

**QUALIFIED FOR
THE FUTURE**



**CYMWYS AR
GYFER Y DYFODOL**



**Qualified for the Future:
Integrated Impact Assessment
October 2022**

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1 Introduction

- 1.1 We set out below the integrated impact assessment of our design proposals for new, made-for-Wales GCSEs and other related qualifications to support the Curriculum for Wales.
- 1.2 This integrated impact assessment (IIA) includes our Regulatory Impact Assessment, Equalities Impact Assessment and Welsh Language Impact Assessment.
- 1.3 We have also considered how our decisions might help to reduce the inequalities associated with socio-economic disadvantage¹, as well as contributing to the seven well-being goals and five ways of working of the Well-being of Future Generations (Wales) Act 2015², as well as our supporting objectives³.
- 1.4 Through this IIA, we demonstrate that we carry out our regulatory activities in a way that is transparent, accountable, proportionate, targeted, and consistent, and in a way that has regard to government policy as directed by Welsh Ministers. We also demonstrate that we are regulating in accordance with our principal aims⁴, and eight matters we must have regard to⁵, as well as the principles of good regulation⁶ and HM Treasury guidance⁷.
- 1.5 It is important that our proposals realise the positive impacts we want to see and minimise any potential negative ones as much as possible. We encourage you to engage with our impact assessment, to provide feedback on the impacts we have identified, and let us know if there are any others we need to consider.
- 1.6 We will use the feedback from this consultation to continue updating our integrated impact assessment. This will inform our final decisions on the design of the new GCSEs and other related qualifications.
- 1.7 Once we have confirmed the design requirements, we will work with relevant awarding bodies and other key stakeholders to ensure that the identified impacts are carefully considered throughout the process.

¹ <https://gov.wales/socio-economic-duty-overview>

² <https://www.futuregenerations.wales/about-us/future-generations-act/>

³ <https://qualificationswales.org/english/about-us/plans-and-reports/well-being-of-future-generations-statement-and-objectives-2018/>

⁴ Qualifications Wales Act 2015 Part 2, Section 3(1)

⁵ Qualifications Wales Act 2015 Part 2, Section 3(2)

⁶ Great Britain, Department for Business, Energy and Industrial Strategy (2020) Better Regulation Framework: Interim Guidance -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/916918/better-regulation-guidance.pdf

⁷ <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government>

Scope of Impact Assessment

- 1.8 We undertook separate integrated impact assessments on proposals included within previous *Qualified for the future* consultations. These included establishing a set of guiding principles to shape how we will decide which qualifications taken at 16 are eligible for public funding, and the future range of GCSEs and other related made-for-Wales qualifications for 14-16-year-olds^{8 9}.
- 1.9 This impact assessment only addresses our proposals for the design of new, made-for-Wales GCSEs and other related qualifications which we announced in October 2021 and March 2022. This includes their proposed purpose, high-level content, and assessment arrangements.
- 1.10 This impact assessment does not consider any proposals relating to our work in reshaping the wider 14-16 qualification offer. We will publish a separate integrated impact assessment for those proposals as part of our consultation in early 2023.
- 1.11 Any decisions taken by Welsh Government, Estyn and other key decision makers which may have an influence, direct or otherwise, on the Welsh qualification system are also outside the scope of this assessment.

Methods and Sources

- 1.12 Co-constructing proposals for new GCSEs and other related qualifications for 14-16-year-olds has meant working closely with teachers, learners, expert advisers, and those who rely on qualification outcomes such as employers, colleges, training providers and universities.
- 1.13 In addition to direct input from those involved with co-construction, we have drawn on a wealth of research undertaken in recent years to inform thinking on qualification and assessment design. We also engaged extensively with learners, and other interested bodies throughout the process.
- 1.14 For further detail around how our design proposals have been co-constructed and who has been involved, please see our GCSE Reforms Explained section. A list of the sources of evidence used to inform this integrated impact assessment, and through the development and formation of the design proposals presented in this consultation, is provided in Annex A.

⁸ <https://qualificationswales.org/english/publications/qualified-for-the-future---impact-assessment-phase-1/>

⁹ <https://qualificationswales.org/media/6997/qualified-for-the-future-the-right-choice-for-wales-consultation.pdf>

2 Regulatory Impact Assessment

- 2.1 As a public body, we are required to assess the likely impact, both positive and negative, of regulatory decisions we take.
- 2.2 As part of this assessment, we must consider a range of options, including an assessment of not taking any regulatory action (“do nothing”).
- 2.3 The following key policy options are considered in this impact assessment:
- **Option 1:** Do Nothing
 - **Option 2:** Introduce newly designed GCSEs and other related qualifications in line with proposals generated through co-construction (preferred option).
- 2.4 This assessment describes the potential cost and delivery impacts of the proposals in the consultation (preferred option) on different groups of stakeholders, including learners, schools and colleges, awarding bodies and higher education institutions. It also sets out our view of the potential regulatory impacts of the proposals in the consultation in relation to different groups, including any cumulative impacts that have been identified across the range of new, made-for-Wales GCSEs and other qualifications.
- 2.5 Although, as we identify below, some risks and impacts of the reforms will need to be mitigated (in some cases working with others), there is nothing in this impact assessment to indicate that the reforms cannot or should not be put in place.
- 2.6 Due to the different combinations of changes proposed to the design of new, made-for-Wales GCSEs, it is also difficult to disentangle the potential effects of those changes; for example, a potential positive impact of one change may be offset by a potential negative effect of another change.

Option 1: Do Nothing

- 2.7 The option of doing nothing would mean that the design of GCSEs and other related qualifications typically taken by 14-16-year-olds would remain the same. Therefore, no changes to design requirements would be introduced and the present regulatory arrangements would continue.
- 2.8 There are advantages and disadvantages associated with making no changes to the design of GCSEs and other related qualifications. These are outlined below.

Advantages

- 2.9 The current range of Approved, made-for-Wales GCSEs were first introduced in 2015-2017 and have therefore been available to schools for several years. This means that schools have become increasingly familiar with each specification, and that the

qualifications are well understood by both teachers and schools. Maintaining the design of the current GCSEs and other related qualifications where they currently exist would therefore minimise the impact on schools and teachers in terms of workload and change management. Additionally, doing nothing would mean that existing resources provided for, and prepared by teachers themselves, to prepare learners for assessment would remain valid.

- 2.10 Retaining the current design of GCSEs would support comparability of standards over time, both in terms of GCSEs made available to learners in Wales, and GCSEs in other jurisdictions. It would also maintain the established post-16 progression routes and provide continuity and stability within the qualification system.
- 2.11 In terms of costs to awarding bodies, doing nothing would result in no additional costs being incurred in terms of developing new specifications. Additionally, it would result in fewer costs relating to the production of new resources and supporting materials, staff training and communicating such changes.
- 2.12 As mentioned previously, the current range of Approved GCSEs offered by awarding bodies have been available to learners for several years. This means that awarding bodies have a good understanding of the number of entries for those qualifications year-on-year, and therefore their continued viability. In doing nothing, awarding bodies would not have to contend with a degree of uncertainty around the likely take-up of newly designed GCSEs, particularly those in new subject areas such as Dance and Social Studies.

Disadvantages

- 2.13 There are significant negative impacts associated with this option.
- 2.14 While acknowledging the limited number of advantages associated with the option of doing nothing, including, minimising the impact on schools and teachers in terms of workload and change management, we believe there are significant negative impacts associated with this option.
- 2.15 In February 2021, we consulted on proposals to create a range of new, made-for-Wales GCSEs and other related qualifications to support the implementation of Curriculum for Wales. Following confirmation of our decisions in October 2021, we worked with a wide range of stakeholders over the last 12 months to rethink and co-construct proposals for an entirely new generation of GCSEs.
- 2.16 In taking this approach, colleagues from across the education sector have been involved at all levels: as part of subject level groups looking at individual qualifications, in stakeholder groups focusing on individual Areas of Learning and Experience (AoLEs), and as part of a broader stakeholder reference group. We have also held regular discussions with Welsh Government during this period to ensure that the qualification

proposals in this consultation have been designed to reflect the principles and support the implementation of Curriculum for Wales. The proposals for each subject included within this consultation reflects and represents the outcome of those discussions.

- 2.17 Reforms to qualifications and assessment practices are seen as an important part of the reform jigsaw in terms of the successful implementation of Curriculum for Wales, and stakeholders are therefore expecting changes to the design of qualifications for 14-16-year-olds.
- 2.18 Failing to make changes to the design of these qualifications poses a significant risk in terms of content and assessment arrangements being outdated and out of step with the aims and purposes of Curriculum for Wales, for example, encouraging and rewarding breadth of study and supporting learner choice and flexibility.
- 2.19 A decision not to reform these qualifications could put pressure on secondary schools to make only minimal changes to their existing approach when designing their school curriculum. This could frustrate the intended benefits of curriculum reform.
- 2.20 Deciding to do nothing after such extensive work across the education sector would seriously undermine public confidence in qualifications, the qualification system and seen as a barrier to successfully implementing and realising the intended benefits of Curriculum for Wales.
- 2.21 Failing to meet public and regulatory expectations would not be consistent with our principal aims, which require us to exercise our functions in such a way that meets the reasonable needs of learners and promotes public confidence in qualifications and the Welsh qualification system.
- 2.22 Our approach to co-construction was also built on a working assumption that digital technologies will be used by learners in the development of their knowledge, understanding and skills, and should therefore be increasingly used in the assessment of their abilities. While acknowledging some of the practical and logistical implications, stakeholders have been eager to explore the extent to which increased use of digital technology can be adopted in each subject. Doing nothing would be a barrier to innovation and would not encourage the greater use of digital technology or improvements in the assessment process that we are proposing as part of this consultation.

Conclusion

- 2.23 As a result of undertaking this impact assessment, we believe that the disadvantages far outweigh any advantages associated with this option.

2.24 The option of doing nothing is neither feasible or viable given its potential to undermine both the introduction of Curriculum for Wales, and public confidence in qualifications and the Welsh qualification system.

Option 2: Introduce newly designed GCSEs and other related qualifications in line with proposals generated through co-construction.

2.25 The proposed purpose, content and assessment for each new qualification is based on a careful consideration of the Curriculum for Wales Framework, including the four purposes, the principles of progression and the guidance for schools on designing their school curriculum.

