

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 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*

Name* Ailin O'Cathain

Position* Head of Policy

Organisation name (if applicable)* Federation of Awarding Bodies

Address: 11th Floor, Beaufort House, 15 St Botolph Street, London EC3A 7BB

Email: ailin.ocathain@awarding.org.uk

Telephone: 020 3786 3171

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 "Official response", please respond accordingly:

Type of responding organisation*

- Awarding organisation
- 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)

Type of representative group or interest group

- Group of awarding organisations
- 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)

Trade Association for vocational awarding organisations.

The Federation of Awarding Bodies is the trade association for vocational awarding organisations with over 130 organisations in membership ranging from large generic awarding bodies to those working in specific occupational areas, including professional bodies.

The majority of our members are regulated by Ofqual and a number of them award qualifications that are within the scope of this consultation, most commonly the Functional Skills qualifications. We also have members who award ESOL qualifications which are proposed for future inclusion in the remit of these requirements. The Federation therefore welcomes the opportunity to make this submission for Ofqual's consideration.

This response is submitted on behalf of the FAB membership following consultation with them and with the Federation's Board of Directors. However, awarding bodies are a diverse community and our members may wish to make their own individual submissions containing their own particular perspectives and emphases, in addition to any comments forwarded to the Federation for inclusion in this overall response.

Nation*

England

Wales

Northern Ireland

Scotland

Other EU country: _____

Non-EU country: _____

The Federation's members operate in all of the nations listed above.

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 we should recommend to DfE that our specifications apply to the qualifications listed on page 12?

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

Please give reasons for your answer.

The Federation does not have a remit for all of the qualifications listed in the document e.g. GCSEs and GCE A Levels and other organisations will be better placed to comment on the inclusion of qualifications such as these. For those qualifications within our remit, we agree that they should be included in the list recommended to DfE.

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Question 2: Are there any changes to the list that you would recommend and, if so, why?

- Yes
- No

Please give reasons for your answer.

The Federation has not received any information from our members to indicate that the list should be changed in any way. Members may of course submit their own responses to this consultation to indicate any changes that their particular AO wishes to recommend.

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Question 3: To what extent do you agree or disagree that exemptions should only be allowed where no other reasonable adjustment is available?

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

Please give reasons for your answer.

The Federation believes that all learners should have access to assessments which are fair and provide them with the opportunity to demonstrate the relevant skills and knowledge. In ensuring this fairness it is essential that reasonable adjustments are made in response to the needs of disabled learners, where required. The appropriate application of reasonable adjustments will ensure that learners can demonstrate their skills and knowledge during an assessment without being unfairly disadvantaged by their disability.

The Federation believes that opportunities for reasonable adjustments should always be fully explored before an exemption is considered. An exemption may be appropriate in certain situations but it does not provide the learner with the opportunity to undertake the full assessment or receive a qualification certificate without endorsements. It is therefore preferable, and in the best interests of learners, we believe, to seek arrangements that support the learner in accessing the full assessment prior to the endorsement route being applied.

Question 4: To what extent do you agree or disagree that exemptions should not be permitted where they would form more than 40 per cent of the total (weighted) marks for the qualification?

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

Please give reasons for your answer.

The provision of a qualification certificate by an awarding organisation confirms the achievement of the required standards and is a clear signal to stakeholders that a learner has achieved a specific level of knowledge and/or skill in a stated area. Where a learner is not able to access the assessment because of a disability, awarding organisations have a duty to make reasonable adjustments to facilitate this

access. These adjustments do not fundamentally change the construct of what is being assessed; they simply make the assessment accessible to learners for whom the process of assessment would otherwise present significant barriers.

Where a reasonable adjustment cannot be made to provide access to assessment there may be a case for exempting a learner from certain assessments and the Federation supports this approach in specific circumstances. The Federation agrees that an exemption of above 40% of a qualification raises a number of important issues for an AO in terms of the sufficiency of evidence upon which to base assessment decision.

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Question 5: To what extent do you agree or disagree that for GCSE (9-1) English language, where an exemption applies for the spoken language component, no other exemption may apply?

