



## **Annual equality report**

April 2014 – March 2015



March 2016

Ofqual/16/5911

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# Introduction

## 1.1. The purpose of this report

We collect and analyse equality information to help develop our understanding of the impact of our policies and practices across the protected characteristics. We publish this information to demonstrate our compliance with the Public Sector Equality Duty.

In this report, we summarise our activity related to equality between 1 April 2014 – 31 March 2015 in relation to our regulatory duties and our duties as an employer in both England and Northern Ireland. We also explain what we will do between 1 April 2015 and 31 March 2016.

## 1.2. What we do

We regulate qualifications, examinations and assessments (other than degrees) taken in England, and vocational qualifications (other than degrees) taken in Northern Ireland. We are independent of government and report directly to Parliament and the Northern Ireland Assembly.

We have five statutory objectives, which are set out in the Apprenticeships, Skills, Children and Learning Act 2009 (the ASCLA). In brief, they are:

- to secure qualifications standards;
- to promote National Assessment<sup>1</sup> standards;
- to promote public confidence in regulated qualifications and National Assessment arrangements;
- to promote awareness of the range and benefits of regulated qualifications, and
- to secure that regulated qualifications are provided efficiently.

## 1.3. Our duties

As a public body we give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share relevant ‘protected characteristics’ and persons who do not.<sup>2</sup> We also have a duty

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<sup>1</sup> We refer to Early Years Foundation Stage (EYFS) and National Curriculum Assessments collectively as National Assessments.

<sup>2</sup> Protected characteristics include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

under the ASCLA to have regard to the reasonable requirements of relevant students, including those with special educational needs and disabilities.<sup>3</sup>

In addition we must give due regard to our equality duties under section 75 of the Northern Ireland Act 1998. This is because we regulate vocational qualifications in Northern Ireland and the Equality Act 2010 is not applicable to Northern Ireland.

In 2012 we published our Equality Objectives in accordance with the Equality Act 2010 and the Equality Act 2010 (specific duties) regulations 2011. Our equality objectives support our wider corporate objectives were developed in consultation with internal and external stakeholders. Our equality objectives are:

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

We are also required to act (so far as is reasonably practicable) in accordance with the five statutory objectives that are set out in the ASCLA: the qualifications standards objective, the assessments standards objectives, the public confidence objective, the awareness objective and the efficiency objective.<sup>4</sup>

Our 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. For example a person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a disability, putting them at a disadvantage relative to others. 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 that equality between people who share a protected characteristic is advanced. This report explains the approaches we take to resolve these conflicts and how we have done this depending on the individual context.

#### **1.4. How we monitor equality impacts**

Understanding equalities is the responsibility of all members of our staff and, as a result, individual teams in Ofqual are required to conduct the equality impact analysis or screening necessary for their area of work. This practice has led to an increase in

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<sup>3</sup> Apprenticeships, Skills, Children and Learning Act 2009, section 129

<sup>4</sup> ibid

knowledge and engagement with equalities across the organisation. We gain greater understanding of how our activities affect specific groups in society in addition to complying with legislation and use the information to inform our decisions.

To help us understand the potential equality impacts of our work, we have two specific external advisory groups – the Equalities Advisory Group and Access Consultation Forum. These groups provide an equality lens to challenge, advise and provide information in relation to qualification reform, reasonable adjustments for disabled learners and policy development. Section 4 describes the role and membership of these groups in more detail. We also consult widely as we develop our regulatory policy and before we introduce new rules and guidance.

We have a risk-based regulatory approach and regulate for validity across the life-cycle of a qualification. As part of this, the bodies we regulate have to comply with our General Conditions of Recognition. These Conditions include requirements to design qualifications so that they give a reliable indication of the knowledge, skills and understanding of those on whom they are conferred. The Conditions 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.<sup>5</sup> The Conditions require awarding organisations to monitor whether any features in their qualifications have this effect. We take appropriate and proportionate regulatory action where we find non-compliance. Further information about our approach to regulation can be found in our Regulatory Strategy Statement.<sup>6</sup>

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<sup>5</sup> We refer to ‘particular’ characteristics in our Conditions. This is because all students have at least three protected characteristics but qualifications may be more difficult to achieve because of one particular protected characteristic,

<sup>6</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/420231/2015-03-30-regulatory-strategy-statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/420231/2015-03-30-regulatory-strategy-statement.pdf)

## **Our strategic priorities for 2014-17**

In August 2014 we published our Corporate Plan for 2014 to 2017 in which we set out our strategic priorities.<sup>7</sup> These are to:

- develop our regulatory approach to focus on:
  - validity of qualifications through their life cycle
  - fairness and transparency of qualification delivery
- regulate changes to key groups of qualifications:
  - GCSEs, AS and A levels
  - other reformed qualifications taken by students in schools and colleges in England
  - English for Speakers of Other Languages (ESOL) and functional skills
- regulate in a way to promote employer ownership and engagement with vocational qualifications and apprenticeships

In relation to equality we committed to meeting our duties through influencing the design, delivery, assessment and awarding of qualifications and to continuing to research and prepare equality analyses to accompany our consultations on qualification reform and changes to regulatory policy. We said that we would use the evidence from this work to inform our decisions.

