
Ymateb i Ymgynghoriad / Consultation Response

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Pwnc / Subject:	Reasonable Adjustments of General Qualifications

Background information about Estyn

Estyn is the Office of His Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000¹ and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by those receiving education and training in Wales;
- Quality of leadership and management of those education and training providers, including whether the financial resources made available to those providing education and training are managed efficiently and used in a way which provides value for money;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary, secondary, special and all age schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and initial teacher training.

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

¹ This act to be replaced by the Tertiary Education and Research (Wales) Act 2022 when the quality provisions are commenced.

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

Response

Introduction

Our inspection evidence across schools, local authorities and post-16 settings shows that while most providers strive to meet the needs of learners with additional learning needs, the consistency and quality of reasonable adjustment arrangements vary considerably. The proposed amendments therefore represent a timely opportunity to strengthen equity in assessment and ensure that all learners can demonstrate their abilities within a fair and coherent qualification framework. We welcome the proposed amendments to the Reasonable Adjustment Specification and support their intention to create a more inclusive qualifications system that enables access for all learners, particularly those with disabilities and/or significant speech, language, or communication needs. These changes represent a proportionate and learner-centred approach, addressing historic limitations in the current exemption rules while maintaining the rigour and public confidence associated with national qualifications.

The amendments rightly reflect the legal duties under the Equality Act 2010, and demonstrate an alignment with wider educational priorities in Wales, including the aims of Cymraeg 2050 and the principles of the Curriculum for Wales. With careful implementation, clear communication, and rigorous quality assurance, these amendments can strengthen inclusion without undermining qualification validity.

To ensure the proposed amendments achieve their intended aims while maintaining public confidence and fairness across qualifications, we recommend the following key considerations:

- We support the proposed amendments as a necessary and proportionate step towards improving equitable access to qualifications for learners with specific needs.
- The exemption threshold should be raised (e.g. to 50%) for certain GCSEs, such as Core Cymraeg, where oracy components exceed the current 40% limit and prevent eligible learners from gaining the qualification.
- Partial component exemptions should be permitted to facilitate fairer access to both Welsh and English language GCSEs where full participation in all components is not possible.

However:

- We strongly advise that exemptions must be used only in cases where no other reasonable adjustments can be applied, consistent with existing JCQ principles and expectations.

- A commitment to ongoing monitoring and long-term evaluation should be embedded to assess the impact of the changes on learner outcomes, inclusivity, and stakeholder confidence in qualifications.

The effectiveness of these changes will depend on how well schools and awarding bodies interpret and apply them in practice. Clear guidance, staff training and consistent moderation will be essential to ensure that policy intentions translate into equitable learner experiences

(i) Do you work in or support the delivery of education?

Yes No

(ii) If yes, what is your organisation? (If no continue to (iv) below.)

(iii) What is your primary role?

(iv) If you do not work in or support the delivery of education, in what capacity would you like to provide feedback?

(v) Are you providing feedback on behalf of an organisation or group? (If yes, please specify which organisation or group.)

Yes No

Consultation questions

Q1: Do you agree with the proposed approach to amend the Reasonable Adjustment Specification to make exceptional rules on exemption of assessment for the specific GCSE qualifications identified?

Strongly agree

We support the proposed amendments to introduce an 'exceptional rule' within the Reasonable Adjustment Specification allowing for the exemption of assessment in specific GCSE qualifications in the new suite of qualifications in Wales. The proposals strike a

balanced, learner-centred approach and avoids disadvantaging disabled learners and/or those with certain impairments from the named qualifications. The amendments are specific, limited, and well-justified in relation to the new qualifications and significant changes to the examination requirements. They maintain rigour and fairness while improving accessibility and promoting inclusive practice in line with legal obligations and Welsh Government educational priorities.

This approach is consistent with Section 5.17 of the JCQ Access Arrangements and Reasonable Adjustments (2025), which permits exemptions where a candidate is unable to access an assessment component and the component is not essential to the integrity of the qualification.