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

Please give reasons for your answer.

The Federation has no remit for general qualifications and our members do not award GCSEs. It is not therefore appropriate for us to respond to this question.

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Question 6: To what extent do you agree or disagree that for A level science subjects and A level geology, where an exemption applies for the practical component, no other exemption may apply?

- Strongly agree
- Agree
- Neither agree nor disagree

Disagree

Strongly disagree

Please give reasons for your answer.

The Federation has no remit for general qualifications and our members do not award A levels. It is not therefore appropriate for us to respond to this question.

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Question 7: Are there any other subjects for which we should make specific provisions?

Yes No

Please give reasons for your answer.

The Federation has not received any recommendations from members in relation to other subjects for which specific provisions should be made. However, individual members may submit their own responses to the consultation to indicate where they feel other qualifications should be added to the list.

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Question 8: Are there any factors we have not set out here that we should consider to ensure that students are not unfairly advantaged or disadvantaged by our proposed approach to exemptions in qualifications with separately reported results?

Yes No

Please give reasons for your answer.

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Question 9: To what extent do you agree or disagree that exemptions should only be permitted for a whole component and only where a student can access no part of that component?

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

Please give reasons for your answer.

The Federation believes that the only pragmatic approach to exemptions is to apply these to whole components. There is an important manageability aspect to this approach that will contribute towards a consistency of approach across different learners and different AOs.

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Question 10: To what extent do you agree or disagree with our proposal that changes to grade boundaries or marks should not be permitted as a reasonable adjustment?

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

Please give reasons for your answer.

The Federation agrees that changes to grade boundaries or marks should not be a permitted reasonable adjustment. The emphasis should be placed on identifying an appropriate adjustment that allows the learner to demonstrate the extent of their skills/knowledge in line with the assessment objectives.

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Question 11: To what extent do you agree or disagree that we should continue to prohibit the use of readers where a student's reading ability is being assessed?

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

Please give reasons for your answer.

In cases where the construct of reading is being tested then it seems only fair that a learner should not be provided with access to a third party to perform this function on their behalf. If this were to be allowed then the assessment would be testing the reader's ability to read and not the learner's ability to read. It would also be testing the learner's listening skills which may not be a legitimate part of the assessment and may consequently disadvantage the learner.

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Question 12: To what extent do you agree or disagree that we should prohibit the use of a human scribe, speech recognition system or other writing aid where a student's writing ability is being assessed and where this would prevent the student demonstrating that ability?

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

Please give reasons for your answer.

This question seems to ask something slightly different to the consultation text. The Federation agrees with the consultation text; that a learner should not be awarded marks for a skill/knowledge which they themselves have not demonstrated. For example, if they have not been responsible for spelling or punctuating their work

during an assessment then they should not be awarded marks for these aspects of the assessment.

However, we believe there may be cases where the use of adjustments in writing tests is appropriate and the best approach is to award marks only for what the learner themselves has produced.

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Question 13: To what extent do you agree or disagree that the use of another language (such as British Sign Language) should not be permitted as a reasonable adjustment where this would prevent a student demonstrating their understanding and use of the particular language that is being assessed?

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

Please give reasons for your answer.

The Federation supports this position on the basis that BSL and other languages such as ISL are languages in their own right and in some cases may prevent the learner from demonstrating their knowledge and understanding of the language being assessed.

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Question 14: To what extent do you agree or disagree that practical assistants should be permitted, but that students should not be rewarded for skills that they have not themselves demonstrated?

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

Please give reasons for your answer.

The provision of a practical assistant in assessments may remove unnecessary barriers for learners and is a valuable reasonable adjustment in the appropriate circumstances. Where the skills being performed by the assistant do not form part of the construct that is being tested then the Federation believes this is an entirely reasonable adjustment. We would therefore agree that where a learner has not themselves demonstrated any practical skills, that form part of the construct that is being assessed, that the learner should not be rewarded for any such skills. Only the skills demonstrated by the learner should be recognised and rewarded. We believe that to take any other approach would present serious risks to the validity of the award and could lead to the qualification being devalued in the eyes of employers and other stakeholders who rely on the qualification as an indicator of the skills/knowledge of an individual.

