

AS and A level modern foreign languages

Consultation on our rules and guidance for Arabic, Bengali, Gujarati, Greek, modern Hebrew, Japanese, Panjabi, Persian, Polish, Portuguese, Turkish and Urdu



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1. Introduction

Changes are being made to GCSEs, AS and A levels taken by students in England.

We and the Department for Education (DfE) previously consulted on, and confirmed, our requirements for new AS and A levels in modern foreign languages.¹ The DfE's subject content requirements for modern foreign languages can be used for AS and A levels in any language, and is set out in *Modern foreign languages GCE AS and A level subject content*² (the 'MFL content').

The DfE has now consulted on³ and published new subject content – *Modern foreign languages (smaller cohorts) GCE AS and A level subject content*.⁴ We refer to this content as the 'alternative content'.

The alternative content may only be used for AS and A levels in 12 languages: Arabic, Bengali, Gujarati, Greek, modern Hebrew, Japanese, Panjabi, Persian, Polish, Portuguese, Turkish and Urdu.

The main difference between the alternative content and the MFL content is that the alternative content does not require students to demonstrate speaking skills. However, it is designed to support development of AS and A levels which offer a level of demand and challenge which is broadly comparable to qualifications developed against the MFL content.

In parallel with the DfE's consultation, we consulted on the high-level assessment arrangements for qualifications developed against this alternative content. We have now confirmed⁵ that these qualifications will be assessed entirely by exam. We have also confirmed the assessment objectives they should use.

Those assessment objectives are broadly similar to the equivalent assessment objectives for modern foreign language qualifications developed against the MFL content. One is identical, and the other three incorporate minor changes, which reflect the absence of spoken language assessment in qualifications developed against the alternative content.

¹ See www.gov.uk/government/publications/gce-as-and-a-level-modern-foreign-languages and www.gov.uk/government/collections/new-a-level-and-as-level-qualifications-requirements-and-guidance#modern-foreign-languages

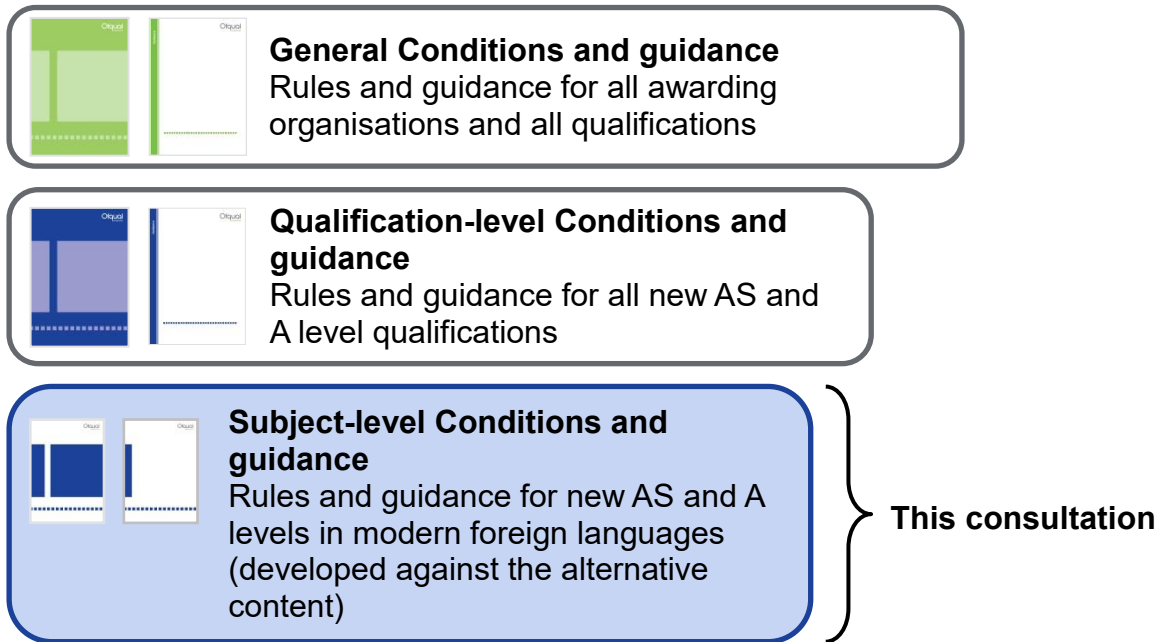
² www.gov.uk/government/publications/gce-as-and-a-level-modern-foreign-languages

³ www.gov.uk/government/consultations/as-and-a-level-subject-content-for-modern-foreign-languages-with-smaller-cohorts

⁴ www.gov.uk/government/publications/gce-as-and-a-level-languages-with-smaller-cohorts

⁵ www.gov.uk/government/consultations/developing-new-mfl-as-and-a-levels-for-first-teaching-in-2018

Scope of this consultation



This consultation sets out, and seeks views on, the rules and guidance we need to put in place for new modern foreign languages AS and A levels that are developed against the alternative content.