The proposals align closely with the duty under the Equality Act 2010, which requires qualification bodies to make reasonable adjustments to ensure disabled learners are not placed at a disadvantage in undertaking an assessment. By enabling exceptional exemptions for specific GCSEs, the amendments ensure that learners with impairments such as occasional mutism are not unfairly penalised by assessment models they cannot fully access due to their condition. For many of these learners, reasonable adjustments may not be sufficient to allow them to access oracy assessments on a level playing field. This approach is consistent with existing JCQ policy, which allows centres to request full or partial exemptions from practical assessments in GCE A-level sciences where a candidate, due to a disability, is unable to demonstrate competence in one or more of the required practical skills.

Furthermore, this proposal aligns with Welsh-specific legislation with regards to learners with additional learning needs (Additional Learning Needs and Education Tribunal (Wales) Act 2018 and ALN Code (2021)) which emphasise person-centred planning and the duty on education providers to reduce barriers to learning.

It would be important to emphasise and communicate that exemptions would only apply where no other reasonable adjustment is possible and could be clearly indicated on the learner's certificate. This would also ensure that providers and employers understand any adaptations made, without diminishing public confidence in the qualification's integrity. In addition, to ensure fairness and consistency for all learners, it is essential to provide clear, detailed guidance and implement a transparent, well-regulated process for applying full or partial assessment exemptions. It is also important that an ongoing monitoring and long-term evaluation should be embedded to assess the impact of the changes on learner outcomes, inclusivity, and stakeholder confidence in qualifications. Aligning this process with established JCQ protocols will help ensure that exemption decisions are applied consistently across centres, safeguarding equity while maintaining confidence in the integrity of the qualification system.

Q2: If you disagreed, or strongly disagreed with Question 1, was this in relation to the proposed approach overall or in relation to one of the specific GCSE qualifications identified?

Q3: Do you agree that the proposed approach will allow for fair and equitable access to the specific qualifications for learners whose disability may affect their ability to complete the oracy assessment?

Strongly agree

Yes, we strongly agree that the proposed approach will support fair and equitable access to specific GCSE qualifications for learners whose disabilities impact their ability to complete oracy assessments. For many of these learners, reasonable adjustments may not be sufficient to allow them to access oracy assessments on a level playing field. This proposal aligns with Welsh-specific legislation with regards to learners with additional learning needs (Additional Learning Needs and Education Tribunal (Wales) Act 2018 and ALN Code (2021)) which emphasise person-centred planning and the duty on education providers to reduce barriers to learning.

The current 40% cap and prohibition on partial component exemptions limit access for learners who cannot participate in oral elements, particularly when these form a significant proportion of the qualification, such as in the new Core Cymraeg and English/Welsh Language and Literature GCSEs. Without the proposed changes, these learners are at risk of being unable to achieve a full qualification or are disadvantaged by being assessed in a way that does not reflect their true capabilities.

By allowing exemptions up to 50% and partial exemptions for oracy within integrated assessment units (such as in English Language and Literature and Welsh Language and Literature), the amended approach ensures that learners with specific communication difficulties can still access the new qualifications on a fair and equitable basis. This will help support all learners to make continuous progress in their learning and use of the Welsh language during years 10 and 11. Similarly, it ensures that pupils with communication difficulties can access the new English Language and Literature qualifications where the oral elements are integrated into 2 of the units within the qualification. These changes are proportionate, focused, and consistent with the Equality Act 2010 duties to minimise disadvantage while protecting the validity and credibility of qualifications.

We agree that, without an increase in the exemption threshold and the introduction of partial exemptions for specific units, learners with communication difficulties will face unjust disadvantage. They would be unfairly prevented from fully accessing and achieving

the new GCSE Core Cymraeg and / or GCSE English Language and Literature qualifications in a way that accurately reflects their linguistic ability.