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<sup>7</sup> [We publish a corporate plan annually. This report was produced for the year covered by the corporate plan for 2014-17: https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/379021/2014-08-19-corporate-plan-2014.pdf.](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/379021/2014-08-19-corporate-plan-2014.pdf)

## **Discharging our equality duty: Qualifications and regulatory policy reform**

During the period covered by this report we put in place regulatory requirements for reformed AS and A levels and for new GCSEs. We also made changes to the way we regulate, including lifting the previous requirement that all regulated qualifications had to be accredited (checked by us) before they were made available. We considered the potential impacts on people with each protected characteristic before we made policy decisions, introduced new regulatory requirements or lifted existing ones.

We value the feedback and information we receive from the wide variety of respondents to our consultations and policy development. Sometimes it is not possible to anticipate all eventualities or impacts on specific persons with protected characteristics. It is for this reason that within each consultation, we ask respondents to provide information on any other potential equality impacts of our proposals that we have not identified. Respondents are also asked whether there are any additional steps we could take to mitigate any negative impacts of the proposals on persons who share protected characteristics and to comment on steps which could mitigate negative impacts. We take the feedback to these questions we receive into account before we make decisions on the policies and regulatory requirements on which we have consulted, as exemplified below.

### **3.1 Qualifications reform**

In 2014-15, we continued to play our part in reforming GCSEs, AS and A levels in England. Our role is to set the regulatory requirements for the way the new qualifications are designed, assessed and awarded, and then prepare to regulate them.

Decisions about the new qualifications are of interest to many. We have taken care to involve and consult interested parties as we have considered the potential equality impacts of the regulatory requirements for new GCSEs, AS and A levels. Awarding organisations are already required to consider the accessibility of their qualifications at the design stage and to remove any unjustifiable barriers. Qualifications should be a reliable indication of achievement by all students. This means that if there are inequalities in the teaching leading to the qualification, those inequalities should be reflected in the outcomes of the qualification. It is not for the qualification to compensate for inequalities in teaching.

The Government is responsible for the subject content for the new GCSE, AS and A levels. We do not build the subject content into our regulatory requirements unless we are satisfied that the Government has undertaken its own analysis of the impact of the subject content on people who have particular protected characteristics. For this reason we closely review the draft equality impact analysis prepared by the

Government in respect of each subject and provide feedback on it before it is finalised.

We used our equality policy screening and impact assessment tools as we developed our policy on the reformed and new qualifications. In 2013-14 we conducted full EIAs<sup>8</sup> on our proposals for a number of GCSE, AS and A Level qualifications following initial screenings for potential equality impacts. We also undertook research to understand the potential issues in more depth leading to the publication of a literature review on potential impacts of reform<sup>9</sup>. This in-depth analysis provided a good basis for our continuing work during the 2014-15. It has informed our approaches as we consulted on individual subjects in more detail.

For all subjects we have considered carefully the assessment and awarding arrangements most likely to lead to the best educational outcomes for students. This means we must consider the fairest way of assessing achievement and how the method of assessment can help to support good teaching and learning. In subjects assessed in part by non-exam assessment we have considered the nature of the assessment tasks, and the appropriate controls that exam boards must put in place to promote validity, whilst always keeping in mind that assessment must be manageable for schools. We have considered how assessment options might make a qualification more or less accessible for students who share particular protected characteristics. Some of the specific issues we have considered are summarised below:

- We proposed that 50 per cent of total marks in GCSEs in modern foreign languages (French, German and Spanish) should be allocated to speaking and listening assessments<sup>10</sup>. This follows the new requirement by the

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<sup>8</sup> GCSE Reform 2013 – consultation documents including equality analysis report available at:  
<http://webarchive.nationalarchives.gov.uk/+http://comment.ofqual.gov.uk/gcse-reform-june-2013/>.

New A level Regulatory Requirements 2013 – consultation documents including equality analysis report available at:  
<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/a-level-regulatory-requirements-october-2013/>.

<sup>9</sup> GCSE Reform 2013 – literature review:  
<http://webarchive.nationalarchives.gov.uk/20141110161323/http://www.ofqual.gov.uk/files/2013-06-11-annex-2-gcse-reform-equality-analysis-literature-review.pdf>.

<sup>10</sup> For further details about our proposals and the full equality analysis report, please see the *Consultation on Reforming GCSEs in Modern Foreign and Ancient Languages* (April 2014)  
<http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/modern-foreign-and-ancient-languages/>

Department of Education that marks in modern foreign language GCSEs should be evenly distributed between reading, writing, speaking and listening; that is 25 per cent for each skill. Currently, awarding organisations can allocate between 20 to 30 per cent of marks to each of the four skills in modern foreign language GCSEs.

We identified that this change in policy would prevent students from applying for an exemption<sup>11</sup> from both the speaking and listening components. This is because, under section 96(7) of the Equality Act 2010, we have limited the proportion of a GCSE from which a student can be exempt and yet still be awarded the qualification to 40 per cent of the total marks. We judge that even in the rare circumstances where it is appropriate to award an exemption, that exemption can apply to no more than 40 per cent of the qualification. This is because a higher proportion than 40 per cent would not give a reliable indication of the student's knowledge, skills and understanding.

