

Final Entries to Legacy GCSEs, AS and A Levels

How to respond to this consultation

The closing date for responses is 2 February 2016.

You can respond to this consultation in one of three ways:

- Complete the online response at www.surveygizmo.com/s3/2461561/final-entries-to-legacy-gcse-as-and-a-levels
- Email your response to consultations@ofqual.gov.uk. Please include the consultation title (Final Entries to Legacy GCSEs, AS and A Levels) in the subject line of the email and make clear who you are and in what capacity you are responding.
- Post your response to Final Entries to Legacy GCSEs, AS and A Levels, Ofqual, Spring Place, Herald Avenue, Coventry, CV5 6UB, making clear who you are and in what capacity you are responding.

Evaluating the responses

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the information page.

Any personal data (such as your name, address and any other identifying information) will be processed in accordance with the Data Protection Act 1998 and our standard terms and conditions.

We will publish the evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please respond by 2 February 2016.

Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the following information section.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us that you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please answer all questions marked with a star*

This is a joint response from The Mathematical Association and the Association of Teachers of Mathematics

Name: Peter Ransom	Name: Sue Pope
Position: Chair of Council	Position: Treasurer
Organisation name The Mathematical Association	Organisation name Association of Teachers of Mathematics
Address 259 London Road Leicester LE2 3BE	Address 7 Shaftesbury Street Derby DE23 8YB
Email senioradministrator@m-a.org.uk	Email suepope@atm.org.uk
Telephone 0116 221 0013	Telephone 07912 999 108

Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Is this a personal response or an official response on behalf of your organisation?*

Personal response (please answer the question “If you ticked ‘Personal response’...”)

Official response (please answer the question “If you ticked ‘Official response’...”)

If you ticked “Personal response”, which of the following are you?

Student

Parent or carer

Teacher (but responding in a personal capacity)

Other, including general public (please state below)

If you ticked “Official response”, please respond accordingly:

Type of responding organisation*

Exam board

Local authority

School or college (please answer the question below)

Academy chain

Private training provider

University or other higher education institution

Employer

Other representative or interest group (please answer the question below)

School or college type

- Comprehensive or non-selective academy
 - State selective or selective academy
 - Independent
 - Special school
 - Further education college
 - Sixth form college
 - Other (please state below)
-

Type of representative group or interest group

- Group of exam boards
 - Union
 - Employer or business representative group
 - Subject association or learned society
 - Equality organisation or group
 - School, college or teacher representative group
 - Other (please state below)
-

Nation*

- England
- Wales
- Northern Ireland
- Scotland
- Other EU country: _____
- Non-EU country: _____

How did you find out about this consultation?

Our newsletter or another one of our communications

Our website

Internet search

Other

May we contact you for further information?

Yes No

Questions

Question 1

To what extent do you agree or disagree that students taking AS and A levels should have at least one opportunity to re-sit their exams in the specification for which they studied?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer:

We believe that all students should be entitled to re-sit a qualification based on the specification studied during the subsequent year. It might seriously disadvantage the 2018 cohort if this opportunity was not available to them, since it will be available to all other cohorts. There will be significant changes in A level Mathematics and Further Mathematics, both in content and style, such that changing specifications would be unfair and likely to disadvantage students.

Question 2

To what extent do you agree or disagree that students re-sitting their AS and A levels in qualifications that have ceased to be accredited should be able to re-sit any of the AS or A level units they have previously taken (including controlled assessment units)?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer:

Students should be entitled to resit AS and A level units so they are not disadvantaged compared to other cohorts.

Question 3

To what extent do you agree or disagree that there should be an additional re-sit opportunity for legacy GCSEs in English, English language and mathematics (including the linked pair) in summer 2017?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer:

Being able to re-sit GCSE Mathematics in summer 2017 is highly desirable and we fully support the proposal. Those (in Year 12) re-sitting are not the strongest candidates, especially those who do not sit or are unsuccessful in the November sitting (in their Year 12) and it is unreasonable to expect them to make the transition to the reformed qualifications in less than a year. (The awards would be on the A–G so would be clearly distinguishable from awards of the reformed qualifications on the 9–1 scale, this should allay concerns about standards.)*

Given the very low numbers involved in the linked pair of GCSEs, it seems reasonable to exclude the linked pair from the additional resit opportunity. The content of the legacy GCSE is embedded within the linked pair so it should be possible for students to make the transition to the legacy mathematics GCSE, which would be sufficient for progression.