As explained in Appendix A, and illustrated above, these new rules and guidance will sit alongside our existing rules and guidance for:

- all qualifications,⁶ and
- all new AS and A levels.⁷

⁶ www.gov.uk/guidance/awarding-organisations-understanding-our-regulatory-requirements#requirements-for-all-awarding-organisations-and-all-regulated-qualifications

⁷ www.gov.uk/government/collections/new-a-level-and-as-level-qualifications-requirements-and-guidance#all-new-a-levels-and-as-qualifications

How to respond to this consultation

The closing date for responses is **31 March 2017**

Please respond to this consultation in one of three ways:

- Complete the online response (click 'Respond online' on the [consultation homepage](#))
- Download a response form from the [consultation homepage](#) and email your response to consultations@ofqual.gov.uk. Please include the consultation title (AS and A level MFL Consultation 2017) in the subject line of the email and make clear who you are and in what capacity you are responding
- Post your response to: AS and A level MFL Consultation 2017, Ofqual, Spring Place, Herald Avenue, Coventry, CV5 6UB, making clear who you are and in what capacity you are responding

Evaluating the responses

We will only consider your response if you give us your name and the capacity in which you are replying.

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

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

Please respond by **31 March 2017**

2. Changes to our rules and guidance

Currently, our rules for new AS and A levels would prevent exam boards from developing qualifications against the alternative content. This is inconsistent with the DfE's curriculum intentions.

To address this issue, we are proposing to introduce new rules that:

- allow (but do not require) exam boards to develop modern foreign languages AS and A levels against the alternative content in Arabic, Bengali, Gujarati, Greek, modern Hebrew, Japanese, Panjabi, Persian, Polish, Portuguese, Turkish and Urdu; and
- require those qualifications to use only exam assessment, and the assessment objectives we have set for qualifications developed against the alternative content.

We considered whether we should require exam boards to develop AS and A levels in these 12 languages against the alternative content. Our view is that this would be inappropriate, because it would prevent exam boards from developing a qualification in these languages that includes a speaking assessment, now or in the future.

So we are proposing that we should allow exam boards to develop AS and A levels in these 12 languages against either the MFL content, or the alternative content.

Question 1: To what extent do you agree or disagree that we should allow exam boards to develop AS and A levels in Arabic, Bengali, Gujarati, Greek, modern Hebrew, Japanese, Panjabi, Persian, Polish, Portuguese, Turkish and Urdu against either the alternative content or the MFL content?

Titling of qualifications developed against the alternative content

Our General Conditions of Recognition include rules about qualification titling. These require exam boards, amongst other things, to ensure that:

- “the title [...] includes [...] a concise indication of the content of the qualification” (General Condition E2.1(d));
- “the title [...] reflects the knowledge, skills and understanding which will be assessed as part of the qualifications” (General Condition E2.2(a)); and
- “titles of qualifications ... are not misleading to Users of qualifications” (General Condition E2.4).

Students taking qualifications based on the MFL content will be assessed on their ability to speak the language, but those taking qualifications based on the alternative

content will not. We are considering we should introduce a rule requiring exam boards to indicate that a qualification is based on the alternative content in the qualification title.

We think there is a strong argument for such a requirement. Most people are unlikely to know that – in some modern foreign languages – AS and A levels can use different subject content (and assess different skills). They might reasonably expect an A level titled ‘Arabic’, for example, to assess the same skills as an A level titled ‘French’.

In addition, our proposal to allow exam boards to develop AS and A levels in these languages against either the alternative content or the MFL content means it is theoretically possible that two qualifications in the same language could use different subject content, only one of which requires assessment of speaking skills.

We recognise that pre-reform modern foreign languages AS and A levels assess different combinations of skills,⁸ while all having titles in the form *AS [Language]* or *A level [Language]*. We have no evidence this approach to titling misled or confused qualification users, and are conscious any changes to existing qualification titles could create confusion.

On balance, our view is that AS and A levels developed against the alternative content should have different titles from those developed against the MFL content. We would welcome comments on this.

We also seek views on what form the title should take, in the event that we decide to require a different title for qualifications developed against the alternative content. We considered a number of options, and these are set out in the table below alongside their strengths and weaknesses.

Option	Example	Strengths	Weaknesses
<i>[Language]</i> <i>(listening, reading, writing)</i>	AS Arabic (listening, reading, writing)	Highlights the skills that have been assessed	Does not explicitly make clear that speaking is not assessed
<i>[Language]</i> <i>(unspoken)</i>	A level Urdu (unspoken)	Highlights the main difference from AS and A levels developed against the MFL content	Implies no interaction with the spoken word, despite the fact that students will have been tested on their listening skills. Also implies a student has no spoken

⁸ Some assess reading, writing, speaking and listening, others assess only two or three of these skills.

			language skills – which is not necessarily the case.
<i>Language (speaking not assessed)</i>	AS Polish (speaking not assessed)	Highlights the main difference from AS and A levels developed against the MFL content	Does not explicitly explain the skills that are assessed
<i>[Language] (alternative content)</i>	AS Portuguese (alternative content)	Highlights that the alternative content has been followed	Does not make clear the skills that have (and have not) been assessed.
<i>[Language] (smaller cohorts)</i>	A level Japanese (smaller cohorts)		

We would welcome views on the merits of any of these potential titles, and any alternative suggestions around titling.