We considered whether the approach to speaking and listening would disadvantage students who, because of a disability, were unable to take either of the components. We therefore sought information from groups representing the interests of such students and from exam boards on the number of requests for such exemptions they receive each year. This information suggested that students who can take neither the speaking nor listening components do not generally take modern foreign language GCSEs. The exam boards told us that typically one or two students per exam board per year are given an exemption from one component, but they do not receive requests to exempt students from both the speaking and listening assessments. It is not clear whether this is because there are few students who need exemption from both components or because centres are aware those students would exceed the 40 per cent threshold and therefore do not request exemptions from both components.

We decided that speaking and listening assessments would each be worth 25 per cent of the total marks available for the qualification. We did not have sufficient evidence from the work on GCSE Modern Foreign Languages to support change to the existing exemption policy.

- We proposed that students should be assessed in their exams on their understanding of practical methods in GCSE Science and that all students should be given opportunities to complete a range of practical work as part of their studies. We identified that a student might be absent from school as a result of their particular protected characteristics when those practical activities were taking place, for example when a student with cancer was

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<sup>11</sup> Exemptions are agreed on rare occasions where there is no other way to allow students with disabilities to achieve a qualification.

receiving urgent chemotherapy, but concluded that schools and colleges would be able to reschedule any missed opportunities. We have not dictated the time period when the practical work must take place to allow schools and colleges this flexibility.

We considered whether a disabled student who was unable to manipulate the scientific equipment because of their disability would be disadvantaged when taking the qualification. As the student's ability to use the equipment will not be directly assessed, a disabled student could have the support of a practical assistant as a reasonable adjustment. This is because students will be tested on their understanding of practical methods through a written exam, not a practical exam. We therefore decided there would be no negative impact and that we did not need to amend our proposals.

As we considered the principles for the design and assessment of the reformed and new GCSEs, AS and A levels that would be taught from 2016, we analysed their potential impact on students who share particular protected characteristics. We published our full EIA reports alongside the outcomes of our policy consultations.

- **GCSEs, AS and A levels: reform of subjects for September 2016<sup>12</sup> <sup>13</sup> and GCSEs, AS and A levels: new subjects to be taught in 2016<sup>14</sup> <sup>15</sup>**

In common with our EIAs for the wider GCSE, AS and A level reforms, the responses to these consultations and additional research identified that students who do not perform well in exams, perhaps because of their disability, could be negatively affected if all assessment is by exam rather than by a combination of exam and non-exam assessment. There could be a particular impact where assessment takes place only at the end of the course. These students may also be adversely affected where the proportion of non-exam assessment has been reduced relative to current AS and A level qualifications, that is in comparison to similar students in earlier cohorts. In

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<sup>12</sup> <https://www.gov.uk/government/consultations/gcses-as-and-a-levels-reform-of-subjects-for-september-2016>

<sup>13</sup> The Equality Impact Assessment Report:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398244/2015-01-26-developing-new-gcse-a-level-and-as-qualifications-for-first-teaching-in-2016-eia.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398244/2015-01-26-developing-new-gcse-a-level-and-as-qualifications-for-first-teaching-in-2016-eia.pdf)

<sup>14</sup> <https://www.gov.uk/government/consultations/gcses-as-and-a-levels-new-subjects-to-be-taught-in-2016>

<sup>15</sup> The Equality Impact Assessment report:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/403540/developing-new-gcse-a-level-and-as-qualifications-for-first-teaching-in-2016-parts\\_2-and-3-equality-analysis.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/403540/developing-new-gcse-a-level-and-as-qualifications-for-first-teaching-in-2016-parts_2-and-3-equality-analysis.pdf)

contrast, some students could be disadvantaged by more continuous or internal assessment.

We took this information into consideration when reaching our final conclusions for the balance of exam and non-exam assessment for each subject on which we consulted. We decided that where subject content can be validly assessed by exams, set and marked by exam boards, this should be the default method of assessment. All students, whatever their protected characteristics, benefit from having assessments that are valid and reliable. There needs to be sufficient consistency between assessment approaches to secure comparability between awards; given the pressure to which these qualifications are subject. There is benefit in using external assessments where possible to secure validity and reliability and there is no evidence that external or internal assessment is consistently better for people with particular protected characteristics. Therefore there is no strong equality case to argue for more widespread use of internal assessment.

- **Setting the Grade Standards of new GCSEs in England<sup>16</sup>**

We developed proposals for grading new GCSEs and consulted on the options. One of the options concerned how the new lowest grade (1) should align to the current lowest grade (G). Respondents to our consultation raised a number of issues about the potential impact of the different options on students who share particular protected characteristics. Having considered this feedback we decided that the bottom of the new grade 1 should align with the bottom of the current lowest grade, G, the approach that many respondents considered to be the more inclusive because it allowed the least able students to demonstrate their attainment as they could with the current grading scale.

## 3.2 Regulatory policy reform

We considered and consulted on a number of policy matters in 2014-15.

- **Regulating Endorsement and Examiner-Author Conflicts<sup>17</sup>**

We proposed to introduce new regulatory requirements to apply to awarding organisations that endorse resources to support the teaching and learning of

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<sup>16</sup> <http://webarchive.nationalarchives.gov.uk/20141110161323/http://ofqual.gov.uk/documents/board-paper-new-gcses-2017>

<sup>17</sup> <http://webarchive.nationalarchives.gov.uk/20141110161323/http://comment.ofqual.gov.uk/regulating-endorsement-and-examiner-author-conflicts/>

their qualifications. We also proposed new guidance about how the awarding organisations should manage any risks to qualification standards where senior examiners also author resources.