If the cohort concerned is not afforded this opportunity, there will be many entering Year 12 in 2016 who will not have the same access to achieving a 'good pass' in mathematics as previous and subsequent cohorts.

Question 4

To what extent do you agree or disagree that, with the exception of English, English language and mathematics (including the linked pair), there should not be a re-sit opportunity available for legacy GCSEs?

- Strongly agree

- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer:

In the interest of fairness to candidates the same transitional arrangements should be made. However, it may be that this provision will need to be confined to EBacc subjects as the burden on awarding organisations could be excessive.

Question 5

Do you have any comments on our draft General Condition D9?

- Yes No

If yes, please provide them here:

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Question 6

Do you have any comments on our draft saving and transitional provisions for legacy AS and A level qualifications in the first phase of reform?¹

- Yes No

If yes, please provide them here:

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Question 7

¹ Art and design, biology, business, business studies, chemistry.

To what extent do you agree or disagree that we adopt the same saving and transitional provisions, amended as necessary, in respect of all further legacy AS and A level qualifications, without further consultation?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer:

In the interest of fairness to candidates the same transitional arrangements should be made.

Question 8

Do you have any comments on our draft saving and transitional provisions for legacy GCSEs in English, English language and mathematics (including the linked pair)?

- Yes No

If yes, please provide them here:

Being able to re-sit GCSE Mathematics in summer 2017 is highly desirable and we fully support it. Those (in Year 12) re-sitting are not the strongest candidates, especially those who do not sit or are unsuccessful in the November sitting (in their Year 12) and it is unreasonable to expect them to make the transition to the reformed qualifications in less than a year. (The awards would be on the A–G so would be clearly distinguishable from awards of the reformed qualifications on the 9–1 scale, this should allay concerns about standards.)*

Given the very low numbers involved in the linked pair of GCSEs, it seems reasonable to exclude the linked pair from the additional resit opportunity. The content of the legacy GCSE is embedded within the linked pair so it should be possible for students to make the transition to the legacy mathematics GCSE, which would be sufficient for progression.

If the cohort concerned is not afforded this opportunity, there will be many entering Year 12 in 2016 who will not have the same access to achieving a 'good pass' in mathematics, as previous and subsequent cohorts.

Question 9

We have not identified any ways in which our proposals on re-sits would impact (positively or negatively) on persons who share a protected characteristic.² Are there any potential impacts we have not identified?

Yes No

If yes, please provide them here:

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² '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.

Question 10

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

Yes No

If yes, please provide them here:

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Question 11

Have you any other comments on the impacts of the proposals on students who share a protected characteristic?

Yes No

If yes, please provide them here:

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Question 12

Do you have any comments on the impacts of our proposals on students, schools/colleges and/or exam boards?

Yes No

If yes, please provide them here:

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Appendix A: Ofqual's role, objectives and duties

Our statutory objectives include the qualifications 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.

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.

As a public body, we are subject to the public sector equality duty.³ 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; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The exam boards that design, deliver and award GCSEs, AS and A levels 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.

³ Equality Act 2010, section 149.

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; and
- (c) the need to maintain public confidence in the qualification.

Legislation therefore sets out a framework within which we must operate. We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, from time to time, 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 we can both secure 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, rational decision.

Qualifications cannot be used to mitigate inequalities or unfairness in the education system or in society more widely than 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 mark in an assessment, our influence is limited to the way that the qualification is designed and assessed.

We require the exam boards to design qualifications to give a reliable indication of the knowledge, skills and understanding of those on whom they are conferred. We also require the exam boards 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 exam boards to monitor whether any features of their qualifications have this effect.

In setting the overall framework within which exam boards will design, assess and award the reformed GCSEs, AS and A levels, we want to understand the possible impacts of the proposals on persons 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.

It should be noted that 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.