Question 2: To what extent do you agree or disagree that AS and A levels based on the alternative content should have different titles from those based on the MFL content?

Question 3: Do you have any comments on the title that should be used for AS and A levels based on the alternative content?

3. Our proposed Conditions and guidance

In this section, we set out the rules and guidance we propose to introduce for new modern foreign languages AS and A levels developed against the alternative content.

Proposed rules for modern foreign languages AS and A levels developed against the alternative content

We propose to set rules for new modern foreign languages AS and A levels developed against the alternative content that are, in the main, the same as the equivalent rules for AS and A levels developed against the MFL content. This is because much of the subject content is the same, or very similar, in both sets of qualifications. We see no reason to require exam boards to take a different approach to assessing similar content.

As the main difference between the two sets of content is the absence of a requirement to demonstrate spoken language skills in the alternative content, qualifications developed against the alternative content will only use exam assessment. Consequently, our proposed rules for qualifications developed against the alternative content do not allow non-exam assessment.

Our proposed new rules comprise:

- a Condition covering compliance with subject content and assessment objectives, this differs from the equivalent Condition for qualifications developed against the MFL content, because it requires compliance with the alternative content;
- a Condition which allows us to set more detailed rules and guidance for assessments (as we have for qualifications based on the MFL content);
- a Condition which prohibits access to dictionaries during assessments (and any periods of formal preparation time before assessments) (as we have for qualifications based on the MFL content);
- a Condition about qualification titling. This sets out the new requirements we might need for titling of qualifications developed against the alternative content (see questions 2 and 3 above, and draft Condition GCE(Modern Foreign Languages([title]))4.1 below);
- a Condition which defines the term 'Modern Foreign Language ([title])' – this is a placeholder term that we will modify to reflect our final decisions on qualification titling. It is designed to clarify which languages can be developed against the alternative content;

- our assessment objectives incorporate the different versions of AO1 to AO3 that will apply to qualifications developed against the alternative content; and
- our assessment rules for qualifications based on the MFL content including:
 - grammatical content of specifications;
 - vocabulary lists; and
 - access to texts.

We set out our proposed Conditions and requirements in full below. Where these differ from the equivalent Conditions and requirements used for qualifications developed against the MFL content, we have highlighted this using bold text in square brackets.

Condition GCE(Modern Foreign Languages([title]))1	Compliance with content requirements
GCE(Modern Foreign Languages([title]))1.1	<p>In respect of each GCE Qualification in a Modern Foreign Language ([title]) which it makes available, or proposes to make available, an awarding organisation must –</p> <ul style="list-style-type: none"> (a) comply with the requirements relating to that qualification set out in the document published by the Secretary of State entitled ‘Modern foreign languages (smaller cohorts) GCE AS and A level subject content’,⁹ document reference DFE-00079-2017, (b) have regard to any recommendations or guidelines relating to that qualification set out in that document, and (c) Interpret that document in accordance with any requirements, and having regard to any guidance, which may be published by Ofqual and revised from time to time.
GCE(Modern Foreign Languages([title]))1.2	<p>In respect of each GCE Qualification in a Modern Foreign Language ([title]) which it makes available, or proposes to make available, an awarding organisation must comply with any requirements, and have regard to any guidance,</p>

⁹ www.gov.uk/government/publications/gce-as-and-a-level-languages-with-smaller-cohorts

	relating to the objectives to be met by any assessment for that qualification which may be published by Ofqual and revised from time to time.
Condition GCE(Modern Foreign Languages([title]))2	Assessment
GCE(Modern Foreign Languages([title]))2.1	An awarding organisation must ensure that in respect of each assessment for a GCE Qualification in a Modern Foreign Language ([title]) which it makes available it complies with any requirements, and has regard to any guidance, which may be published by Ofqual and revised from time to time.
GCE(Modern Foreign Languages([title]))3	Access to dictionaries
GCE(Modern Foreign Languages([title]))3.1	An awarding organisation must take reasonable steps to ensure that no Learner has access to a dictionary – <ul style="list-style-type: none"> (a) when taking any assessment for a GCE Qualification in a Modern Foreign Language ([title]) which it makes available, or (b) during any period of formal preparation time prior to such an assessment.
GCE(Modern Foreign Languages([title]))3.2	For the purposes of this Condition, ‘formal preparation time’ is a period of time immediately prior to the assessment, or a task within an assessment, during which the Learner is provided with previously unseen information relating to the assessment or task and is allowed to prepare for the assessment or task under conditions (including conditions as to supervision) which have been specified by the awarding organisation.
[Condition GCE(Modern Foreign Languages([title]))4	Titling