We considered whether there would be any negative or positive equality impacts on either students or examiners as a result of our proposals during the initial investigations and public consultation but concluded that there would not.

- **Lifting the Accreditation Requirement<sup>18</sup>**

We developed and consulted on our proposal to remove the accreditation requirement for the majority of qualifications. We have the power to apply an accreditation requirement to all or certain qualifications we regulate. Where an accreditation requirement is applied we check the qualification before it can be made available to learners.

We did not identify that lifting the accreditation requirement from some qualifications would have any impact on people who share particular protected characteristics. Most respondents agreed with this analysis. Some concerns were raised by a minority of respondents that our proposals would devalue those qualifications for which accreditation was removed. These respondents argued that students with particular protected characteristics might be more likely to choose such qualifications and, as such, might be disadvantaged.

However the use or otherwise of accreditation is not an indication of the value we place on any particular qualification. Where we remove the accreditation requirement it is because we judge that the best way of securing the compliance of the qualification with our requirements is through ongoing monitoring over the life-cycle of the qualification, and that a one-off up-front check will add little value. When the qualification appears on our Register there is no indication of whether a qualification has been accredited; likewise when a certificate is awarded to a successful student.

- **Withdrawing the Regulatory Arrangements for the Qualifications and Credit Framework (QCF)<sup>19</sup>**

We developed and consulted on our proposal to withdraw the QCF rules which determined the design of many vocational qualifications. We made

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<sup>18</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/392614/50\\_14-lifting-the-accreditation-requirement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/392614/50_14-lifting-the-accreditation-requirement.pdf)

<sup>19</sup> <https://www.gov.uk/government/consultations/withdrawing-qcf-regulatory-arrangements>

these proposals because our review of the QCF found that the rules did not always support the development and delivery of high-quality vocational qualifications. We also considered comments about the QCF in reports previously commissioned by the Government into vocational education, apprenticeships and adult vocational qualifications.

Before consulting, we carried out a screening exercise to identify potential equality impacts of our proposals and judged that our proposals would have a mainly positive impact on all students. We used this evidence to decide not to carry out a full EIA exercise.

Our proposal to lift the QCF rules would give more freedom to awarding organisations to design and develop vocational qualifications in different ways, in turn allowing them to be more responsive to the needs of those who take and use qualifications. We proposed that the unitised structure of QCF-type qualifications could continue to be a feature of qualifications, but that awarding organisations could have greater scope to design qualifications in different ways which might be more appropriate for other groups of students.

Some respondents to our consultation suggested that students with less knowledge of the education system, which might include some mature students or students new to the UK, may have been confused by our proposal to remove the titling requirements that were part of the QCF rules. We have decided to introduce guidance which should secure continuity of many titling conventions once the QCF rules are lifted.

- **Guided Learning Hours<sup>20</sup>**

We developed and consulted on a more accurate and consistent approach to describing a qualification's size. We also considered how we could fulfil our duties deriving from legislation relating to the Raising of the Participation Age policy.

We carried out a screening exercise to identify potential equality impacts of our proposals and discussed our proposals with the EAG and ACF groups prior to the public consultation. We concluded that no group with protected characteristics would be disproportionately affected by our proposals. This was because we were not proposing any changes to the actual properties of a qualification: rather we were proposing changes to how awarding organisations assured the quality of any estimate of size and how this would be described. We therefore decided not to carry out a full EIA.

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<sup>20</sup> <https://www.gov.uk/government/consultations/guided-learning-hours>

One of the reasonable adjustments to assessments is for a candidate meeting certain criteria to be granted extra time in an assessment. Our proposals had no implications for such arrangements.

We considered these points as part of our consultation analysis. We simplified our proposals and consulted on these again as part of the *After the QCF* consultation which we launched in March 2015.

## **Discharging our equality duty: External Advisory Groups**

### **4.1 The Access Consultation Forum**

We chair the Access Consultation Forum (ACF), a multi-stakeholder group that supports our understanding of matters that affect disabled students accessing qualifications and assessments. The members of the group include representatives of awarding organisations, other UK qualifications regulators and groups representing disabled students. The Forum meets three times a year, with a programme of action in between.

During 2014-15, the forum:

- discussed with the UK Association of Accessible Formats the association's proposals to develop and introduce new minimum standards for accessible electronic exam papers ([http://www.ukaaf.org/minimum\\_standards/](http://www.ukaaf.org/minimum_standards/)) which should improve how electronic exam papers work with certain types of assistive software;
- alongside the Department for Business, Innovation and Skills, produced a factsheet which explained, and raised awareness of, the adjustments to exams that are available for apprentices with dyslexia, such as functional skills; and
- continued to provide advice on our ongoing programme of qualifications reform.

### **4.2 The Equalities Advisory Group**

Our Equality Advisory Group provides us with expert advice, challenge and feedback on equalities issues relating to the regulation of qualifications and assessments. The group considers the implications of significant reforms to qualifications or regulatory arrangements, as well as our arrangements for managing equality issues more generally. Group members are appointed on the basis of their personal expertise

and experience of a range of protected characteristics not as representatives of a particular group or characteristic.