2.26 We believe that this option best supports the implementation of the curriculum and helps realise its ambition for 14-16-year-olds. There are several benefits to the education and qualification systems associated with our design proposals. These include:

- Building on the conceptual understanding learners have developed throughout the 3 to 16 continuum of learning as described through the principles of progression.
- Allowing learners to demonstrate their understanding of what they have learnt and the progress they have made in accordance with the principles of progression.
- Promoting positive teaching and learning experiences and encouraging strong connections across learning.
- Giving learners opportunities to develop the cross-curricular and integral skills of Curriculum for Wales.
- Offering flexibility and choice for schools and learners while securing reliability and validity of results at a national level.
- Providing different types of assessment methods and assessment evidence to enable effective teaching and learning of the content and allow schools to design and deliver their own school curricula effectively.
- Ensuring that the new qualifications are accessible and manageable for the learners taking them.
- Supporting positive mental health and well-being.
- Reflecting the inclusivity of Curriculum for Wales and the diversity that exists across Wales.
- Supporting progress to post-16 learning pathways.

- 2.27 Implementing our preferred option would also result in an increase in the number of Approved, made-for-Wales qualifications available to learners – a priority set by the Welsh Government through its 2021 Co-operative Agreement with Plaid Cymru¹⁰.
- 2.28 This will not only ensure that more qualifications available to 14- to 16-year-olds have been designed specifically to meet their needs, but also that they will be available in both Welsh and English for the duration of their Approval period. This will enable us to exercise greater regulatory control over the qualification system, and in turn, help to promote fair and equitable access to subjects across all settings in Wales.
- 2.29 The design proposal for each of the subjects is the outcome of extensive collaboration and engagement with stakeholders over the last 12 months, and reflects the discussions and ideas generated through co-construction.
- 2.30 Our preferred option would allow us to present and test those ideas with a wider range of stakeholders prior to finalising Approval Criteria in 2023. This fulfils a commitment we made when announcing the future range of subjects that will be available as GCSEs and other made-for-Wales qualifications.

Cost and Delivery Impacts

- 2.31 In this section, we consider the activities resulting from the design proposals (preferred option) that we expect may give rise to additional burdens and costs on different groups of people, as well as any activities that may not take place and could therefore deliver savings.

Impact on Learners

- 2.32 As part of the co-construction process, we have engaged extensively with learners to carefully consider how the new qualifications can be designed to help them engage with their learning, develop their confidence and independence, and have positive assessment experiences.
- 2.33 We used focus groups and surveys to capture the views of learners. We held focus groups across Wales in 36 schools with 860 learners between the ages of 9 and 18 to capture the insights of learners at different stages along the GCSE journey. We asked learners to share their experiences and expectations of the GCSE assessment system.
- 2.34 A summary of the key findings from these activities, as well as suggestions for improvement, is provided below. We note that a number of these findings are

¹⁰ <https://gov.wales/co-operation-agreement-2021>

consistent with those previously identified in a research project¹¹ we conducted to explore teacher and learner perceptions and experiences of non-examination assessment (NEA) in approved GCSEs in Wales.

| Key Findings | Suggested Improvements |
|---|--|
| Crowded exam timetable and volume of content to learn, leads to guessing (focusing on topics and questions that are most likely to be assessed) and learning to the specification ('teaching to the test'). | Shift focus away from the final, high stakes "exam season". |
| Performance in exams are not a true reflection of learners' abilities, more of a memory test. | Include a broader range of assessment options throughout the course, including more practical assessments. |
| Most learners preferred modular assessments as they did not rely as heavily on memory and allowed them to show their knowledge and skills. | More flexibility on when and where exams can take place. |

2.35 Many aspects of the qualification design proposals will make it more likely that learners will have a positive assessment experience. These in turn should have a positive impact on the mental health and wellbeing of learners. These features include:

- A mix of different forms of assessment and greater balance of weighting between non-examination assessment (NEA) and examinations – our design proposals not only allow learners to demonstrate their knowledge and skills in different ways, but also align with, and support Curriculum for Wales' emphasis on skills development and conceptual understanding.
- More flexible qualifications with increased optionality – for example, we are proposing 3 different pathways in GCSE Health and Physical Education.
- Better use of digital technology will make assessment more engaging for learners – learners have consistently told us that they are comfortable using new technology and appreciate greater flexibility like on-demand assessments.

2.36 We know that our proposals to create larger qualifications in some subjects, for example GCSE English Language and Literature, and GCSE Mathematics and Numeracy, may have a negative impact in terms of manageability on learners in post-16 settings who resit those qualifications.

¹¹ <https://www.qualificationswales.org/english/publications/teacher-and-learner-perceptions-and-experiences-of-non-examination-assessment-nea-in-approved-gcse-in-wales/>

- 2.37 Through co-construction, we have considered ways to mitigate these potential impacts, including the way the qualifications are designed and the choice of alternative qualifications available to post-16 learners.
- 2.38 We are currently exploring whether marks that learners gain for NEA tasks can be carried over by learners who resit a qualification, so that only the exam element would need to be retaken – i.e. 60% of the GCSE English Language and Literature qualification, as proposed. We will make decisions on our Resit Rules for GCSE qualifications in parallel to the work of finalising Approval Criteria for each subject by May 2023.
- 2.39 We know the range of qualifications included as part of this consultation will not be sufficient to meet the needs of all learners and that other qualifications will be required within the wider 14-16 offer. We will be consulting in early 2023 on proposals relating to the wider 14-16 qualifications offer, which will include qualifications at entry level, level 1, and level 2 of the Credit and Qualifications Framework for Wales (CQFW), including qualifications in vocational subjects and skills for life.
- 2.40 The design proposal for GCSE Health and Physical Education stipulates that a total of 60% of the qualification will be assessed through non-exam assessment tasks that are set by the awarding body, marked by the school, and moderated by the awarding body. This non-exam assessment must offer learners a choice of three routes in which they can be active participants and be submitted during the final year of the course.
- 2.41 This approach will not only provide greater choice for learners, but also will develop a greater awareness of career opportunities available through these three practical pathways. It will allow learners to spend more of the course developing their knowledge, skills and understanding and to be assessed on work that fully reflects the learning they have gained throughout the course. And it will give learners and schools more flexibility about when to complete their non-exam assessment tasks.
- 2.42 However, creating multiple pathways within this qualification could create potential manageability issues for both learners and schools. For example, learners will need to familiarise themselves with these new pathways and understand their relation to health and physical education. Some schools may face challenges in providing all three pathways to learners, which could restrict learner choice. Professional learning opportunities may be required to enable teachers to deliver the pathways equally across settings.
- 2.43 A perceived lack of parity and rigour across different pathways may also have a negative impact on learners. This is particularly the case within the proposed coaching and personal training pathway where stakeholders perceive there to be a greater risk in terms of consistency and fairness. In developing the qualifications, and the proposed

pathways, the awarding body will need to ensure that there is consistency and fairness across the range of sports and activities that will be assessed.

Impact on Schools and Colleges (“Centres”)

- 2.44 Schools and colleges will need to take time to understand the implications of the changes proposed on a subject-by-subject basis. They will need to review their approach to teaching and preparing learners for assessments in light of proposed changes.
- 2.45 They may also need to secure additional resources to support changes to teaching e.g. to support learners to undertake an individual fieldwork enquiry task exploring their locality and Wales. However, some of the changes, as outlined in previous consultations, are intended to reduce burden on schools, to enable more time for teaching.
- 2.46 The proposals around the design and delivery of non-exam assessments across the range of qualifications is likely to create some new activity for schools and colleges. This is likely to be the biggest impact in terms of manageability, both in terms of additional workload and assessment timing. For more detail about our considerations around the cumulative impact of increasing NEA across the range, please see our [*Increase in Non-Examination Assessment and timings of assessment*](#) section below.
- 2.47 We expect awarding bodies to ensure that their approaches are manageable to deliver. We will require the awarding body to consider the potential burden imposed by any particular design feature on schools and its learners as part of its qualification development process.
- 2.48 We anticipate that schools and colleges will experience a combination of one-off and recurring, direct costs and administrative burdens associated with the following activities:
- Familiarisation with new qualifications, assessments, and guidance from awarding bodies.
 - Familiarising themselves with and preparing new teaching and learning materials.
 - Considering how to teach these new qualifications in the context of a school's curriculum.
 - A potential increase in workload in relation to NEA, including preparing learners for assessment, marking and timetabling.
 - Communication and training to teaching staff on the new assessments.
 - Considering how results from these new qualifications can support their school evaluation and improvement activity.

- Teaching and assessing two different versions of a qualifications for a year while new ones are introduced.

Impact on Awarding Bodies

- 2.49 The proposals in this consultation apply to a range of GCSEs and other related qualifications, Approved and regulated by Qualifications Wales, and currently delivered by WJEC¹².
- 2.50 As part of our *Qualified for the future* work, we have held a series of discussions with each of the four awarding bodies currently recognised to offer GCSEs in Wales (AQA, OCR, Pearson and WJEC) to gauge their interest in developing new GCSEs to support Curriculum for Wales. WJEC is the only awarding body that has committed to working with us to develop the future range of made-for-Wales GCSE and other related qualifications.
- 2.51 In developing these proposals, we have tried to find a balance between allowing flexibility and choice where appropriate while ensuring that Qualifications Wales, along with awarding bodies, can maintain standards appropriately in these qualifications. Several of the proposals will necessitate changes in current approaches to the design, delivery, and award of some qualifications. For example, the proposals for some non-exam assessment to be marked by the awarding body may require it to make changes to how and when it recruits and trains examiners.
- 2.52 Some of these changes may have a cost and resource impact for the awarding body. We have limited information at this time as to what the costs may be to awarding bodies if some or all the proposals are implemented. We will use responses from this consultation to further inform our regulatory impact assessment in relation to our proposals and will use this to inform the decisions we take following this consultation. To aid those decisions, we will continue to engage with WJEC and any other awarding bodies who may be interested on the cost and resource implications of qualification development throughout the consultation period.
- 2.53 We are aware that in some AoLEs, we are proposing a significant amount of change. For example, in the Science and Technology Area, our proposals include a restructuring of science provision, a new GCSE subject (Engineering) and different assessment structures. Similar changes are also proposed in the Languages, Literacy and Communication Area. This is likely to have greater cost and resource implications for an awarding body than proposals in other AoLEs.

¹² With the exception of qualifications in new subjects being proposed as part of this consultation (Social Studies and Dance)

- 2.54 Where our design proposals require that assessment by examination is marked by the awarding body, this is unlikely to impose any additional burden, as these types of assessment are already marked by awarding bodies. We are confident that this proposal will have minimal, if any, impact.
- 2.55 Creating new subjects at GCSE also provides new market opportunities for awarding bodies, while proposals to increase the use of digital technology across the range of qualifications could drive innovation and/or efficiencies in qualification delivery.
- 2.56 We are currently developing proposed requirements to ensure that the full range of GCSEs and related qualifications covered in this consultation will be developed and offered by at least one awarding body. We will consult with awarding bodies on these proposed requirements in early 2023.
- 2.57 We expect there would be a combination of one-off, direct costs and administrative burdens to awarding bodies associated with the following activities:
- Development of new specifications, sample assessments and mark schemes in each qualification.
 - Development of any essential supporting materials and resources required to teach each qualification.
 - Development of IT and systems technology needed to deliver bilingual digital approaches to assessment, including specialist hardware or software and training in how to use such systems.
 - Research and engagement with stakeholders into potential new approaches;
 - Development of any new approaches.
 - Information and training to centres about the newly designed qualifications.
 - Assessment of changed development and delivery costs in relation to the new range of GCSEs and other related qualifications – both decreasing and increasing – and making any subsequent adjustments to fees.
 - Assessment and deployment of internal resource required to deliver the new range of GCSEs and other related qualifications.
 - Transition costs of moving to new specifications and delivering two forms of qualifications, where relevant, during that period.
 - Familiarisation with any revisions to qualification-level conditions, guidance and other regulatory documents published by Qualifications Wales on the approach to assessing these new qualifications.