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Question 15: To what extent do you agree or disagree that we should restrict the provision of materials to students as a reasonable adjustment where these are not generally provided to other students?

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

Please give reasons for your answer.

The Federation agrees that option B(ii) as explained in the consultation document would be the most effective way forward.

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Question 16: Do you have any comments on any of the approaches set out in relation to the provision of materials to students as a reasonable adjustment? Which is your preferred approach and why?

- Yes No

Please give reasons for your answer.

Please see question 15 above for preferred option.

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Question 17: To what extent do you agree or disagree with our proposal not to prohibit the use of Oral Language Modifiers (OLMs) as a reasonable adjustment?

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

Please give reasons for your answer.

The Federation believes that where an OLM is the most appropriate adjustment for a learner then awarding organisations should have the opportunity to offer such an arrangement, providing they are assured that those individuals who act in such roles are trained to a sufficient standard and do not operate in a way that results in learners benefitting from an unfair advantage.

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Question 18: Are there any other specifications not covered in this consultation that we should make?

- Yes
- No

Please give reasons for your answer.

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Question 19: To what extent do you agree or disagree that where an exemption is granted, this should be indicated on the student's certificate?

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

Please give reasons for your answer.

The Federation believes that where a certificate is issued by an awarding organisation it should accurately reflect the skills/knowledge that have been assessed. It is important that the users of qualifications are not misled by the certificate and that they do not rely upon it to indicate something specific about an individual where it is not appropriate for them to do so. Without a clear indication of an exemption being displayed on a certificate, there is a high probability that the end user of a certificate, be that an employer or learning establishment, would rely on it to signal the learner's achievement of the full range of skills/knowledge covered by the qualification. If there are cases where up to 40% of the qualification may have been exempted then it will be crucial that the certificate clearly states where the exemption has been applied so that learners, employers and other stakeholders can be clear about what the certificate indicates about the learner's achievement.

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Question 20: To what extent do you agree or disagree that we should not specify the form of any indication that is placed on the student's certificate?

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

Please give reasons for your answer.

The Federation agrees that it is useful for awarding organisations to have the flexibility to decide how the exemption is expressed on their own specific certificates. As the consultation document states, there is a lot of information to fit onto

certificates and an AO is best placed to decide how to include an exemption given the format and design of their own particular certificate.

However, it would be useful if Ofqual provided some example options of the wording that could be used by an AO.

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Question 21: We have identified a number of ways our proposals may impact (positively or negatively) on persons who share a protected characteristic. Are there any other potential impacts we have not identified? If so, what are they?

Yes No

Please give reasons for your answer.

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Question 22: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic? If so, please comment on the additional steps we could take to mitigate negative impacts.

Yes No

Please give reasons for your answer.

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Question 23: Have you any other comments on the impacts of the proposals on persons who share a protected characteristic?

Yes No

Please give reasons for your answer.

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Question 24: We have not identified any ways in which the proposed specifications will unduly increase the regulatory burden of our proposals. To what extent do you agree or disagree with this assessment?

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

Please give reasons for your answer.

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Question 25: Are there any additional steps we could take to reduce the regulatory burden of our proposals?

- Yes No

Please give reasons for your answer.

The provision of some guidance on the form of any indication that is placed on the student's certificate would be helpful to AOs.

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Accessibility of our consultations

We want our consultations to be read and understood by as many people as possible. We would appreciate it if you could spare a few moments to answer the following questions.

We want to write clearly, directly and put the reader first. Overall, do you think we have got this right in this consultation?

Yes No

We want to write clearly and effectively, putting the reader first. How easy to read did you find this consultation?

Very hard to read

Hard to read

Neither hard nor easy

Easy to read

Very easy to read

Do you have any comments or suggestions about the style of writing?

Yes No

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How many of our consultations have you read in the last 12 months?

1

2

3

4

5

More than 5