In addition to discussing the qualification and regulatory policy reforms in Section 3, during 2014-15 the Group considered the following issues

- the introduction and development of the national reference test and implications for schools and candidates with disabilities;
- the accessibility of exam papers for autistic students;
- an update on a review of our powers under section 96 of the Equality Act 2010<sup>21</sup> and our research work on enquiries about results (known as EARs);
- redactions<sup>22</sup> of question papers (with an emphasis on malpractice rather than equalities issues);
- the implications of Ramadan on exam timetabling for GCSEs, AS and A levels including an update on our work with VIP Minds and the Muslim Council for Britain; and
- Government-led vocational qualification reform for apprenticeships and vocational skills.

We specifically briefed members on what we do to take equalities into account, and to require awarding organisation to take equalities into account throughout the lifecycle of qualifications through design, delivery and awarding.

We briefed members on the Functional Skills review which was published during the year setting out plans to improve existing Functional Skills qualifications; noting that awarding organisations were making improvements to their qualifications and their progress would be reviewed in the autumn with a view to looking at how we can where necessary strengthen standards in these qualifications. We also highlighted the wider ongoing work on the development of a new Register to improve access to information about qualifications and the accessibility issues arising from the current Register.

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<sup>21</sup> Under section 96 of the Equality Act 2010 we have a duty to specify where reasonable adjustments to relevant qualifications in England should not be made. The Secretary of State for Education has the power to list which qualifications taken in England are included in the definition of ‘relevant qualifications’ covered by section 96. This power does not extend to vocational qualifications. The Equality Act 2010 is not applicable to Northern Ireland which has separate equality legislation. Section 96 of the Equality Act 2010 is available at: <http://www.legislation.gov.uk/ukpga/2010/15/section/96>

<sup>22</sup> Redactions of exam papers occur when sections of exam papers are edited or blanked out before a student takes the exam. For example where a religious group considers a question in the exam paper is inappropriate for students of that religion and decides to remove that question from the exam paper before the students take the exam.

# **Discharging our equality duty: Corporate Activity**

## **5.1 Human Resources**

We continue to promote equality for all staff regardless of sex, gender reassignment, pregnancy and maternity, race, age, religion or belief, sexual orientation or disability.

The gender breakdown of staff as at 31st March 2015 was 131 females and 81 males. Seven per cent of our staff worked part time as at 31<sup>st</sup> March 2015. All part time staff were female.

At 31st March 2015, almost seven per cent of staff members classified themselves as disabled, and 23 per cent classified themselves to be non-white, with a further 24 per cent undeclared. Seven staff went on maternity leave in the 2014-15 period, six of them returned to work following maternity leave.

At 31<sup>st</sup> March 2015 the overall gender pay gap within Ofqual was -12.92%, which means that female staff were paid 12.92% less than males<sup>23</sup>. The full-time gender pay gap was -12.16%<sup>24</sup>.

We are unable to report on grievances and dismissal information for the 2014-15 period because the numbers are such that there is a risk that individuals could be identified.

A complete breakdown of statistics relating to the diversity of our staff and more detail regarding our HR policies can be found in Annexes A and B.

We recognise the union PCS. There is an active union branch in Ofqual of which 68 staff were members in 2014-15. The union is engaged on policy development work for new HR polices and in the refresh of existing policies.

We follow the Guaranteed Interview scheme for disabled applicants; where an applicant meets the person specification we invite the applicant to interview. Ten people applied under this scheme in 2014-15; five were invited to interview; none were successful and therefore none declined a post.

## **5.2 Staff training**

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<sup>23</sup> Calculated using average hourly wages for males (£26.09) and females (£22.72), including part-time staff.

<sup>24</sup> Calculated using average hourly wages for males (£26.09) and females (£22.92), excluding part-time staff.

All our staff are required to complete the *Equality and Diversity Essential* and *Disability Awareness* online courses produced by Civil Service Learning. We check all staff have completed the training on an ongoing basis.

As a result of the equality impact analysis (EIA) work carried out during the GCSE, AS and A level reforms, we updated our approach to EIAs and produced a best practice guide for use by all project and programme leads. In the guide we take a step-by-step approach, suggesting how to approach an EIA from initial considerations during early policy development to monitoring the impact of policy implementation, where to find potential sources of evidence and how to link the work to the stages of public consultation. This guide is supported by our screening template and guidance to create a toolkit of information for staff. The guide was launched for project managers in early 2015 and a series of training workshops to launch the guide to all staff will take place in the 2015-16 period.

## 5.3 Procurement

### 5.3.1 Ofqual tenders

We require all parties that bid for Ofqual tenders to confirm they comply with the Equality Act 2010 and the National Minimum Wage Act 1998<sup>25</sup>. As part of this process, we require bidders to give us details of their policies and their effectiveness in the promotion, delivery and monitoring of Equal Opportunities. Where bidders do not have an equal opportunities policy, they are required to adopt our own equality policy for the duration of the contract term in relation to the contract.

### 5.3.2 Recruiting subject experts

As part of our qualification reform work, we have reviewed and increased our pool of subject experts. These experts have been recruited to assist us in reviewing proposed specifications and sample assessment materials for qualifications that are subject to accreditation. We currently require all GCSE, AS and A level qualifications to undergo our accreditation process.