Impact on Qualification Fees

- 2.58 In accordance with our principal aims as set out in the Qualifications Wales Act, we must act in a way that we consider appropriate for the purpose of ensuring that qualifications are effective for meeting the reasonable needs of learners in Wales. In

doing so, we must have due regard to whether qualifications are provided in a way that secures value for money.

2.59 We require recognised awarding bodies to comply with our Conditions of Recognition. Our Conditions include requirements related to value for money, which are to:

- develop, deliver, and award qualifications in an effective and efficient way;
- provide fee information to purchasers that is accessible, up to date and transparent, and
- notify us if they anticipate any circumstances that might result in an increase in fees.

2.60 As the regulator, we also have the power to impose a Fee Capping Condition where we believe that a fee does not represent value for money.

2.61 In setting exam fees for general qualifications, WJEC's overall approach is to ensure there is no differentiation in price for qualifications within a suite. For example, schools are charged the same entry fee for each GCSE qualification approved by Qualifications Wales, regardless of any variables. This is a different approach to that taken by other awarding bodies where GCSE fees vary subject-by-subject.

2.62 It is possible that the introduction of qualifications in new subjects where entry numbers are unknown (e.g. GCSE Dance and GCSE Social Studies), as well as the continued availability of qualifications which historically have had low take-up (GCSEs in international languages), may impact on the fees charged by awarding bodies to schools and colleges.

2.63 However, feedback received from schools, teachers, and learners during co-construction, and in previous consultations, suggest that these new subjects will be popular amongst 14-16-year-olds and attract a healthy take-up. Similarly, implementing the recommendations as set out in Welsh Government's small-scale evaluation of Global Futures 2020-2022¹³ should help to realise the programme's strategic aims, particularly with regard to increasing the number of young learners studying languages, and in turn, take qualifications in these international languages.

2.64 Based on discussions to date with WJEC, we do not anticipate that the proposals included within this consultation will necessarily result in an increase in fees. However, we are seeking further information about the potential impact on fees in this assessment.

¹³ [Evaluation of Global Futures: a plan to improve and promote international languages in Wales 2020 to 2022 \(summary\) | GOV.WALES](#)

2.65 Additionally, fee income from high take-up qualifications in subjects such as maths, the Sciences, English and Welsh should compensate for those subjects which may attract a lower take up.

Impact on Private Candidates

2.66 Some learners study GCSEs and other qualifications independently, and register directly with an awarding body, and not with a school. Others may be registered for a qualification through a school but may not be receiving education directly from them – these learners are often known as private candidates.

2.67 We have heard from some stakeholders that centres are more willing to accept private candidates where a qualification is examination only, and externally marked by the awarding body. This is because of the added complexity involved in setting and marking NEA tasks for candidates who do not attend the school. An increase in the amount of NEA across the range of qualifications, as well as an increase in assessments being internally marked, could create additional barriers for private candidates.

2.68 We will explore with any awarding body offering these new qualifications whether alternative arrangements can be made to support private candidates taking these new qualifications. We want to hear feedback from respondents to this consultation on the challenges that the proposed assessment arrangements may pose to private candidates and how these could be addressed.

Three country impacts

2.69 The proposals covered by this impact assessment relate only to GCSEs which will be designed specifically to meet the needs of learners in Wales.

2.70 GCSEs across Wales, England and Northern Ireland have increasingly diverged over the past decade. For example, the A*-G grading system was retained for all subjects in Wales, while England introduced grades 9-1 and Northern Ireland brought in a new C* grade. In Wales we currently have a combination of linear and modular GCSEs, whereas in England all GCSE qualifications are linear with all assessments taken at the end of the course.

2.71 This divergence in qualifications policy developments in the Welsh education system since devolution, culminating in the introduction of Curriculum for Wales from September 2022. Ensuring that the qualifications taken by learners in Wales serves and supports the aims and purposes of Curriculum for Wales is the key driver for us.

2.72 Most learners taking GCSEs in Wales will continue their post-16 education in Wales. Others will enter further or higher education, training, or employment across the border. For all learners it is important that the achievement represented by the qualifications they hold is recognised and valued wherever they go.

2.73 We have good working relationships with other qualifications regulators across the UK and are in regular dialogue with them on developments in Wales, including the proposed design of new GCSEs in Wales to support Curriculum for Wales. We will also continue to work with key stakeholders across the UK, particularly universities and employers, to ensure that qualifications taken in Wales are understood.

3 Cumulative Impacts

- 3.1 The cumulative impacts identified across the range of proposals included in this consultation, are discussed below.

Increase in Non-Examination Assessment (NEA) and timings of assessment

- 3.2 There is a clear trend across our proposals towards a greater amount, and weighting of NEA. Although there are some exceptions to this, for example for GCSE Mathematics and Numeracy. While this trend may have a potential impact on different stakeholders, we believe this is proportionate to seeking to deliver our policy intent of a greater balance and combination of assessment methods across the new range of GCSEs.
- 3.3 An increase in NEA across the range of new qualifications could potentially impact on manageability for schools and learners in terms of assessment logistics and timings. If an assessment window becomes congested, this could have an impact on the availability of suitable rooms within centres to undertake such assessments and put additional pressure on the exam administration. There are also potential cost and system development implications for school management information systems. And requiring learners to complete several NEA tasks at the same time as preparing for exams could negatively affect their wellbeing by increasing their assessment-related stress and anxiety.
- 3.4 We have taken steps within these proposals to help schools manage the overall assessment burden on their learners and staff, and avoid periods in which learners are required to complete lots of NEA tasks while also preparing for exams. For example, in some subjects we propose that non-exam assessment tasks must be submitted within the final year of the course and that learners should sit a proportion of external exams at the end of year 10. Where we have proposed that the GCSE Mathematics and Numeracy qualification should be assessed entirely by exam, there will be opportunity for learners to be assessed during the course, with two assessment windows available, one in November and one in June.
- 3.5 We have also identified two options for how external exams could be structured in the new GCSE The Sciences (Double Award) qualification. We are asking for feedback on which of these options would be preferable and why (see options below).
- Option 1: Separate biology, chemistry and physics exams are taken by learners at the end of year 11.
 - Option 2: Three exams, each one featuring a mix of biology, chemistry, and physics content, are taken across years 10 and 11.

- 3.6 You can read more about the forms and timings of assessment in the GCSE Reforms Explained section of this consultation.
- 3.7 There could also be workload implications for schools in subjects where we propose a high proportion of internally marked NEA. From our research on the NEA arrangements for the current suite of GCSEs¹⁴, we know that teachers would welcome early clarity on their final design, and the timely availability of resources and support, including guidance on marking and standardisation from the awarding body.
- 3.8 As part of this consultation, we are keen to understand what the likely impacts are on stakeholders, in particular schools, in relation to the spread of assessments and where there may be a high number of concurrent assessments. Depending on the feedback, we will consider whether further steps will be required to help make the cumulative impact of assessment arrangements more manageable, for example, by requiring the awarding body to specify the timing of assessments where this is not currently proposed.
- 3.9 We will require the awarding body to provide suitable guidance to schools around flexibility, planning and scheduling of NEA tasks. Through this consultation, we will clearly explain the positive aspects and potential benefits of a more balanced approach to assessment overall, to help inform feedback on the proposals.
- 3.10 Providing clear and timely information about the agreed assessment arrangements for these qualifications will go some way to mitigate these potential negative impacts. Agreeing and publishing a clear timeframe with Welsh Government for the development and provision of supporting materials and professional learning will also help to manage these impacts.
- 3.11 The impact of a higher weighting of NEA in many subjects needs to be balanced by the impacts it might have on reliability and maintaining standards over time. An increase in the amount and weighting of NEA across these qualifications will require similar, if not greater, controls for how these assessments are administered within schools, and may require the development of new and innovative approaches to moderation.
- 3.12 As such, these proposals could have an impact on existing awarding body moderation procedures as they are reviewed and potentially strengthened to provide sufficient reassurance on the accuracy of the marks being awarded by centres. However, this is dependent to an extent on the precise role that qualifications will play in future arrangements for school evaluation, improvement, and accountability. If qualification outcomes continue to play a significant role, then there will be more need for a strengthened approach.

¹⁴ <https://www.qualificationswales.org/english/publications/teacher-and-learner-perceptions-and-experiences-of-non-examination-assessment-nea-in-approved-gcses-in-wales/>

- 3.13 WJEC have played a key role in helping to co-construct the proposals in this consultation; attending all Subject-level Working Group (SLWGs) and AoLE Network meetings. This has given us valuable input and insight, including on the potential impacts of the proposed design of new qualifications. It also means that WJEC is fully sighted on the proposals, the context in which they have been designed and the broader considerations and thinking that have shaped them.
- 3.14 Through regular meetings with WJEC, we have looked carefully at the manageability of proposals, and the resourcing that will be necessary to deliver these new qualifications. Those discussions will continue during the consultation period, and as we look to make decisions in advance of publishing Approval Criteria in May 2023.

Increased use and adoption of digital technology

- 3.15 There is a clear trend towards greater expectations around digital assessment across most subjects. Most commonly this takes the form of onscreen exam assessment and the use of digital methods to submit NEA.
- 3.16 This has potential impacts in terms of manageability for schools as well as for any relevant awarding body, especially in the time available between now and when these new qualifications will be introduced for first teaching.
- 3.17 It will be important to reassure stakeholders that we are only proposing increasing use of digital technology in the new qualifications where it is appropriate to do so, where it can benefit learners and have advantages for schools and awarding body in terms of administration, flexibility, and reliability. In other subjects, for example GCSE Geography, we are proposing to allow for on-screen assessment to be introduced during the lifetime of the qualifications rather than when it is first introduced.
- 3.18 Our digital assessment proposals at a subject level are therefore generic and non-specific to avoid the risk of raising stakeholder expectations. Manageability impacts will be further tested as part of the upcoming consultation prior to making decisions around final design requirements. This will include discussion with Welsh Government about the level of support and resources that schools will have access to help deliver these new qualifications.
- 3.19 While that is the case, it is important to emphasise that our design proposals will not limit the opportunity to introduce more digital assessment over time and will enable an evolution in the amount of digital assessment that is included within each qualification.
- 3.20 An increase in the use of digital technology across qualifications could have a potential negative socio-economic impact on learners who have less access to equipment,

software, or the internet when they are not in school. Qualification design and guidance from the awarding body will need to set out a baseline or minimum requirement which should allow maximum accessibility for learners regardless of their home circumstances.