GCE(Modern Foreign Languages([title]))4.1¹⁰

An awarding organisation must ensure that, for the purposes of compliance with Condition E2.1(d), the title on the Register of each GCE Qualification in Modern Foreign Languages ([title]) which it makes available indicates the content of that qualification in the following manner, as appropriate –

- (a) Arabic ([title])
- (b) Bengali ([title]),
- (c) Gujarati ([title]),
- (d) Greek ([title]),
- (e) Modern Hebrew ([title]),
- (f) Japanese ([title]),
- (g) Panjabi ([title]),
- (h) Persian ([title]),
- (i) Polish ([title]),
- (j) Portuguese ([title]),
- (k) Turkish ([title]),
- (l) Urdu ([title].]

Condition GCE(Modern Foreign Languages([title]))5

Interpretation and definitions

GCE(Modern Foreign Languages([title]))5.1

In these Conditions the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

[Modern Foreign Language ([title])

¹⁰ This is an example of the wording we would use if we decide to require different titles for qualifications developed against the small cohort content; if we decide not to require different titles, this Condition will not be needed.

One of the following languages –

- (a) Arabic,
- (b) Bengali,
- (c) Gujarati,
- (d) Greek,
- (e) Modern Hebrew,
- (f) Japanese,
- (g) Panjabi,
- (h) Persian,
- (i) Polish,
- (j) Portuguese,
- (k) Turkish,
- (l) Urdu.]

Assessment objectives – GCE Qualifications in Modern Foreign Languages ([title])

Condition GCE(Modern Foreign Languages([title]))1.2 allows us to specify requirements relating to the objectives to be met by any assessment for GCE Qualifications in Modern Foreign Languages ([title]).

The assessment objectives set out below constitute requirements for the purposes of Condition GCE(Modern Foreign Languages([title]))1.2. Awarding organisations must comply with the requirements, as relevant, in relation to each GCE AS and A level qualification in a Modern Foreign Language ([title]) they make available.

	Objective	Weighting (A level)	Weighting (AS)
AO1	[Understand and respond in writing to spoken language drawn from a variety of sources.]	[20%]	[20%]

AO2	[Understand and respond in writing to written language drawn from a variety of sources.]	[30%]	[30%]
AO3	[Manipulate the language accurately, in written form, using a range of lexis and structure.]	[30%]	[30%]
AO4 (AS)	Show knowledge and understanding of, and respond critically to, different aspects of the culture and society of countries/communities where the language is spoken.	<i>n/a</i>	20%
AO4 (A level)	Show knowledge and understanding of, and respond critically and analytically to, different aspects of the culture and society of countries/communities where the language is spoken.	20%	<i>n/a</i>
<p>Across assessment objectives AO1 and AO2, no more than 10 per cent of the total marks for the qualification may be used for responses in English, including translation into English.</p>			

Assessment requirements – GCE Qualifications in Modern Foreign Languages ([title])

Condition GCE(Modern Foreign Languages)2.1 allows us to specify requirements and guidance in relation to assessments for GCE Qualifications in Modern Foreign Languages ([title]).

We set out our requirements for the purposes of Condition GCE(Modern Foreign Languages([title]))2.1 below.

All of these requirements below apply to both A level and AS qualifications in a Modern Foreign Language([title]) which an awarding organisation makes available or proposes to make available.

Grammatical content

[The subject content for GCE Qualifications in Modern Foreign Languages ([title]) is set out in the document published by the Secretary of State entitled ‘Modern foreign languages (smaller cohorts) GCE AS and A level subject content’, document reference DFE-00079-2017. Paragraphs 16 and 17 of that document state that:

16. AS and A level specifications must include lists of grammar and structures of the language, which represent a level of challenge and breadth that is comparable to the requirements for modern foreign languages¹¹.

17. AS and A level specifications will require students to know and understand the grammatical system and structures set out in these lists. Knowledge of the grammar and structures specified for GCSE is assumed. Specifications must require students to use, actively and accurately, grammar and structures appropriate to the tasks set, drawn from these lists. The mention of an item in these lists implies knowledge of both its forms and its functions at an appropriate level of accuracy and complexity.]

In respect of each GCE Qualification in a Modern Foreign Language ([title]) which it makes available, or proposes to make available, an awarding organisation must –

- set out in the specification for the qualification the knowledge and understanding of grammar that will be expected of Learners (the ‘Grammar Requirements’), and
- demonstrate to Ofqual’s satisfaction in its assessment strategy that it has taken all reasonable steps to ensure that, as far as possible, the Level of Demand of the Grammar Requirements is comparable to that of the grammar requirements specified in the document published by the Secretary of State entitled ‘Modern foreign languages GCE AS and A level subject content’, document reference DFE-00694-2014.