We selected all our experts by merit, assessing how closely they could demonstrate a match to the person specification as demonstrated through their application form.<sup>26</sup>

An equalities and diversity monitoring form was available for candidates to complete; however, not all opted to do so. From November 2014, the completion of an equality and diversity monitoring form became a mandatory requirement of the application

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<sup>25</sup> Where we purchase goods or services through a Crown Commercial Services Framework or the G Cloud (the government purchasing method for purchasing IT services), this exercise has already been undertaken by Crown Commercial Services.

<sup>26</sup> <https://www.gov.uk/apply-to-become-an-external-advisor-to-ofqual>

process with the option to select ‘prefer not to say’ for the specific questions. This information was stored separately from the application forms and will be used to conduct an internal review of the data held for our subject experts against the education sector in the 2015-16 period.

## **5.4 Customer services**

5,490 complaints and enquiries were made to our customer services team in 2014-15. Of these, two per cent (96) related to equality issues, typically asking for clarification on reasonable adjustment arrangements. Our internal records show that our case officers have responded consistently to these queries, highlighting the provision of reasonable adjustments and the importance of clear and timely communication between students (or their primary carer/s where appropriate), centres and awarding organisations.

We have identified the following issues from the queries:

- difficulty in understanding the difference between reasonable adjustments, access arrangements more generally and special consideration. We explain these differences in Annex C;
- lack of understanding of the timescale required by awarding organisations to apply for reasonable adjustments or special consideration;
- confusion about where the responsibility lies for applying and approving reasonable adjustments and special consideration; and
- perceptions that students who fall ill during their exams, or series of exams, are disadvantaged by the typical measures taken by awarding organisations. This may not always be an equality issue but certain illnesses, for example cancer, are included under the protected characteristic of disability.

We provided consistent responses to all customers, advising them that clear, timely communications between students, parents, centres and awarding organisations is critical for the appropriate course of action to be identified and taken. We explained where responsibility for applying and approving requests for reasonable adjustments and special consideration lies in each individual case.

## **5.5 Accessibility of communications**

### **5.5.1 The Ofqual website**

In November 2014, we moved our website to the single Government website GOV.UK. This site adheres to the ten basic design principles set out by the Government Digital Service (GDS) which include a focus on user needs and designing for inclusion.

The GOV.UK website has been designed to be accessible to all members of the public and the Government Digital Service is encouraging departments to move away from inaccessible file formats and attachments. This means that it is

compatible with recent versions of a variety of screen readers, speech recognition software, basic operating system screen magnifiers and operating system speech packages. In addition to following the Government Digital Service guidelines, our users now have a consistent experience across all Government sites and users new to the Ofqual website will be familiar with how it works from their experience with other Government sites.<sup>27</sup>

### **5.5.2      The Register of Regulated Qualifications**

In Spring 2015, we carried out research with users of the existing Register of Regulated Qualifications (the Register) to understand who they are, what they use the Register for, what they like about it and what they do not like about it. The research found that the Register is seen as a valuable source of useful information, but that at times the information is difficult to find unless someone is a frequent visitor to the site and can understand the specialist terms and acronyms used throughout the site.

In addition the style and format of the existing Register has not been updated since its development in 2010 and does not adhere to current web content accessibility standards. It also does not easily allow for capturing information about its users and their accessibility requirements.

We are using this feedback to develop a new version of the Register in line with the Government's Digital by Default Service Standard<sup>28</sup>. This standard sets out clear expectations for accessibility standards and requires that web services meet at least Level AA of the Web Content Accessibility Guidelines<sup>29</sup>. As the prototype is developed further we will continue to follow these guidelines and ensure that the service is tested for technical accessibility by an accessibility expert, and tested with disabled people, older people, and people who use assistive technologies.

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<sup>27</sup> Further information can be found at <https://www.gov.uk/help/accessibility> and <https://gds.blog.gov.uk/2012/01/20/user-testing-accessibility/>

<sup>28</sup> Further information can be found at <https://www.gov.uk/service-manual/digital-by-default>

<sup>29</sup> Further information can be found at <http://www.w3.org/TR/WCAG20/>

## **What we are doing in 2015-16**

We will continue to work towards our equality objectives. Specific examples of the work we are undertaking from April 2015 to March 2016 include the following:

- Review our existing Section 96 specification<sup>30</sup> and consult on proposed changes. As part of this work we will review the qualifications included on the Section 96 list and advise the Government where qualifications could be removed or added to the list.
- Improve our communications about Reasonable Adjustments, Access Arrangements and Special Consideration in order to help users of qualifications understand our role and that of awarding organisations.
- Work with outside agencies to better understand issues facing students with particular protected characteristics. We will support RNIB in assessing the quality of braille and modified large print GCSE exam papers. In addition we will assist the National Autistic Society as they consider how examination papers can be designed to be more accessible to autistic students.
- Report on our policy decisions relating to further GCSE, AS and A level subjects where consultations were launched at the end of 2014-15. A list of these subjects can be found in Annex D.
- Continue to consider new evidence and previously unforeseen impacts as part of the ongoing review of the new GCSE, AS and A level qualifications. We will also monitor the positive and negative impacts already identified. These long-term activities will take place throughout the qualifications' life-cycle.
- Talk to teachers as part of an investigation of the impact of the change from modular to linear GCSE exams as part of our research into the progress of the GCSE, AS and A level reforms. This project will span 2015-18 and we will report on our progress at different stages during that period, including the results of a related literature review.

