive impact on these groups, and other learners experiencing some form of social exclusion as identified by respondents to the consultation.

In line with Ofqual's policy proposals[12], we consider that where possible a digital FSQ qualification should be delivered online/on screen to support the development of confidence in digital skills.

For learners who do not feel able to engage with a digital FSQ for reasons such as, or relating to, distance from the workplace, confidence, or the feeling of being alienated by common technology and vocabulary, alternatives to formal qualifications are available to help overcome these barriers. Furthermore, for learners who do not feel ready to study towards a digital FSQ, they may wish to study towards an Essential Digital Skills qualification as a pathway to FSQs. EDSQs are likely to be appropriate for leaners who wish to gain digital skills for a specific life, work or study purpose. A learner may wish to use these to build confidence prior to taking a digital FSQ.

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[12] These are subject to change, pending the publication of their regulatory requirements for digital FSQs.

Summary

DfE considers that new digital FSQs should be accessible and appeal to all adults regardless of age, ethnicity, gender, religion or belief, disability, sexual orientation or maternity. Equality considerations have been taken into account before and during the process of developing the subject content.

In reviewing the evidence and views collated, we consider the final subject content, when compared with existing FSQs in ICT, will have the effect of improving standards and opportunities for all. This will have a disproportionately positive impact on people in the identified protected characteristic groups as they are overrepresented both among adults taking existing basic digital qualifications and among those adults lacking the essential digital skills for life.

By providing relevant qualifications in which individuals, employers and education providers can have full confidence, we assess that overall digital FSQs will have a positive impact on equality of opportunity. Furthermore, the new digital entitlement will support ease of access to new digital FSQs for a wider range of adults with no or low digital skills.

The new digital FSQs will help ensure adults benefit from improved qualifications that reflect our increasingly digital world. We are confident that where this presents challenges to persons sharing protected characteristics, there are a number of appropriate and available means of mitigation embedded in legislation or guidance such as reasonable adjustments or additional learner support. These include the provision of good quality teaching and support for individuals with LDD/SEN or for persons for whom English is not their first language. There are also alternative pathways available for some learners to develop digital skills, such as Essential Digital Skills qualifications.

Annex A: Data used in this equality impact assessment

Table 1: Proportion of adult (19+) learners funded via the Adult Education Budget (AEB) on Entry Level ICT[1] qualifications by Entry Sub Level: England, 2019/20

Level	Number	Percentage	LLDD2	EMB3	Female	50+
Entry Level 3	8,400	62%	68%	54%	60%	68%
Entry Level 2	3,000	22%	18%	27%	23%	19%
Entry Level 1	2,100	16%	14%	20%	17%	13%
Multiple Entry Level4	0	0%	0%	0%	0%	0%
Other Entry Level	0	0%	0%	0%	0%	0%
Entry Level Total	**13,500**	**100%**	**100%**	**100%**	**100%**	**100%**

Table 2: Characteristics of adult (19+) learners funded via the Adult Education Budget (AEB) on specific ICT[1] qualifications and other AEB learners up to Level 2: England, 2019/20

Level	Qualification	Number	LLDD2	EMB3	Female	50+
Level 2*	ICT1	800	23%	27%	72%	26%
Level 2*	Other AEB	402,800	17%	22%	70%	17%
Level 2*	Difference (ppt)		6	5	2	9
Level 1	ICT1	18,100	28%	34%	60%	30%
Level 1	Other AEB	133,200	22%	34%	53%	18%
Level 1	Difference (ppt)		6	0	7	12
Entry Level	ICT1	13,500	24%	54%	61%	34%
Entry Level	Other AEB	158,200	17%	56%	65%	20%
Entry Level	Difference (ppt)		7	-2	-3	14

Level	Qualification	Number	LLDD2	EMB3	Female	50+
Entry Level 3	ICT1	8,400	26%	47%	59%	37%
Entry Level 3	Other AEB	46,300	17%	49%	63%	16%
Entry Level 3	Difference (ppt)		9	-2	-4	21
Entry Level 2	ICT1	3,000	20%	66%	65%	29%
Entry Level 2	Other AEB	31,400	11%	62%	68%	14%
Entry Level 2	Difference (ppt)		9	3	-3	16
Entry Level 1	ICT1	2,100	20%	68%	67%	28%
Entry Level 1	Other AEB	26,400	10%	66%	65%	16%
Entry Level 1	Difference (ppt)		10	2	2	11
Multiple Entry Level	ICT1	0	NA	NA	NA	NA
Multiple Entry Level	Other AEB	35,500	24%	54%	65%	28%
Multiple Entry Level	Difference (ppt)		NA	NA	NA	NA
Other Entry Level	ICT1	0	NA	NA	NA	NA
Other Entry Level	Other AEB	18,600	22%	56%	63%	28%
Other Entry Level	Difference (ppt)		NA	NA	NA	NA
Entry to Level 2	**ICT[1]**	**32,400**	**26%**	**42%**	**61%**	**32%**
Entry to Level 2	**Other AEB**	**694,100**	**18%**	**32%**	**65%**	**18%**

Level	Qualification	Number	LLDD2	EMB3	Female	50+
Entry to Level 2	**Difference (ppt)**		8	10	-5	14

Notes:

AEB in this analysis includes those on traineeships but not community learning.

1. 'ICT' in the above table refers to learners taking ICT Functional Skills qualifications within SSA 14.1 'foundations for learning and life', or those identified as legacy digital skills qualifications - Level 1 or entry level qualifications within SSA 6.2 'ICT for users', and relevant qualifications in other SSAs.
2. LDD = Learners with Learning Difficulties and/or Disabilities
3. EMB = Ethnic Minority Background
4. Multiple entry level is when more than one Entry Sub Level is noted in the Learning Aims Reference database (https://hub.fasst.org.uk/Learning%20Aims/Pages/default.aspx)

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