Vocabulary lists

Where an awarding organisation publishes any information about the words and/or forms of words which Learners will be expected to use and understand (a ‘vocabulary list’) for a GCE Qualification in a Modern Foreign Language ([title]) which it makes available, or proposes to make available, it must ensure that –

- any assessment for that qualification is not restricted to use of words and/or forms of words on the vocabulary list in such a way as to render the assessment predictable, and
- the vocabulary list is set out in the specification for the qualification.

Access to texts

¹¹ www.gov.uk/government/publications/gce-as-and-a-level-modern-foreign-languages

An awarding organisation must take all reasonable steps to ensure that no Learner has access to any text, or any part of a text, which is listed for study in the specification when taking any assessment for a GCE Qualification in a Modern Foreign Language ([title]), except where that text or part of a text has been provided as Stimulus Materials in respect of that assessment by the awarding organisation.

Proposed guidance for modern foreign languages AS and A levels developed against the alternative content

We propose to introduce guidance on the length of translation tasks, on assessment, and on assessment objectives for new modern foreign languages AS and A levels developed against the alternative content.

This guidance largely mirrors the equivalent guidance for qualifications developed against the MFL content:

- the proposed guidance on length of translation tasks reflects the languages to which the alternative content applies, but is otherwise identical to, and refers to, the equivalent guidance for AS and A levels developed against the MFL content. We are proposing specific guidance for the length of translation tasks for qualifications in Japanese only. This reflects the particular complexity of logographic languages. Similar guidance is in place for qualifications in Chinese;
- the proposed guidance on assessment is identical to the equivalent guidance for qualifications developed against the MFL content;
- the proposed guidance on assessment objectives reflects the different versions of AO1, AO2 and AO3 used for qualifications developed against the alternative content – it does not include strands, elements or references about responses in speech. Our proposed guidance on AO4 is identical to the equivalent guidance for qualifications developed against the MFL content.

Guidance in relation to subject content for GCE Qualifications in Modern Foreign Languages ([title])

The subject content for GCE Qualifications in Modern Foreign Languages ([title]) is set out in the Department for Education's 'Modern foreign languages (smaller cohorts) GCE AS and A level subject content', document reference DFE-00079-2017 (the 'Content Document').

Condition GCE(Modern Foreign Languages([title]))1.1(c) requires awarding organisations to interpret these documents in line with any requirements, and having regard to any guidance, published by Ofqual.

We set out our guidance for the purposes of Condition GCE(Modern Foreign Languages([title]))1.1(c) below.

Length of translation exercises

The Content Document states that a GCE Qualification in a Modern Foreign Language([title]) must require Learners to –

[translate] an unseen passage or passages from the language of study into English at AS and A level,
and

[translate] unseen sentences or short texts at AS, and an unseen passage or passages at A level, from English into the language of study.

We expect the length of any 'unseen passage or passages' or 'unseen sentences or short texts' used in a translation task in an assessment to be –

- for GCE A level qualifications in Japanese ([title]), a minimum of 80 characters for translations from Japanese into English, and a minimum of 70 words for translation from English into Japanese; and
- for GCE AS qualifications in Japanese ([title]), a minimum of 60 characters for translations from Japanese into English, and a minimum of 45 words for translation from English into Japanese.

In respect of each GCE Qualification in any other Modern Foreign Language ([title]) we expect an awarding organisation to explain in its assessment strategy –

- its approach to the length of any 'unseen passage or passages' or 'unseen sentences or short texts' used in translation tasks, and

- how that approach will achieve a Level of Demand for translation tasks that is consistent with that of the GCE Qualifications in Modern Foreign Languages¹² in relation to which we have provided specific guidance.

Guidance in relation to assessments for GCE Qualifications in Modern Foreign Languages ([title])

Condition GCE(Modern Foreign Languages([title]))2.1 allows us to specify requirements and guidance in relation to assessments for GCE Qualifications in Modern Foreign Languages.

We set out our guidance for the purposes of Condition GCE(Modern Foreign Languages([title]))2.1 below.

Vocabulary lists

Provided that the requirements set out in the *GCE Subject Level Conditions and Requirements for Modern Foreign Languages([title])* are met, awarding organisations are not precluded from publishing vocabulary lists to act as guides for Teachers of GCE Qualifications in Modern Foreign Languages([title]) which they make available or propose to make available. Neither are awarding organisations required to publish vocabulary lists.

Guidance on assessment objectives for GCE Qualifications in Modern Foreign Languages ([title])

Condition GCE(Modern Foreign Languages([title]))1.2 allows us to specify requirements and guidance relating to assessment objectives for GCE Qualifications in Modern Foreign Languages ([title]).

We published our requirements in relation to assessment objectives in *GCE Subject Level Conditions and Requirements for Modern Foreign Languages([title])*, and reproduce them in the table below.