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<sup>30</sup> Under section 96 of the Equality Act 2010 we have a duty to specify where reasonable adjustments to relevant qualifications in England should not be made. The Secretary of State for Education has the power to list which qualifications taken in England are included in the definition of 'relevant qualifications' covered by section 96. This power does not extend to vocational qualifications. The Equality Act 2010 is not applicable to Northern Ireland which has separate equality legislation. Section 96 of the Equality Act 2010 is available at: <http://www.legislation.gov.uk/ukpga/2010/15/section/96>

- Consider whether there is more we should do to reach the widest possible audience in our recruitment of subject experts, informed by the internal review of equality and diversity data we hold about subject experts.
- Develop a new Register of Regulated Qualifications that will meet at least Level AA of the Web Content Accessibility Guidelines, in line with the Government's Digital by Default Service Standard.

We will report on our progress with these actions in our report on 2015-16.

## **Annex A: Staff Equality and Diversity Analysis 2014-15<sup>31</sup>**

| <b>Ethnic Origin</b>                                   |            |
|--|------------|
| Asian / Asian British: Bangladeshi                     | 2          |
| Asian / Asian British: Chinese                         | 1          |
| Asian / Asian British: Indian                          | 10         |
| Asian / Asian British: Pakistani                       | 1          |
| Black / African / Caribbean / Black British: African   | 1          |
| Black / African / Caribbean / Black British: Caribbean | 2          |
| Mixed / multiple ethnic groups: White and Asian        | 1          |
| Other ethnic group: Any other ethnic group             | 1          |
| Not declared   | 4          |
| Prefer not to say                                      | 50         |
| White: English   | 123        |
| White: Irish   | 4          |
| White: Northern Irish                                  | 1          |
| White: Other White background                          | 6          |
| White: Scottish  | 3          |
| White: Welsh   | 2          |
| <b>Total</b>   | <b>212</b> |
| <b>Gender</b>  |            |
| Female   | 131        |
| Male   | 81         |
| <b>Total</b>   | <b>212</b> |
| <b>Medical/Disability</b>                              |            |
| Yes  | 19         |
| No   | 142        |
| Prefer not to say / Not declared                       | 51         |
| <b>Total</b>   | <b>212</b> |
| <b>Nationality</b>                                     |            |
| British  | 146        |
| English  | 2          |
| Northern Irish   | 3          |
| Other  | 7          |

<sup>31</sup> Data from the Ofqual Human Resources Information System relating to permanent and fixed term staff only (correct as of 31 March 2015).

|                   |            |
|-------------------|------------|
| Not declared      | 39         |
| Prefer not to say | 15         |
| <b>Total</b>      | <b>212</b> |

#### Age Group

|              |             |
|--------------|-------------|
| 16-24        | Less than 5 |
| 25-29        | 14          |
| 30-34        | 36          |
| 35-39        | 35          |
| 40-44        | 27          |
| 45-49        | 25          |
| 50-54        | 20          |
| 55-59        | 16          |
| 60-64        | 5           |
| 65+          | Less than 5 |
| Not Declared | 30          |
| <b>Total</b> | <b>212</b>  |

#### Religion<sup>32</sup>

|                    |             |
|--------------------|-------------|
| Any other religion | Less than 5 |
| Buddhist           | Less than 5 |
| Christian          | 129         |
| Hindu              | Less than 5 |
| Muslim             | Less than 5 |
| No religion        | 17          |
| Not Declared       | 52          |
| Sikh               | Less than 5 |
| <b>Total</b>       | <b>212</b>  |

#### Sexual Orientation<sup>33</sup>

|                          |             |
|--------------------------|-------------|
| Heterosexual / straight  | 146         |
| Gay man                  | Less than 5 |
| Gay woman / lesbian      | Less than 5 |
| Not Known / Not declared | 60          |
| <b>Total</b>             | <b>212</b>  |

#### Staff Grades

|         |    |
|---------|----|
| SCS     | 15 |
| Grade 6 | 17 |

<sup>32</sup> This is an optional field for staff to complete.

<sup>33</sup> Ibid.

|              |            |
|--------------|------------|
| Grade 7      | 59         |
| SEO          | 23         |
| HEO          | 75         |
| EO           | 21         |
| AO           | 2          |
| <b>Total</b> | <b>212</b> |

**Staff Grades by gender**

|                    |            |
|--------------------|------------|
| <b>Female</b>      | <b>131</b> |
| AO                 | 2          |
| EO                 | 13         |
| Grade 6            | 10         |
| Grade 7            | 33         |
| HEO                | 54         |
| SCS                | 6          |
| SEO                | 13         |
| <b>Male</b>        | <b>81</b>  |
| AO                 | 0          |
| EO                 | 8          |
| Grade 6            | 7          |
| Grade 7            | 26         |
| HEO                | 21         |
| SCS                | 9          |
| SEO                | 10         |
| <b>Grand Total</b> | <b>212</b> |

## **Annex B: Further information regarding our employment policies**

All staff are required to complete an Equality and Diversity form as they join Ofqual to help us analyse the make-up of the workforce.

On an ongoing basis we are committed to continue to monitor our pay system, access to training and our recruitment practices. As part of this we carry out equality impact assessments as the first stage for all new HR policies and as part of the three-year review of existing policies. We also review and amend our policies when legal changes are introduced.