Availability of Bilingual Resources

- 3.21 We are aware that more flexible qualifications with increased optionality may have an impact on the supporting teaching and learning material required to help deliver them, and subsequently on their availability in advance of first teaching. Schools have also expressed concerns around the cost and timely availability of bilingual resources.
- 3.22 We are committed to publishing the specifications for these qualifications a year in advance of first teaching to give schools sufficient time to prepare for the new qualifications.
- 3.23 We are also actively working with WJEC and Welsh Government to plan for and secure timely, effective, and bilingual professional learning for teachers, as well as teaching and learning materials. Welsh Government has committed to leading on this important area of work.
- 3.24 We also note the Welsh Government's recently announced plans to set up a bilingual educational resources company¹⁵. This new venture will ensure a range of Welsh and bilingual language resources are available to support Curriculum for Wales and is expected to be fully operational from 1 April 2023.

Centre-readiness and Change Management

- 3.25 Introducing new qualifications with more flexible content and optionality will have an impact on schools' readiness to deliver new courses of learning. Introducing new subjects as GCSEs (including Dance, Social Studies and Film and Digital Media) will also impact on schools' capacity and readiness to teach these new subjects. Schools will need to familiarise themselves with new content, assessments, and guidance from the awarding body, and to communicate these changes to their teaching staff.
- 3.26 Change management remains critical to successful reform. For new subjects and those where substantive change is proposed, significant change management will be required to ensure that schools understand and can plan for the changes they need to make. Clear advice and professional learning opportunities will need to be available in sufficient time in advance of first teaching.

¹⁵ <https://gov.wales/bilingual-educational-resources-company-be-created-wales-wales>

- 3.27 We believe that our proposed approach to delivering reformed qualifications to support Curriculum for Wales (for further information, please see GCSE Reforms Explained) will assist schools in terms of their ability to manage the transition to the new qualification specifications.
- 3.28 We will continue to work with awarding bodies and Welsh Government to explain the changes and provide support to schools, colleges, and other stakeholders. We will also require awarding bodies, when developing these qualifications, to ensure that schools are well-prepared for delivery.
- 3.29 As noted above, Welsh Government will lead on the work of securing sufficient and timely bilingual supporting materials and professional learning to support the introduction of new qualifications.
- 3.30 We are also discussing the necessary change management activities with WJEC as part of our regular co-ordination meetings. This includes the need for information and training to be provided to centres about the new qualifications, and how they should be delivered. Plans are also in place to ensure that the cumulative impacts of qualification proposals are discussed with wider stakeholders as part of continued change management activities.

Setting and maintaining standards for GCSEs

- 3.31 Increased divergence from GCSEs in other jurisdictions in terms of structure, content challenge, methods of assessment and the balance of exam assessment versus other forms of assessment will have an impact on our standard setting processes and how we monitor them.
- 3.32 The increased variety in assessment arrangements across the suite of new GCSE qualifications could impact on the resource required to monitor and oversee processes to award grades.
- 3.33 The current suite of GCSEs has much in common with GCSEs in other jurisdictions (in terms of structure, content challenge and methods of assessment), so we have aimed for comparable levels of attainment. The proposals for new GCSEs raise potential impact on comparability with the following:
- Existing Approved GCSEs in Wales, including in particular, in the same subjects
 - Across the subjects within the suite of new Approved, made-for-Wales GCSEs,
 - And in comparison to GCSEs in other jurisdictions.

3.34 There is also a potential impact on reliability of outcomes. If reliability is reduced then it might be the case that there is limited comparability in terms of attainment, even within the same qualification, within Wales. It could also have an impact on:

- Progression routes available to learners in Wales, including post 16
- And public confidence in the qualifications.

3.35 Prior to consultation, we undertook a detailed review of the design proposals for each qualification and considered the extent to which the proposals were sufficiently coherent. Where there are clear variations between subjects within the suite of new, made-for-Wales GCSEs, a clear rationale is provided within each relevant design proposal.

3.36 We have held initial discussions with Welsh Government to clarify expectations for standards in national qualifications. We will continue to work closely with Welsh Government officials and WJEC over coming months to establish clear policy positions on key parameters that will affect the design of new qualifications, including expectations for the comparability and portability of new GCSEs, and the role qualification outcomes will play within future school evaluation, improvement, and accountability arrangements.

3.37 We will confirm the levels of control required for different forms of assessment in advance of finalising Approval Criteria for each qualification by May 2023.

Post-16 progression and resits

3.38 We heard from stakeholders during the last consultation that combining subjects to create larger, integrated GCSEs could potentially impact on resits for post-16 learners. Issues raised included timetabling and teaching in FE colleges, and that additional teaching time spent preparing learners for resitting a larger qualification may mean less time for other subjects, which could affect learner progression to Higher Education (HE).

3.39 Others raised concerns about HEIs' perceptions relating to increased divergence from England (e.g. the increase in NEA and the implicit assumption that this will result in less control over reliability), and the potential for this to have a negative impact on learners applying to more selective HE courses, where the admissions process includes looking at applicants' GCSE results. These concerns have continued to be raised during the co-construction period.

3.40 As part of co-construction, the relevant groups and networks have considered ways of mitigating adverse impacts on those post-16 learners who may need to re-sit.

However, given that one of the main purposes of GCSEs will be to support 14-16 curriculum learning, there are limitations to what can be done.

- 3.41 While we are not ultimately responsible for setting policy on the qualifications required at post-16, initial discussions on this matter have been held with Welsh Government and other stakeholders, and we will continue to look at the choice of qualifications available to post-16 learners. A greater emphasis on essential or similar skills may also be more appropriate for many learners.
- 3.42 We are also exploring what regulatory requirements or rules should be put in place in relation to resits for new, made-for-Wales GCSE qualifications. These rules could, for example, allow learners to carry forward their marks for non-examination components—something that already happens for some GCSEs, such as the speaking and listening component for GCSE English Language. We will continue to progress this work before finalising the design of these qualifications.
- 3.43 New GCSEs will be designed to support successful post-16 progression. We have heard concerns from some stakeholders that the new, combined GCSE The Sciences (Double Award) may not give learners enough information about their relative performance in individual science disciplines to progress successfully on to post-16 learning.
- 3.44 Through the co-construction process, we have explored whether progression to A level science subjects could be facilitated by sub-reporting attainment within the GCSE qualification at an individual discipline level. This approach was favoured by the relevant subject-level working group (SLWG) and we are exploring the feasibility of such an approach as part of this consultation.
- 3.45 We are also aware that the introduction of GCSEs in new subjects such as Digital Film and Media and Social Studies may highlight gaps potential gaps in current post-16 provision. More generally, reforms to GCSEs and other 14-16 qualifications to support Curriculum for Wales will have implications for post-16 qualifications, including AS and A-levels. We will explore and consider the extent of those implications as part of our wider post-16 reform programme over the coming years.

Qualification Size

- 3.46 The design proposals included in this consultation state clearly that each specification must include content that is deliverable within a defined range of guided learning hours. A table outlining the proposed ranges for each type of award is provided below:

| Qualification | Guided Learning Hours (GLH) |
|---------------------------------------|------------------------------------|
| GCSE Single Award e.g. Art and Design | 120-140 |
| GCSE Cymraeg Language and Literature | |

| | |
|---|---------|
| GCSE English Language and Literature GCSE Mathematics and Numeracy | 180-200 |
| GCSE Double Award e.g. The Sciences | 240-280 |

- 3.47 We know that some stakeholders continue to have concerns around the proposed size of some of these qualifications (for example the new combined language and literature GCSEs in Welsh and English, and the new combined Mathematics and Numeracy GCSE) and the potential negative impact it may have in terms of schools potentially allocating less time than is currently spend teaching these qualifications and subjects.
- 3.48 While we believe the likelihood of this potential impact materialising to be relatively low, the detailed design proposals for each qualification include direction on Guided Learning Hours (GLH). This will assist schools in making appropriate timetabling and staffing decisions. And it will help respondents to give informed views on whether the proposed content is appropriate.
- 3.49 Some competitive HE courses use 'tariffs' for GCSE results, looking at things like top 8 grades etc. We are aware of concerns that have been raised during co-construction that the new integrated GCSEs in Cymraeg, English and Mathematics will simply be treated as single-award GCSEs by FE, HE and employers, and that learners in Wales may be placed at a disadvantage in relation to their peers in other jurisdictions if these bigger GCSEs only count as a single grade. It is worth noting here that there is already a precedent for larger, single-award GCSEs in England. The current GCSE Mathematics (9-1) qualification offered in England is widely recognised as taking longer to deliver and covering more content than other single-award GCSEs.
- 3.50 Through this consultation we are inviting views on the proposed size of these new qualifications. In finalising their design requirements, we will continue to explore whether further steps should be taken to reduce the risk of learners in Wales being disadvantaged, including whether the grading of these qualifications could help to reflect their increased size and content.

4 Equality Impact Assessment (including Socio-economic considerations)

- 4.1 As a public body, we have a duty under the Equality Act 2010 to have due regard to the need to:
- (i) Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Act
 - (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (iii) And foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The purpose of this assessment is to identify whether the design proposals are likely to have any impact (positive or negative) or differing effects on different groups who share one or more of the protected characteristics identified by the Act. In undertaking this assessment, we have not only considered the potential impacts from an individual equalities perspective, but also the impact of intersectionality.
- 4.3 We recognise the importance of ensuring that regulated qualifications do not unfairly discriminate against or prejudice learners with particular protected characteristics. Assessments should be fair for all learners.
- 4.4 Our Standard Conditions of Recognition require awarding bodies to remove factors which may disproportionately affect learners who share protected characteristics during the design of assessments. We also require awarding bodies to make reasonable adjustments to the assessment process to meet the needs of learners with disabilities¹⁶.
- 4.5 We expect all these requirements to be met when the qualifications are being developed in line with our Approval Criteria, and subsequently through our regulatory framework. We will embed equality considerations into the regulatory framework, and as we determine whether to approve each qualification. We propose requiring awarding bodies to seek the views of equality groups, and to take these and other equality considerations into account when they develop the specification for each qualification.
- 4.6 In setting and publishing Approval Criteria for new, made-for-Wales GCSEs and other related qualifications, we want to understand the possible impacts of the proposals on persons who share a protected characteristic. Awarding bodies must meet the requirements of these Approval Criteria when developing new qualifications.