	Objective	Weighting (A level)	Weighting (AS)
AO1	[Understand and respond in writing to spoken language drawn from a variety of sources.]	[20%]	[20%]

¹² www.gov.uk/government/publications/gce-subject-level-guidance-for-modern-foreign-languages

AO2	[Understand and respond in writing to written language drawn from a variety of sources.]	[30%]	[30%]
AO3	[Manipulate the language accurately, in written form, using a range of lexis and structure.]	[30%]	[30%]
AO4 (AS)	Show knowledge and understanding of, and respond critically to, different aspects of the culture and society of countries/communities where the language is spoken.	<i>n/a</i>	20%
AO4 (A level)	Show knowledge and understanding of, and respond critically and analytically to, different aspects of the culture and society of countries/communities where the language is spoken.	20%	<i>n/a</i>

Across assessment objectives AO1 and AO2, no more than 10 per cent of the total marks for the qualification may be used for responses in English, including translation into English.

We set out below our guidance for the purposes of Condition GCE(Modern Foreign Languages([title]))1.2. This guidance explains how we expect awarding organisations to interpret these assessment objectives in terms of:

- the discrete ‘elements’ within each assessment objective that questions and tasks could target and/or seek to credit – our expectation is that each and every question/task should target or seek to credit at least one of these elements, and may target or seek to credit multiple elements across one or more assessment objectives;
- the coverage expectations, such as in relation to the different elements within each assessment objective and how those elements should be sampled over time; and
- the key areas of emphasis in each assessment objective and the particular meaning for the subject of any key terms and phrases used; defined terms are shown in bold text, followed by their definitions.

In line with the obligations set out in Condition GCE(Modern Foreign Languages([title]))1.2, we expect awarding organisations to be able to demonstrate

how they have had regard to this guidance. For example, an awarding organisation could map how it has regard to the guidance as it:

- develops its sample assessment materials;
- delivers the qualification;
- develops and applies its approach to sampling the elements into which the assessment objectives are divided; and
- monitors the qualification to make sure it addresses all elements appropriately.

AO1: Understand and respond in writing to spoken language drawn from a variety of sources			20% (A level) 20% (AS)
Strands	Elements	Coverage	Interpretation and definitions
n/a	This assessment objective is a single element.	Full coverage in each set of assessments ¹³ (but not every assessment).	<ul style="list-style-type: none"> ■ Sources of spoken language are aspects of subject content. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ Learners will demonstrate their understanding through their response, so understanding and response should normally be assessed together. ■ This assessment objective does not include assessment of how accurately the Learner manipulates the language – this should be credited under AO3. ■ In the context of this assessment objective, responses can be in either the target language or English,¹⁴ and may include (but are not limited to) single letters, numbers and/or percentages in figures, names, single words and/or phrases. They may be assessed for the quality of what is communicated, but only where the response is in the target language and of sufficient length to allow meaningful assessment.

¹³ For the purposes of this guidance, a ‘set of assessments’ means the assessments to be taken by a particular Learner for a GCE Qualification in a Modern Foreign Language ([title]). For clarity, the assessments taken by Learners may vary, depending on any possible routes through the qualification.

¹⁴ Both here and in our proposed guidance on AO2 below, references to responses in English should be read in the context of our proposed requirement “across assessment objectives AO1 and AO2, no more than 10 per cent of the total marks for the qualification may be used for responses in English, including translation into English”.

AO2: Understand and respond in writing to written language drawn from a variety of sources		30% (A level) 30% (AS)	
Strands	Elements	Coverage	Interpretation and definitions
n/a	This assessment objective is a single element.	Full coverage in each set of assessments (but not every assessment).	<ul style="list-style-type: none"> ■ Sources of written language are aspects of subject content – and may include texts read prior to the assessment, or provided as Stimulus Materials. Awarding organisations should explain their approach to targeting them in their assessment strategy. ■ Learners will demonstrate their understanding through their response, so understanding and response should normally be assessed together. ■ This assessment objective does not include assessment of how accurately the Learner manipulates the language – this should be credited under AO3. ■ In the context of this assessment objective, responses can be in either the target language or English, and may include (but are not limited to) single letters, numbers and/or percentages in figures, names, single words and/or phrases. They may be assessed for the quality of what is communicated, but only where the response is in the target language and of sufficient length to allow meaningful assessment.

AO3: Manipulate the language accurately, in written form, using a range of lexis and structure			30% (A level) 30% (AS)
Strands	Elements	Coverage	Interpretation and definitions
n/a	This assessment objective is a single element	Full coverage in each set of assessments (but not every assessment).	<ul style="list-style-type: none"> ■ Manipulate means selecting and using language in a range of forms, contexts and tasks. ■ Accurately refers to the correct application of the grammar and syntax of the language.