In addition we undertake an annual staff survey as part of our commitment to continuously improve the way we manage and develop our people. The purpose of the survey is to seek views about working for us, identify levels of staff engagement and to provide us with a way to benchmark our performance.

All applications for promotion, flexible working and redundancy are considered on individual merit. However where equality considerations may be relevant, such as disabled staff requesting flexible working, these are taken into account. Any complaints and grievances regarding a staff member's treatment on the basis of protected characteristics are treated according to our Grievance policy.

## **Annex C: Reasonable Adjustments, Access Arrangements and Special Consideration**

Reasonable adjustments are made by awarding organisations where a student with disabilities (within the meaning of disability in the Equality Act 2010) would be at a substantial disadvantage when being assessed in comparison to a student who is not disabled. A reasonable adjustment may be unique to an individual student. An adjustment may not be considered to be reasonable if it involves unreasonable costs, timeframes or affects the security or integrity of the assessment. For example providing a Braille paper would be likely to be a reasonable adjustment for a visually impaired student who could read Braille, while providing 50% extra time in a series of exams may not be a reasonable adjustment for a student with severe dyslexia. Instead, scheduled rest breaks may be a more appropriate reasonable adjustment for this individual.

Access arrangements are the main way in which awarding organisations comply with their duty to make reasonable adjustments under the Equality Act 2010. Access arrangements are adjustments made for students before they take an exam or are otherwise assessed, based on evidence of need and the student's normal way of working. Students with special educational needs, disabilities or temporary injuries can therefore be assessed without the demands of the assessment being changed.

A special consideration is an adjustment made to a student's mark or grade after the assessment. This is used to reflect a student's temporary injury, illness or other indisposition at the time of the assessment. For example, a student who has suffered a recent bereavement can apply for special consideration after taking the assessment.

These arrangements mean that, at the point at which a judgement is made about whether a student has met the standard required to pass an assessment or achieve a particular grade, all students – including those for whom reasonable adjustments have been made – can be considered together. There is no need for reasonable adjustments to be during the awarding process.

## Annex D: GCSE, AS and A level consultations to be reported on in 2015-16

- GCSE reform: regulations for food preparation and nutrition<sup>34</sup>
- GCSE, AS and A level reform: regulations for drama/drama and theatre<sup>35</sup>
- GCSE reform: regulations for art and design<sup>36</sup>
- Completing GCSE, AS and A level Reform<sup>37</sup>
- GCSE, AS and A level reform: regulations for music<sup>38</sup>
- GCSE, AS and A level reform: regulations for dance<sup>39</sup>
- GCSE English Language: assessment of spoken language skills<sup>40</sup>
- GCSE reform: regulations for ancient languages<sup>41</sup>
- AS and A level reform: regulations for ancient languages<sup>42</sup>
- AS and A level reform: regulations for geography<sup>43</sup>
- AS and A level reform: regulations for modern foreign languages<sup>44</sup>
- GCSE reform: regulations for citizenship studies<sup>45</sup>
- GCSE, AS and A level reform: regulations for physical education<sup>46</sup>
- GCSE reform: regulations for science<sup>47</sup>
- GCSE, AS and A level reform: regulations for religious studies<sup>48</sup>

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<sup>34</sup> <https://www.gov.uk/government/consultations/gcse-reform-regulations-for-food-preparation-and-nutrition>

<sup>35</sup> <https://www.gov.uk/government/consultations/gcse-as-and-a-level-reform-regulations-for-drama-drama-and-theatre>

<sup>36</sup> <https://www.gov.uk/government/consultations/gcse-reform-regulations-for-art-and-design>

<sup>37</sup> <https://www.gov.uk/government/consultations/gcses-as-and-a-levels-new-subjects-to-be-taught-in-2015>

<sup>38</sup> <https://www.gov.uk/government/consultations/gcse-as-and-a-level-reform-regulations-for-music>

<sup>39</sup> <https://www.gov.uk/government/consultations/gcse-as-and-a-level-reform-regulations-for-dance>

<sup>40</sup> <https://www.gov.uk/government/consultations/gcse-english-language-assessment-of-spoken-language-skills>

<sup>41</sup> <https://www.gov.uk/government/consultations/gcse-reform-regulations-for-ancient-languages>

<sup>42</sup> <https://www.gov.uk/government/consultations/as-and-a-level-reform-regulations-for-ancient-languages>

<sup>43</sup> <https://www.gov.uk/government/consultations/as-and-a-level-reform-regulations-for-geography>

<sup>44</sup> <https://www.gov.uk/government/consultations/as-and-a-level-reform-regulations-for-modern-foreign-languages>

<sup>45</sup> <https://www.gov.uk/government/consultations/gcse-reform-regulations-for-citizenship-studies>

<sup>46</sup> <https://www.gov.uk/government/consultations/gcse-as-and-a-level-reform-regulations-for-physical-education>

<sup>47</sup> <https://www.gov.uk/government/consultations/gcse-reform-regulations-for-science>

<sup>48</sup> <https://www.gov.uk/government/consultations/gcse-as-and-a-level-reform-regulations-for-religious-studies>

- GCSE reform: regulations for computer studies<sup>49</sup>

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<sup>49</sup> <https://www.gov.uk/government/consultations/gcse-reform-regulations-for-computer-science>

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