¹⁶ See, for example, our [Standard Conditions of Recognition](#) (B1.3(e), D2.1, E4.2(d), G2.2, G3.4, G6 and G7).

- 4.7 The proposals in this consultation are unlikely to have relevance for all persons who share a protected characteristic. For example, they are unlikely to have adverse impacts on learners who are married or who have a particular sexual orientation, simply by them having that particular characteristic. Similarly, some of the proposals may have relevance for some protected groups but not for others.
- 4.8 We have, however, considered the potential impact of the proposals on learners who share protected characteristics, and we want to explore this further as part of this consultation.
- 4.9 We discuss some of the impacts which we have ourselves identified, and those which have been raised and discussed as part of the co-construction process. Our consideration of the equality impacts of the proposals is ongoing and we intend through this consultation to increase our understanding of these impacts to inform our eventual decisions about the design of these new GCSEs and related qualifications.
- 4.10 We encourage everyone who responds to this consultation to consider the potential equality effects of the proposals and to share with us any relevant information or evidence they may have.

Equality, Diversity, Inclusivity and Accessibility

- 4.11 Ensuring that equality and diversity issues are incorporated effectively and meaningfully into the design of the new range of qualifications has been, and will continue to be, a key consideration in our work. Feedback received as part of this consultation will inform the next phase of co-construction including how relevant cross-cutting themes (such as human rights education and diversity, *cynefin*, and local, national, and international contexts) have been, and can be incorporated effectively and meaningfully within the design of each qualification.
- 4.12 The extent to which we can incorporate these cross-cutting themes effectively and meaningfully will vary in different subjects across the GCSE suite.
- 4.13 Professor Charlotte Williams OBE (“Professor Williams”) and her Black, Asian and Minority Ethnic Communities, Contributions and *Cynefin* in the New Curriculum Working Group carried out an independent review for Welsh Government. As part of this review, they advised on the teaching of themes and experiences related to Black, Asian, and Minority Ethnic communities across the curriculum.

4.14 The final report, published in March 2021, made two recommendations for Qualifications Wales¹⁷:

Recommendation 47: Qualifications Wales should consider appropriate ways to support diversity within qualification design as it engages with stakeholders on subject content and design parameters of made for Wales GCSEs.

Recommendation 48: Qualifications Wales should work closely with awarding bodies to ensure that, where appropriate, specifications for made for Wales qualifications reflect education for diversity.

4.15 In April 2022, we requested that Professor Williams, a member of our Academic Advisory Group and the Welsh Government’s New Curriculum Working Group, to provide further support and advice on:

- How diversity could be taught and assessed across different subjects in the new made-for-Wales GCSEs
- How to ensure that education for diversity is reflected within the design of new qualifications
- Any additional matters or steps we should take to ensure that the new made of Wales GCSEs and other qualifications developed by awarding bodies reflect education for diversity.

4.16 The following points were highlighted as areas for us to consider and address in our design proposals:

- The importance of language use when engaging with these matters, and being clear on what we mean by diversity.
- The need for a clearer overarching narrative (and approach) that applies to all new, made-for-Wales qualifications, and to each design proposal that covers relevant cross-cutting themes.
- In relation to high-level content proposals, to be conscious of deficit mindsets (relating to lack of teacher training for example) and the default position of ‘non-discrimination’ rather than promoting equality. And that disciplinary defaults can often be ‘colourblind and Eurocentric’.
- How the *cynefin* concept can be used to promote inclusivity and the need to focus on linking proposed content to *cynefin*.
- The need to look at intersectionality in a systematic way across all AoLEs.
- And the importance of moving beyond the belief that diversity is a sensitive subject.

¹⁷ <https://gov.wales/sites/default/files/publications/2021-03/black-asian-minority-ethnic-communities-contributions-cynefin-new-curriculum-working-group-final-report.pdf>

4.17 In parallel with the consultation, we will take a two-pronged approach to better understand how the new range of qualifications can be designed, developed, and delivered in such a way as to incorporate equality and diversity issues effectively. This will include the following:

(a) A focus group to undertake a critical review from an equality and diversity perspective of the design proposals as consulted on, with a particular focus on subjects in:

- Expressive Arts
- Humanities
- Language, Literacy and Communication.

The outcomes of this work is likely to focus more on content proposals than the assessment.

(b) A broader research piece to look at what inclusive qualifications mean. This research will extend beyond content and will consider assessment (including issues around accessibility, minimising bias, fairness, standards etc), whilst comparing the international perspective, similar curriculum frameworks and relevant legislation. This will also cover how the qualification system interacts with the wider education system. This work will explore

- How to ensure that awarding bodies build in sufficient consideration of equality and diversity within the qualification development process.
- Good practice within existing qualifications in relation to equality and diversity:
 - minimising bias, access arrangements etc;
 - how some awarding bodies have attempted to diversify their qualifications.
- Lessons from other assessment and qualification systems.
- How to embed equality and diversity meaningfully and authentically in qualification design while avoiding tokenism, over-prescription, or unduly changing the focus of the qualification.

4.18 Outputs from this work will be used to inform further work on design requirements in early 2023 alongside consultation feedback.

Forms of Assessment

4.19 Historically there have been assertions that girls typically perform less well than boys in exams, and better than boys in NEA. Although there is a lack of conclusive evidence to support this position, some respondents may see the shift towards more NEA in the proposals in this consultation as having a potentially negative impact for boys and a positive one for girls.

4.20 Professor Janette Elwood in her 2005 publication, 'Gender and Achievement: What Have Exams Got to Do With It?'¹⁸ suggested that the differences between the results for girls and boys obscured the proportions of girls and boys being entered for different exams and individual performance variations. She concluded that '...the actual influence of coursework in contributing to girls' and boys' success is quite different to its perceived influence as understood by examiners, teachers, and learners.'

4.21 Ofqual's literature review, '*Systematic divergence between teacher and test-based assessment*'¹⁹, published in May 2021, noted the following:

With respect to teacher assessment, evidence of teacher bias in relation to gender is mixed, but a slight bias in favour of girls (or against boys) is a common finding. Evidence in relation to ethnicity is also mixed: there are findings of bias against as well as in favour of each minority group (relative to the majority group) and findings of no bias. Evidence on disadvantage and special educational needs (SEN) is less mixed, with bias against the more disadvantaged (or in favour of the less disadvantaged) and bias against pupils with SEN (or in favour of those without) being common findings.

4.22 The studies noted above demonstrates that this bias is quite subtle, is relative to test outcomes and that not all sources of evidence are directly comparable to the quality-controlled nature of GCSE assessments. The inclusion of robust moderation arrangements in GCSEs is likely to reduce and biasing effects of subjectivity.

4.23 It is also unclear what the impact of increasing the amount of NEA might be on attainment gaps by gender. For example, in GCSE English Language and Literature where an increase in NEA is one of many changes being proposed to its design, including the combining of language and literature.

4.24 Responses to consultations relating to GCSE reforms in other jurisdictions across the UK have raised that learners who do not perform well in exams will be disadvantaged if they cannot compensate for poor exam performance by a stronger performance in NEA or other forms of assessment. Stakeholders may have similar concerns around our proposal for GCSE Mathematics and Numeracy to be assessed entirely by external exam.

4.25 There are a wide range of reasons why a learner might not perform well in an exam, for example they may find the exam experience stressful, they may experience fatigue because of a disability or because they are fasting, or their performance may be adversely affected by hay fever.

¹⁸ Elwood, J (2005) 'Gender and Achievement: What Have Exams Got to Do With It?'

¹⁹ <https://www.gov.uk/government/publications/systematic-divergence-between-teacher-and-test-based-assessment>

- 4.26 The opportunity to re-take a GCSEs in Mathematics and Numeracy during any future November series would reduce the negative impact on learners' opportunities to progress, although not remove them altogether.
- 4.27 Similar concerns have been raised previously in relation to learners who do not live in stable environments conducive to study and revise, for example asylum seekers who are not in settled accommodation, and that they could be disadvantaged if most assessment is by way of exams. A greater balance between NEA and exams will enable learners who cannot prepare effectively for exams other opportunities to compensate for this.
- 4.28 An increase in NEA which is internally marked by schools may increase opportunities for groups who share protected characteristics to be put at a disadvantage by subconscious assumptions about their performance.
- 4.29 Our proposals for the Humanities AoLE will provide greater opportunities to embed Black, Asian, and Minority Ethnic perspectives throughout all the subjects. This will help to support better representation and diversity, as well as promoting ethical and informed learners.
- 4.30 We have commissioned additional specialist advice to further explore how the issues of human rights and diversity, as well as social equity issues can be embedded within the new GCSE Social Studies qualification. More generally, we are continuing to work with Professor Williams on how qualification design requirements can help support the findings of her work that considered how themes relating to Black, Asian and minority ethnic communities and experiences can be embedded and taught across all parts of the school curriculum (*please see our Equality, Diversity, Inclusivity and Accessibility section above*).
- 4.31 In respect of GCSE Geography, we note that certain types of fieldwork could impact on learners with particular characteristics such as visually impaired learners or learners with physical disabilities who may not be able to access the chosen site of the fieldwork. Learners with long-term illnesses and Gypsy/Roma/Irish Traveller learners may also not be in school when the fieldwork takes place.
- 4.32 In previous qualification reforms concerns have been raised that learners who do not live in stable environments conducive to study, for example asylum seekers²⁰ who are not in settled accommodation, could be disadvantaged if most assessment is by way of exams. It has been argued that NEA enables learners who cannot revise satisfactorily for exams to gain valuable marks to compensate for their exam performance. An

²⁰ In this context, asylum seeking status is a proxy for national origin and hence racial group, a protected characteristic under the Equality Act 2010.

increase in the amount of, and weighting of NEA across the range of GCSEs will have a positive impact on such learners.

- 4.33 A model in which learners are required to undertake assessments at many points throughout a two-year course can also provide challenges for learners whose schooling and home lives may be disrupted. Such disadvantages are not determined by learners' protected characteristics, however, as they can affect learners from all backgrounds and with a range of protected characteristics. It is therefore important to note that qualification design cannot address inequalities in society and in educational opportunity generally.