AO4 (AS): Show knowledge and understanding of, and respond critically to, different aspects of the culture and society of countries/communities where the language is spoken			n/a (A level) 20% (AS)
Strands	Elements	Coverage	Interpretation and definitions
n/a	1a – Show knowledge and understanding of different aspects of the culture and society of countries/communities where the language is spoken.	Full coverage in each set of assessments (but not every assessment).	<ul style="list-style-type: none"> ■ Respond critically may include, but is not limited to: <ul style="list-style-type: none"> □ presenting and justifying points of view; □ developing arguments; and □ drawing conclusions based on understanding. ■ Countries/communities means at least one country or community. However, specifications should include reference to a range of countries and communities where the language is spoken. ■ In the context of this assessment objective, knowledge and understanding will be demonstrated through the Learners' ability to communicate information about, and to demonstrate their appreciation of, different aspects of culture and society.
	1b – Respond critically to different aspects of the culture and society of countries/communities where the language is spoken.		

AO4 (A level): Show knowledge and understanding of, and respond critically and analytically to, different aspects of the culture and society of countries/communities where the language is spoken			n/a (AS) 20% (A level)
Strands	Elements	Coverage	Interpretation and definitions
n/a	1a – Show knowledge and understanding of different aspects of the culture and society of countries/communities where the language is spoken.	Full coverage in each set of assessments (but not every assessment).	<ul style="list-style-type: none"> ■ Respond critically and analytically may include, but is not limited to: <ul style="list-style-type: none"> □ selecting relevant material; □ presenting and justifying points of view; □ developing arguments; □ drawing conclusions based on understanding; and □ evaluating issues, themes, and cultural and social contexts. ■ Countries/communities means at least one country or community. However, specifications should include reference to a range of countries and communities where the language is spoken. ■ In the context of this assessment objective, knowledge and understanding will be demonstrated through the Learners' ability to communicate information about, and to demonstrate their appreciation of, different aspects of culture and society.
	1b – Respond critically to different aspects of the culture and society of countries/communities where the language is spoken.		
	1c – Respond analytically to different aspects of the culture and society of countries/communities where the language is spoken.		

Questions on proposed Conditions, requirements and guidance

Question 4: Do you have any comments on our proposed Conditions and requirements for qualifications developed against the alternative content?

Question 5: Do you have any comments on our proposed guidance for qualifications developed against the alternative content?

4. Equality impact analysis

Ofqual's role, objectives and duties

We are subject to the public sector equality duty. In Appendix B, we set out how this duty interacts with our statutory objectives and other duties.

Equality impact analysis relating to proposed changes to modern foreign languages AS and A levels developed against the alternative content

We considered the potential impact on students who share protected characteristics¹⁵ of the application of the principles and features that will apply to all new AS and A level qualifications. We encourage you to read our equality impact analysis for our earlier consultation on AS and A level reform¹⁶.

Issues concerning both the MFL content and alternative content have been considered by the DfE, which has published its own Equalities Impact Analysis.¹⁷

We previously considered the potential impact on students who share protected characteristics of our decisions on assessment arrangements for AS and A levels in modern foreign languages developed against the alternative content.¹⁸

The evidence we considered can be found in our earlier reports. Here, we focus on specific issues that arise from the new proposals in this consultation, and from how we are implementing our previous policy decisions.

We did not identify any additional negative impacts on students who share protected characteristics which would result from the proposals in this consultation, beyond those that we and the DfE have already identified in our earlier reports. We expect AS and A level qualifications will be available in a wider range of languages than would otherwise be the case. We would expect this to have a positive impact on students who share certain protected characteristics.

During this consultation, we will continue to seek and consider evidence and feedback to our proposals that might help us identify any potential subject-specific impacts on students who share particular protected characteristics.

¹⁵ For the purposes of the public sector equality duty, the protected characteristics are disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation, gender reassignment.

¹⁶ <http://webarchive.nationalarchives.gov.uk/20141110161323/http://www.ofqual.gov.uk/files/2012-06-18-equality-analysis-of-the-a-level-reform-consultation.pdf>

¹⁷ <https://consult.education.gov.uk/qualifications-division/subject-content-for-languages-with/>

¹⁸ www.gov.uk/government/consultations/developing-new-mfl-as-and-a-levels-for-first-teaching-in-2018

Exam boards are required to consider the accessibility of their qualifications at the design stage and to remove any unjustifiable barriers.

Question 6: We have identified that our proposed changes to our rules and guidance should have a positive impact on persons who share a protected characteristic.¹⁹ Are there any potential impacts we have not identified?

Question 7: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?

Question 8: Do you have any other comments on the impacts of the proposals on students who share a protected characteristic?

¹⁹ 'Protected characteristic' is defined in the Equality Act 2010. Here, it means disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation and gender reassignment.

Appendix A: Regulatory tools

Comparability and innovation

Exam boards operate in a market. They can design and deliver their qualifications in different ways, within the parameters we set. This provides some choice to schools or colleges, which is one of the benefits of a qualifications market. Exam boards must, however, make sure that the levels of attainment indicated by their qualifications are comparable to those of other exam boards' versions of the qualifications. The exam boards cooperate in a range of ways to make sure that the standards of their respective qualifications are comparable. To make sure standards are maintained and comparability is secured, we review AS and A level qualifications before they can be made available, by applying an accreditation requirement to the qualifications, and we oversee the awarding of AS and A level qualifications.

We do not wish to close down opportunities for exam boards to design and deliver their qualifications in different ways. Indeed, we have a statutory duty to have regard to the desirability of facilitating innovation in connection with the provision of regulated qualifications and a statutory objective with regard to the efficiency with which the qualifications market works. If we adopt a regulatory approach in which all aspects of a qualification are very tightly defined, we could effectively remove scope for exam boards to distinguish their qualifications from others and stop choice for schools or colleges. On the other hand, if exam boards have too much scope to vary their approach their qualifications might not be comparable.

In striking a balance, we use a range of tools to regulate qualifications and the exam boards that provide them. The main regulatory tools we use for the qualifications in this consultation are explained below.

Conditions of Recognition

Exam boards must comply at all times with our Conditions of Recognition. These are the main regulatory rules that we use. We can take regulatory action against an exam board that breaches or is likely to breach a Condition.

There are three sets of Conditions that will apply to new AS and A levels:

- (i) the published *General Conditions of Recognition*²⁰ that apply to all regulated qualifications;

²⁰ www.gov.uk/government/publications/general-conditions-of-recognition

- (ii) *GCE Qualification Level Conditions and Requirements*²¹ that apply to all new AS and A levels;
- (iii) GCE Subject Level Conditions that apply to new AS and A levels in a specific subject. We are consulting now on our proposed GCE Subject Level Conditions that will apply to new modern foreign languages AS and A levels developed against the alternative content.

Regulatory documents

In some Conditions we refer to published regulatory requirements. We publish these in regulatory documents. The Conditions require exam boards to comply with such documents.

This consultation includes proposed regulatory requirements for assessment in new modern foreign languages AS and A levels developed against the alternative content.

These requirements have effect as if they were part of a Condition. As now, they will be set out in a stand-alone section of the Conditions document, simply because they are technical and detailed so they sit better as separate from, rather than within, the Condition itself.

Statutory guidance

We publish guidance to help exam boards identify the types of behaviour or practices they could use to meet a Condition. Exam boards must have regard to such guidance, but they do not have to follow this guidance in the same way that they must comply with the Conditions; they are free to meet the outcomes of the Conditions in their own ways. An exam board that decides to take a different approach to that set out in our guidance must still be able to show that it is meeting the Condition or Conditions to which the guidance relates.

This consultation includes our proposed guidance for new modern foreign languages AS and A levels developed against the alternative content.

²¹ www.gov.uk/government/publications/gce-qualification-level-conditions-and-requirements

Appendix B: Ofqual's role, objectives and duties

Our statutory objectives include the qualifications standards objective, which is to secure that the qualifications we regulate:

- (a) give a reliable indication of knowledge, skills and understanding; and
- (b) indicate:
 - (i) a consistent level of attainment (including over time) between comparable regulated qualifications; and
 - (ii) a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside the UK) that we do not regulate.

We must therefore regulate so that qualifications properly differentiate between students who have demonstrated that they have the knowledge, skills and understanding required to attain the qualification and those who have not.

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant students, including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

As a public body, we are subject to the public sector equality duty.²² This duty requires us to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The exam boards that design, deliver and award AS and A level qualifications are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications, except where we have specified that such adjustments should not be made.

²² Equality Act 2010, section 149.

When we decide whether such adjustments should not be made, we must have regard to:

- (a) the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities;
- (b) the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred;
- (c) the need to maintain public confidence in the qualification.

Legislation therefore sets out a framework within which we must operate. We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, from time to time, conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a student's knowledge, skills and understanding, a student who has not been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification. A person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them at a disadvantage relative to others who have been awarded the qualification. It is not always possible for us to regulate so that we can both secure that qualifications give a reliable indication of knowledge, skills and understanding and advance equality between people who share a protected characteristic and those who do not. We must review all the available evidence and actively consider all the available options before coming to a final, rational decision.

Qualifications cannot be used to mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, students' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a student's ability to achieve a particular mark in an assessment, our influence is limited to the way the qualification is designed and assessed.

We require the exam boards to design qualifications to give a reliable indication of the knowledge, skills and understanding of those on whom they are conferred. We also require the exam boards to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a student to achieve because they have a particular protected characteristic. We require exam boards to monitor whether any features of their qualifications have this effect.

In setting the overall framework within which exam boards will design, assess and award the reformed GCSE, A level and AS qualifications, we want to understand the possible impacts of the proposals on persons who share a protected characteristic.

The protected characteristics under the Equality Act 2010 are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnerships;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

It should be noted that with respect to the public sector equality duty under section 149 of the 2010 Act, we are not required to have due regard to impacts on those who are married or in a civil partnership.

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Any enquiries regarding this publication should be sent to us at:

Office of Qualifications and Examinations Regulation

Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB

Telephone 0300 303 3344

Textphone 0300 303 3345

Helpline 0300 303 3346