Timings of Assessment

- 4.34 We have identified a number of equality-related issues in relation to the proposed timings of assessment.
- 4.35 Historically, concerns have been expressed about the impact on particular groups of learners being assessed in one concentrated period in the summer months and of being assessed predominantly by way of exam. A concentrated exam period could have a greater impact on the overall attainment of learners who are fasting during their exams, for example Muslim learners who fast during Ramadan. Our proposal to increase the amount of, and weighting of NEA may benefit such groups of learners.
- 4.36 However, proposals for learners to take assessments throughout their course, rather than at the end, may negatively impact some learners. For example, a Gypsy/Roma/Irish Traveller learner may potentially miss some assessments due to moving location and school through the year.
- 4.37 We have also considered whether the proposed timings of assessment would adversely affect learners who were pregnant or had recently given birth or who were undergoing or had undergone gender reassignment. We acknowledge that some learners will be disadvantaged at whatever time assessments are taken. We did not identify any adverse impacts of the proposals on the basis of the gender or the sexual orientation of the learner.
- 4.38 Traditionally GCSE assessments have been designed either as linear qualifications, where all assessment is taken at the end of the course, or modular/unitised qualifications where the content is broken up into discrete units or modules. With this approach there is the opportunity for some units or modules to be assessed at defined points during the course, rather than having all assessment at the end.
- 4.39 In our qualification design proposals, we have not taken a one size fits all approach to the structuring and timing of assessments. The option taken within each subject has

been based upon careful consideration of the proposed subject content based on the Curriculum for Wales Guidance.

- 4.40 For example, in subjects where there are distinct topics with non-overlapping content a more staged approach to assessment might be more appropriate where assessments are staggered over the duration of the 2-year course. In other cases where the subject matter naturally spirals, meaning that the same topics and concepts are revisited in greater depth and sophistication during the course, it may be more appropriate to have all or the majority of the assessment at the end when learners are more mature and have had more opportunity to master key concepts and skills.
- 4.41 As many subjects within the new suite of GCSEs have a proportion of assessment that is not a timed exam this also impacts upon the timings of assessment. For example, in subjects with projects or portfolios these may take a sizable amount of time to complete. In these cases, it would not be feasible to expect such tasks to all be undertaken during the final term of Year 11.
- 4.42 Linked to this an important distinction needs to be made between when an assessment task such as a project or performance is completed and when it is submitted to the awarding body to be marked or moderated. It is likely that in many cases there will need be a set time that the assessment task is required to be submitted to the awarding body. Despite this there may be flexibility in when the assessment task itself is completed by the learner.
- 4.43 For more on the specific details of the forms and timings of assessment for each subject please read the individual subject design proposals.

Tiering

- 4.44 With the exception of GCSE Maths-Numeracy and GCSE The Sciences (Double Award), we propose that all new, made-for-Wales qualifications should be un-tiered.
- 4.45 In an un-tiered qualification teachers do not have to take decisions about the tier for which an individual learner should be entered. This addresses the concerns that have been identified by some researchers that some teachers can underestimate a learner's potential to achieve the higher grades and that such underestimation is more likely to occur for learners from certain racial groups²¹ and, in mathematics and science, for girls²². The potential impact of teacher expectation is also indicated by Hamer et al in their suggestion that the decision to enter learners in different tiers is influenced by

²¹ Wilkin, A, C Derrington, R White, K Martin, B Foster, K Kinder and S Rutt (2010) Improving the outcomes for Gypsy, Roma and Traveller pupils: final report and literature review, Research Report DFE-RR043: -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/181669/DFE-RR043.pdf

²² Elwood, J (2005) 'Gender and Achievement: What Have Exams Got to Do With It?'

“factors such as socio-economic status”²³. Our proposal that GCSEs in most subjects should be un-tiered would address these concerns. Our proposal to allow an awarding body to determine whether learners can be entered for mixed tiers across all assessments in GCSE The Sciences (Double Award) will also go some way to mitigate the risk in that subject.

- 4.46 In terms of our proposal for GCSE Mathematics and Numeracy, there are clear merits to both a 2 and 3 tier system. However, we acknowledge that both options have varying impacts on affected groups with different considerations needed on reliability. The merits of both a two-tier and three-tier model are discussed in the design proposal for GCSE Mathematics and Numeracy, and we are seeking views on whether the new GCSE should contain two or three tiers.
- 4.47 Our proposal that new GCSEs in Mathematics and Numeracy and The Sciences should continue to be tiered will not remove any existing concerns that a learner who had the potential to achieve at the highest grades could be entered for the lower tier. However, the mixed tiering approach proposed in GCSE The Sciences (Double Award) will give learners flexible options to be entered for different tiers for different assessments. This should allow learners to achieve their full potential.
- 4.48 Overall, limiting the use of tiering within the new range of GCSEs may have positive consequences for persons sharing a protected characteristic. In un-tiered qualifications, all learners have the opportunity to access higher grades.
- 4.49 We are aware of concerns previously expressed regarding the possible length of common (un-tiered) assessment papers and the risk that some learners, including those with certain disabilities, may feel overwhelmed when faced with questions they cannot answer.
- 4.50 This concern may also apply to learners who do not share this protected characteristic; however, this may be mitigated by the continuing availability of reasonable adjustments for disabled learners who require them, such as additional time and rest breaks. In any event, where the subject content would give rise to a situation in which an un-tiered exam would present significant challenges in terms of testing what the highest and lowest attaining learners know, understand, and can do simultaneously, fairly, and reliably, we propose that tiering should be used.

Sub-reporting

²³ Hamer, J, R Murphy, T Mitchell, A Grant and J Smith (2013) English Baccalaureate Certificate (EBC) Proposals: Examining With and Without Tiers, Alpha Plus in Caplan, A and J Jackson (2013) Ofqual GCSE Reform Equality Analysis: Literature Review.

- 4.51 In our design proposal for GCSE The Sciences (Double Award), we have identified two options for how the 3 external exams could be structured. These are as follows:
- **Option 1:** Separate biology, chemistry and physics exams are taken by learners at the end of year 11.
 - **Option 2:** Three exams, each one featuring a mix of biology, chemistry, and physics content, are taken across years 10 and 11.
- 4.52 One of the advantages of the first option (separate biology, chemistry and physics exams are taken by learners at the end of year 11) is that it would allow reliable sub-reporting on learners' achievements in each science discipline alongside an overall grade for the qualification. We have not identified that this proposed option of sub-reporting on learner performance would have a negative impact associated with a learner's race, gender, age, religion or belief, pregnancy or maternity or sexual orientation or as a result of gender reassignment.

Qualification size and period of study

- 4.53 Our proposal is that the usual time that it takes to complete one of the reformed GCSEs will be the same as, or similar to, the time it takes to complete one of the current GCSEs.
- 4.54 As we are proposing no change here, we have identified no adverse impact on persons with protected characteristics arising from our proposal. We use the concept of the time it takes to complete a qualification as an indicative measure of a qualification's size. Our proposal does not mean that learners will be required to take assessments for a reformed GCSE after studying it for a particular length of time. Some learners, including those who share a protected characteristic, may, of course, decide or need to study a course for a longer period before taking assessments.

Access to equipment and resources

- 4.55 A lack of access to equipment and resources may have, along with the potential absence of support needed to use these resources, have an impact on some learners. This may impact disabled learners to a greater extent, who may rely on additional support as part of their normal way of working. A lack of access to equipment and resources could also lead to an inequitable offer across schools.
- 4.56 We cannot, through our regulation, ensure that learners have access to the necessary equipment. However, we do set requirements on awarding bodies to ensure that assessments are fit for purpose and can be delivered. Awarding bodies must also ensure that in designing qualifications, it minimises bias as far as is possible to ensure

that an assessment does not produce unreasonably adverse outcomes for learners who share a protected characteristic. We monitor awarding bodies to ensure they meet our requirements.

Socio-economic considerations

- 4.57 While not subject to the socio-economic duty, we do have a responsibility to prevent inequalities from worsening through our design proposals and resulting approval criteria. We have approached this by discussing inequalities and fair access by design considerations throughout the co-construction process.
- 4.58 For example, in relation to GCSE Music within the Expressive Arts AoLE, we believe that our proposal to remove the requirement for ensemble performance will make it easier for digital performers to access the qualification. Including digital technology as a required experience, with supporting equipment requirements, will also improve access to digital technology for Music in schools. This is likely to support socio-economically disadvantaged learners.
- 4.59 However, an increase in the use of digital technology across qualifications could have a potential negative socio-economic impact on learners who have less access to equipment, software, or the internet when they are not in school. Where relevant, we will require awarding bodies, when designing the qualifications, to set out a baseline or minimum requirement which should allow maximum accessibility for learners regardless of their home circumstances.
- 4.60 We are aware that the performance gap between those who can access private lessons and those who cannot is likely to exist, particularly in relation to NEA assessment and performance skills. Our proposals in GCSE Music for example are likely to reduce, but not eliminate this gap.
- 4.61 However, we note the recently published research from the Educational Policy Institute (EPI), looking into the impact of educational inequalities across England and Wales. The research analyses the attainment gap by socio-economic status over time, covering a period which encompasses both the legacy GCSEs and the current GCSE qualifications available to learners in Wales (the legacy GCSEs included a greater amount of NEA than the current GCSE specifications). The research shows that the attainment gap has hardly changed over time, suggesting that qualification reform has a marginal influence on the attainment gap by socio-economic status.
- 4.62 We have also explored how the change management workstream and wider policy landscape might prevent existing challenges from worsening. The Welsh Government's commitment to develop a National Music Service provides important context for the proposal to assess and reward musical performance in a particular way at GCSE.

- 4.63 We believe that widening access to instruments and instrumental / vocal tuition for learners from less advantaged socio-economic backgrounds supports our work, by preventing an existing inequality (that Qualifications Wales does not have direct control over) from widening.
- 4.64 Similarly, we heard concerns raised within the Humanities AoLE in respect of support and access to devices that could affect fairness in NEA. We have already begun change management discussions with Welsh Government and will continue to do so as the design of these qualifications are finalised and as WJEC begin to develop them in line with our Approval Criteria.

5 Welsh language Impact Assessment

- 5.1 The 1993 Welsh Language Act established the requirement for public sector bodies to prepare Welsh Language Schemes and deliver Welsh-language services. This was followed in 2011 with the introduction of the Welsh Language (Wales) Measure²⁴.
- 5.2 This Measure gave the Welsh language official status in Wales and introduced duties on bodies to use the Welsh language as described in the Welsh Language Standards. It also introduced the principle that Welsh must be treated no less favourably than English.
- 5.3 In considering what is appropriate for the purpose of achieving our principal aims, we must have regard to the desirability of promoting and facilitating the use of the Welsh language, (including through the availability of assessment through the medium of the Welsh language) and of qualifications that otherwise promote or facilitate the use of the Welsh language.
- 5.4 In line with our Welsh Language Scheme and commitment to the Welsh language, we assess the potential impact (both positive and negative) of our regulatory decisions on the Welsh language.
- 5.5 We believe that the proposals across the range of made-for-Wales GCSEs and other related qualifications will have a positive impact on the Welsh language. As previously stated, ensuring that all these qualifications (other than English and Welsh language qualifications) are available bilingually will support Welsh Government's Welsh language strategy 'Cymraeg 2050'.
- 5.6 Creating a new, additional Welsh language qualification for learners in English-medium settings will support those learners to make the best progress they can along the Welsh language continuum. We will also have new GCSE subjects available through the medium of Welsh for the first time, including GCSE Dance and Digital and Film Media.
- 5.7 We are also of the view that our proposals will allow for opportunities for learners to appreciate and encourage Welsh language and bilingualism, and to develop a sense of belonging in their local community, a Welsh identity and global citizenship, supporting the broader aims of Curriculum for Wales. This is particularly true in our design proposals for subjects within the Humanities and Languages, Literacy and Communication AoLEs.
- 5.8 Failing to ensure Welsh medium supporting resources, and their availability at the same time as English medium resources, would have a negative impact on Welsh-medium centres and their learners. To mitigate this potential impact, we are actively

²⁴ <https://www.legislation.gov.uk/mwa/2011/1/contents/enacted>

working with WJEC and Welsh Government to secure timely, effective, and bilingual training and professional development, as well as teaching and learning materials, to support schools in the introduction of the new qualifications. We are also committed to publishing the qualification specifications for these qualifications a year in advance of first teaching to give schools sufficient time to prepare for the new qualifications. You can read more about the timeline for these reforms here.

- 5.9 We are aware that there are continued concerns regarding the availability of Welsh teachers to deliver some of the qualifications through the medium of Welsh, particularly in new subjects such as Dance and Social Studies. As we have previously stated, increasing, and improving the education and training workforce that can teach Welsh and teach through the medium of Welsh is a matter for the Welsh Government and is a key aim in their Cymraeg 2050 strategy, and accompanying Welsh in education workforce plan²⁵.

²⁵ <https://gov.wales/sites/default/files/publications/2022-05/welsh-in-education-workforce-plan.pdf>

6 Wellbeing of Future Generations (Wales) Act 2015

- 6.1 Although we are not currently subject to the Well-being of Future Generations (Wales) Act 2015 (“WFG Act”), we consider that our role supports its purpose and that its requirements are compatible with how we work. We have therefore voluntarily chosen to adopt its provisions to underpin how we deliver our functions.
- 6.2 We have therefore set out to maximise our contribution to the seven well-being goals and to set and publish supporting objectives. These are as follows:
1. **Supporting Employers** - We will align our strategies for vocational and general qualifications to the future skills needs of Wales. Through vocational sector reviews, we will ensure that qualifications support the development of the knowledge and skills employers in Wales require – both now and in the future.
 2. **Qualifications Content** - Where we commission or introduce new qualifications, we will consider whether there is benefit in encouraging awarding bodies to incorporate knowledge and understanding of sustainable development.
 3. **Supporting our workforce** - We will provide a working environment, and support a culture, that encourages healthy staff lifestyles and long-term well-being.
 4. **Collaboration** - We will work with partners across the public sector both to support the qualification system and to make use of opportunities for greater efficiency or effectiveness.
- 6.3 In co-constructing the design proposals for a range of new, made-for-Wales GCSEs and other related qualifications, we have demonstrated our commitment to the sustainable development principle through the five ways of working - working with other public bodies and stakeholders through integration, involvement, and collaboration, and taking a long-term and preventative approach.
- 6.4 Our work to reform qualifications for 14-16-year-olds follows on from Welsh Government’s decision to introduce Curriculum for Wales. As part of our reform work, we have collaborated closely with Welsh Government to ensure that the new qualifications support the implementation of the new curriculum, which aims to connect and contribute to our goals as a nation, set out in the Well-being of Future Generations (Wales) Act 2015.
- 6.5 Reforming qualifications for 14-16-year-olds to ensure that they relate to, and support Curriculum for Wales will make them fit for the future. We believe this will help contribute to the ‘prosperous Wales’ goal, which includes reference to a ‘skilled and well-educated population’.

- 6.6 In terms of high-level content, we promote a healthier (both physically and mentally), more equal society, with vibrant culture, a thriving language, and cohesive communities at the heart of our proposals. Our high-level content proposals also reflect the “more resilient Wales” and “globally responsible Wales” goals, in particular within the Geography and Social Studies GCSEs.
- 6.7 We have also sought to ensure that the content of qualifications, where relevant, incorporates knowledge and understanding of sustainable development²⁶ – a principle which is at the heart of meeting the duty of the WFG Act. This is particularly the case in subjects within the Health and Wellbeing, Humanities and Science and Technology AoLEs.
- 6.8 Building a consensus and developing a common understanding as to how new GCSEs need to be shaped to align to Curriculum for Wales will be critical to the success of this reform agenda. We believe that putting educational professionals and other key stakeholders at the centre of the development process through our approach of co-construction will go a long way to achieving this.
- 6.9 In taking this collaborative co-construction approach, we have worked with learners, teachers, further education, and higher education institutions, as well as other stakeholders with an interest in this work. Our groups and networks included representatives from different parts of Wales and beyond. We believe this clearly demonstrates our commitment to the ‘involvement’ way of working in the WFG Act.
- 6.10 Our subject-level working groups sought to balance the need for currency of qualification content, with the need to future proof qualifications so they remain relevant in areas of study that are evolving rapidly in a digital world. This is a clear example of thinking long-term – looking at future trends and working in a way that is preventative and integrated, to ensure as far as possible that the qualifications are designed in a way that is fit for the future.
- 6.11 This has influenced our decision to reduce prescription and set out requirements at a high-level. This approach will ensure that the new qualifications not only meet the needs of current learners, but that we do not prevent awarding bodies from making changes in future to meet the evolving needs of learners and other stakeholders.
- 6.12 We have a responsibility to prevent inequalities from worsening through the way we design the subject design proposals and resulting approval criteria. We have approached this by discussing inequalities and fair access by design considerations throughout the co-construction process. We have also explored how the change

²⁶ In this Act, any reference to a public body doing something “in accordance with the sustainable development principle” means that the body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

management workstream and wider educational landscape might prevent existing inequalities from worsening.

7 Children's Rights

Context

- 7.1 Children's rights are already enshrined in Welsh law under Rights of Children and Young Persons (Wales) Measure 2011 - underlining Wales' commitment to children's rights and the United Nations Convention on the Rights of the Child (UNCRC).
- 7.2 The Measure places a duty on Welsh Ministers ("Ministers") to have due regard to the UNCRC when developing or reviewing legislation and policy. The measure also makes Ministers responsible for ensuring that people in Wales know about, understand, and respect the rights of children and young people as outlined in Article 42 of the UNCRC.
- 7.3 While we are not subject to the duties outlined in this Measure, as a key organisation in the education sector in Wales, we are committed to taking appropriate steps to secure better or further effect the requirements of the UNCRC, and to ensure that children and young people's rights are recognised.
- 7.4 This reflects our principal aims as set out in legislation²⁷, which is ensuring that qualifications, and the Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales and promoting public confidence.
- 7.5 In developing the design proposals presented in this consultation through co-construction, we have taken into account the United Nations Convention on the Rights of the Child (UNCRC), and in particular the 'The Right Way: A children's rights approach in Wales' framework²⁸. For example, we have considered the extent to which the design of each qualification can:
- include content that reflects the skills, knowledge, and experiences that learners will gain from studying the Curriculum for Wales;
 - can be more flexible in terms of content to help schools design their own curricula and meet the needs of their learners, and
 - incorporate a more balanced mix of assessment methods, with less emphasis on exams and more opportunities for learners to be assessed during their course of study.

We have also considered the potential impact of any decision on learner wellbeing.

- 7.6 The Office of the Children's Commissioner for Wales was represented at our Stakeholder Reference Group. They hosted an internal seminar on the Children's Rights

²⁷ <https://www.legislation.gov.uk/anaw/2015/5/contents/enacted>

²⁸ <https://www.childcomwales.org.uk/resources/childrens-rights-approach/right-way-childrens-rights-approach-wales/>

Approach in Wales and have provided useful feedback and challenge during the co-construction process. We would like to take the opportunity to thank them for their valuable input and support.

Curriculum for Wales and Our Approach to Reform

- 7.7 The aspiration, at the heart of the Curriculum for Wales, is for learners in Wales through their school curriculum to become:
- ambitious, capable learners, ready to learn throughout their lives
 - enterprising, creative contributors, ready to play a full part in life and work
 - ethical, informed citizens of Wales and the world
 - healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

The Curriculum for Wales Framework describes these as the Four Purposes²⁹.

- 7.8 The principles of the UNCRC informed the development of the Four Purposes and each of the Four Purposes enables learners to experience their human rights. These purposes are described through key characteristics contributing to developing ethical informed citizens who 'understand and exercise their human and democratic responsibilities and rights' and 'respect the needs and rights of others, as a member of a diverse society'.
- 7.9 From the age of 14 onwards, young people will begin to specialise and make choices. For learners aged 14 to 16, a school must design a curriculum so that, in addition to the mandatory curriculum elements and mandatory cross-curricular skills, it provides:
- choice for learners in the other learning they will undertake, but in such a way that ensures all learners still undertake some learning in each AoLE
 - other elements which the school requires all learners (or some groups of learners) to undertake.
- 7.10 It was therefore important for us to consider how the Four Purposes permeate and underpin the Curriculum, and how this should be reflected in these new qualifications. This included, for example, considering how relevant cross-cutting themes, such as Human rights education and diversity, cynefin³⁰, and local, national, and international contexts could be incorporated effectively and meaningfully within the design of each new qualification.

²⁹ <https://hwb.gov.wales/curriculum-for-wales/designing-your-curriculum/developing-a-vision-for-curriculum-design/#curriculum-design-and-the-four-purposes>

³⁰ The Curriculum for Wales defines Cynefin as the "historic, cultural and social place which has shaped and continues to shape the community which inhabits it."

7.11 Our design proposals for all GCSEs and related qualifications included in this consultation are aimed at supporting the Curriculum for Wales, and to help learners realise these purposes. We also believe that new GCSEs should:

- Offer flexibility and choice to support each school's curriculum and learner preference
- Support learner progression in line with the Curriculum for Wales principles of progression
- Enable learners to progress successfully to post-16 learning and training
- Support positive mental health and well-being
- Promote positive teaching and learning experiences
- Encourage learners to make strong links across their learning
- Include relevant, authentic, and engaging assessment
- Reflect the diversity of learners and the world they live in, and
- Make best use of digital technology.

Article 12 of the UNCRC – Participation and the right to be heard

7.12 The design proposals for new, made-for-Wales GCSEs and other related qualifications will directly affect learners who study the new Curriculum for Wales, which is being introduced this academic year to learners in Year 7 and below.

7.13 This is why we have we have sought to ensure that the learner voice is firmly embedded in our co-construction work, and in doing so, implement Article 12 of the UNCRC which states that 'children have the right to be heard, listened to, and taken seriously in all decisions which will affect them'³¹.

7.14 Learners were invited to give their views and feedback on their experiences of the qualification system and gather their views on what assessments should look like for 14-16-year-olds. To support this:

- Learners were able to provide feedback through an online questionnaire (531 learners responded)
- Focus groups and workshops were held with 860 learners from Key Stages 2 to 5
- And 36 learning providers volunteered to run focus groups and workshops on our behalf.

7.15 We heard a range of thoughts, experiences, and opinions from learners. These included the following:

³¹ https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf

- Concerns around a lack of choice because of a crowded curriculum with too many compulsory subjects taking up the space of GCSEs they would rather choose.
- Learners wanted to see a variety of assessments that would do more than just measure an individual's ability to memorise and recite knowledge.
- Different types of assessments would be needed to appraise a wider range of knowledge and capabilities including analytical and research skills, creative thinking, problem solving, creativity, group working, and practical and performance skills.
- An overriding desire to move away from linear exams to modular assessments - to not have GCSE grades determined by one final set of exams.
- Learners spoke openly about how the exams affected their mental health, painting an honest picture of what it feels like to go through the current exam process.
- Learners felt that a move to modular assessment could help alleviate the detrimental impact that exams have on some learners' mental health.

7.16 This feedback has helped to further inform the development and formation of the design proposals presented in this consultation. We believe that our design proposals reflect and respond to many of the views and concerns expressed by learners during the co-construction process, and as outlined above. This includes a different and more varied mix of assessment approaches than existing GCSEs. All subjects include a balanced mix of both exam and non-exam assessment – except for GCSE Art and Design (100% non-exam assessment) and GCSE Mathematics and Numeracy (100% exam). The proposals also include a description of experiences that learners will gain from taking a qualification, as well as the knowledge, understanding and skills they will acquire.

7.17 We are grateful to all learners who gave their time to share their experiences, and for providing insightful and articulate views.

Embedding children's rights

7.18 We have identified a range of positive and negative impacts arising from our design proposals on learners. These can be found in our [Regulatory Impact Assessment](#) above.

7.19 We believe that the design proposals for new, made-for-Wales GCSEs and other related qualifications will support and promote children's rights by supporting the following articles:

- **Article 1** states that everyone under the age of 18 has all the rights in the UNCRC. The vast majority of learners entering these qualifications will be under the age of 18 and therefore have all the rights in the UNCRC. As we have

developed our design proposals for these new, made-for-Wales GCSEs and related qualifications, we have considered the impact that these proposals will have on children and young people. Children's rights and learner wellbeing have been at the forefront of this thinking. A number of these have been identified and drawn out as part of our [Regulatory Impact Assessment](#) and [Equality Impact Assessment](#).

- **Article 2** states that children should not be discriminated against in the enjoyment of their rights. The Equality Act 2010 requires us to ensure that we do not discriminate because of a person's disability, race, sex, gender reassignment, religion or belief, age, marital status, pregnancy or maternity, or sexual orientation. These are known as protected characteristics. As part of this duty, we have completed an [Equality Impact Assessment](#), which can be read above. As part of this Equality Impact Assessment, we have also considered the impact of our proposal on other groups of learners including the impact of socio-economic status.
- **Article 3** states that all organisations should work towards what is best for the child. The best interests of young people are at the heart of our design proposals, and this means ensuring that qualifications will support the Curriculum for Wales that learners will follow, and in turn, meet their needs. Our intention is for the proposed design for new GCSEs and related qualifications to offer:
 - New content that reflects the skills, knowledge, and experiences that learners will gain from studying the Curriculum for Wales.
 - Flexible content and assessments to help schools design their own curricula and meet the needs of their learners.
 - A balanced mix of assessment methods, with less emphasis on exams and more opportunities for learners to be assessed during their course of study.
 - More effective use of digital technology in assessments.
- **Article 12** states that every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. We have provided information on how the learner voice has been an integral part of our co-construction work in our [Participation and the right to be heard](#) section above. To ensure that we are accountable to children and young people, we will continue to engage with them during the consultation period. We will hold further discussions with our Learner Advisory Group, representatives of the Youth Parliament for Wales and we will welcome enquiries from young people regarding our design proposals through our communications and social media channels. We will aim to respond to these enquiries in line with our normal procedures.

- **Article 17** states that every child has the right to reliable information from a variety of sources³². We are committed to publishing appropriate information in a way that is accessible for children and young people. This is principally demonstrated through the publication of our Youth Friendly version of the consultation. Like our approach in previous Qualified for the Future consultations, we will also publish a Youth Friendly explanation of the decisions we take following this consultation. We will also regularly make use of our social media accounts to communicate updates and other relevant information, and young people can also contact us with any queries that they may have.

- **Article 28** states that every child has the right to an education. Our design proposals aim to ensure that the qualifications taken by 14-16-year-olds support teaching and learning by:
 - Providing appropriately broad, demanding, relevant and engaging content that is coherent with the Curriculum for Wales and its Four Purposes.
 - Allowing learners to develop a strong foundation of knowledge, skills and understanding which support progression to post-16 study and prepare them for life, learning and work.
 - And provide meaningful, fair, and accurate information on learner achievement within a subject that highlights what learners know, understand and can do.

- **Article 30** states that children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not. One of the priorities of the Welsh Government, through its Cymraeg 2050 strategy is to increase the numbers of people in Wales who can speak the Welsh language. The [Welsh Language impact assessment](#) provides further detail about our proposals' contribution in this regard. Additionally, our decision to continue to make GCSEs available in a number of international languages will support the realisation of Welsh Government's Global Futures programme, which aims to increase the number of young learners studying languages.

- **Article 42** states that every child and young person must know and be aware of their rights. In developing our design proposals for new GCSEs and related qualifications, we have sought to ensure that their content, where relevant, contributes to ensuring that they understand how rights apply to them and their lives. For example, the new GCSE Social Studies will provide the opportunity for learners to engage with contemporary social issues, and

³² Although this Article is predominantly about information provided to children and young people through the mass media, we recognise that the information we produce contributes to the fulfilment of this article).

explore identity, rights, and democracy, while also offering rich opportunities to explore the cross-cutting theme of human rights and diversity, as described in the Curriculum for Wales guidance. Opportunities to explore this cross-cutting theme will be available across all subjects within the Humanities AoLE.

Annex A: Sources

The following sources of evidence were used to inform this integrated impact assessment, and through the development and formation of the design proposals presented in this consultation:

- ADR Northern Ireland (2022): Understanding and addressing educational underachievement: New evidence from linked administrative data in Northern Ireland [Policy Brief Understanding and addressing educational underachievement in Northern Ireland March 2022.pdf \(adruk.org\)](#)
- Arad Research for Welsh Government research (2022): Evaluation of Global Futures: a plan to improve and promote international languages in Wales 2020 to 2022 (summary) [Evaluation of Global Futures: a plan to improve and promote international languages in Wales 2020 to 2022 \(summary\) | GOV.WALES](#)
- Beaufort Research for Welsh Government research (2021): Public attitudes to science in Wales: November 2021 (summary) [Public attitudes to science in Wales: November 2021 \(summary\) | GOV.WALES](#)
- British Council and Education Policy Institute (2020): Boys studying modern foreign languages at GCSE in schools in England [boys-languages-report.pdf \(britishcouncil.org\)](#)
- Department for Education (DfE - UK Government) (2010): Improving the outcomes for Gypsy, Roma and Traveller pupils: final report and literature review, Research Report [DFE-RR043.pdf \(publishing.service.gov.uk\)](#)
- Education Policy Institute (2022): Language learning in England: why curriculum reform will not reverse the decline or narrow the gaps [Language learning in England: why curriculum reform will not reverse the decline or narrow the gaps - Education Policy Institute \(epi.org.uk\)](#)
- Education Policy Institute (2022): Inequalities in GCSE results across England and Wales [Inequalities-in-Wales-and-England.pdf \(epi.org.uk\)](#)
- L. Fisher, M. Evans, K. Forbes, A. Gayton, Y. Liu & D. Rutgers (2022): Language experiences, evaluations and emotions (3Es): analysis of structural models of multilingual identity for language learners in schools in England, International Journal of Multilingualism [Full article: Language experiences, evaluations and emotions \(3Es\): analysis of structural models of multilingual identity for language learners in schools in England \(tandfonline.com\)](#)
- National Deaf Children's Society note on Department for Education figures on attainment for deaf children in 2021 (England) (Updated 8 March 2022) [Research about deaf children | Data about deafness - CRIDE reports \(ndcs.org.uk\)](#)

- Ofqual (2013): Reforms to GCSEs in England from 2015, Regulatory Impact Assessment [Reforms to GCSEs in England from 2015 - Regulatory Impact Assessment \(publishing.service.gov.uk\)](#)
- Ofqual (2013): GCSE Reform: Equality Analysis Report [GCSE Reform: Equality Analysis Report \(publishing.service.gov.uk\)](#)
- Ofqual (2014): Completing GCSE, AS and A Level Reform [Completing GCSE, AS and A Level Reform \(ioe.ac.uk\)](#)
- Ofqual (2014): Developing New AS Qualifications and A levels for First Teaching in 2016 – Part 1, A Regulatory Impact Assessment - [Impact Assessment: Developing new GCSE, A level and AS qualifications for first teaching in 2016 - Part 1 \(publishing.service.gov.uk\)](#)
- Ofqual (2019): Examination Reform: Impact of Linear and Modular Examinations at GCSE [Modular linear report final.pdf \(publishing.service.gov.uk\)](#)
- Ofqual (2020): Impact of coursework on attainment dependent on student characteristics [The impact of coursework on attainment dependent on student characteristics \(publishing.service.gov.uk\)](#)
- Ofqual (2021): Systematic divergence between teacher and test-based assessment [Systematic divergence between teacher and test-based assessment - GOV.UK \(www.gov.uk\)](#)
- Ofsted (2022): Review of research into factors that influence the quality of English education in schools in England [Research review series: English - GOV.UK \(www.gov.uk\)](#)
- Qualifications Wales (2020): Decisions on how we will shape the future qualifications for 16-year-olds in Wales. [our-decisions.pdf \(qualificationswales.org\)](#)
- Qualifications Wales (2021): Qualified for the Future: the right choice for Wales [qualified-for-the-future-our-decisions.pdf \(qualificationswales.org\)](#)
- Qualifications Wales (2021): Teacher and learner perceptions and experiences of non-examination assessment (NEA) in approved GCSEs in Wales <https://www.qualificationswales.org/english/publications/teacher-and-learner-perceptions-and-experiences-of-non-examination-assessment-nea-in-approved-gcse-in-wales/>
- Qualifications Wales (2022): Qualified for the Future: the right choice for Wales: Our decisions in relation to future Welsh language qualifications [decisions future welsh language qualifications final.pdf \(qualificationswales.org\)](#)
- Welsh Government (2021): Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group: Final Report [black-](#)

[asian-minority-ethnic-communities-contributions-cynefin-new-curriculum-working-group-final-report.pdf \(gov.wales\)](#)

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