This proposed exemption approach aligns appropriately with JCQ guidance (Section 5.17, Access Arrangements and Reasonable Adjustments, 2025), which permits exemptions where a disabled learner cannot access a component, provided that component is not essential to the integrity of the qualification. This supports the introduction of an exemption rule for oracy tasks, where oracy is not the sole means of demonstrating subject understanding, ensuring that such exemptions would not compromise the reliability or value of the qualification. It is again important to emphasise that exemptions would only apply where no other reasonable adjustment is possible and could be clearly indicated on the learner's certificate'

Q4: Do you agree that the proposed approach will minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities?

Strongly agree

Yes, we strongly agree that the proposed approach will help minimise disadvantage for disabled learners in accessing and attaining the new GCSE qualifications within the specified subjects. This proposal aligns with Welsh-specific legislation with regards to learners with additional learning needs (Additional Learning Needs and Education Tribunal (Wales) Act 2018 and ALN Code (2021)) which emphasise person-centred planning and the duty on education providers to reduce barriers to learning.

The current 40% exemption cap and the lack of flexibility around partial component exemptions disproportionately affect learners with speech, language, or communication difficulties, many of whom are unable to complete oracy assessments through no fault of their own. By raising the exemption threshold and allowing partial exemptions, the revised approach removes a significant structural barrier that would place these learners at a disadvantage.

This model better aligns with the Equality Act 2010, which requires awarding bodies to make reasonable adjustments so that disabled learners are not unfairly penalised by assessment arrangements.

We agree that, without an increase in the exemption threshold and the introduction of partial exemptions for specific units, learners with communication difficulties will face unjust disadvantage. They would be unfairly prevented from fully accessing and achieving the new GCSE Core Cymraeg and / or GCSE English Language and Literature qualifications in a way that accurately reflects their linguistic ability.

Q5: Do you agree that the proposed approach will continue to allow the qualifications stipulated to give a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred?

Agree

Yes, we agree that the proposed approach will continue to ensure that the specified GCSE qualifications provide a reliable indication of a learner's knowledge, skills, and understanding. By applying an awarding approach consistent with existing practice that considers the performance of the learners in the completed components of the qualification, learners would receive a qualification that is a fair and valid reflection of their ability.

Inspection evidence indicates that well-implemented access arrangements do not dilute assessment validity when they are applied within a clear framework of moderation and professional understanding. The proposed amendments can achieve the same balance, provided that centres receive clear guidance, and that quality assurance processes are robust.

The proposed amendments are tightly defined, applying only in exceptional cases where no other reasonable adjustment is possible. They allow for partial or full exemption of specific components while preserving the overall integrity of the qualification. In these instances, the remaining assessed components still offer a valid and rigorous measure of the candidate's attainment in the subject.

Furthermore, the proposal includes safeguards to protect public confidence: exemptions will be clearly indicated on the learner's certificate, ensuring transparency for further education providers and employers. This is consistent with current practice in GCE A-level sciences, where exemptions from the practical endorsement are clearly recorded.

By enabling fair access for learners with communication-related disabilities, without compromising the standards or expectations of the qualification, the proposed approach supports both equity and reliability in assessment.

Q6: Do you agree that by undertaking the proposed approach, public confidence in the qualifications stipulated will be maintained?

Agree

Yes, we agree that the proposed approach is likely to maintain public confidence in the stipulated qualifications.

The amendments are tightly controlled and apply only in exceptional cases where no other reasonable adjustment is appropriate. The qualifications will still be awarded based on a sufficient proportion of assessed content, ensuring they continue to represent a valid and reliable measure of the learner's knowledge, skills, and understanding. The approach mirrors established practice in other qualifications, where exemptions are permitted under clear and regulated conditions and maintain public confidence.

To ensure fairness and consistency for all learners, it is essential to provide clear, detailed guidance and implement a transparent, well-regulated process for applying full or partial assessment exemptions. Aligning this process with established JCQ protocols will help ensure that exemption decisions are applied consistently across centres, safeguarding equity while maintaining confidence in the integrity of the qualification system.

Importantly, the proposals include safeguards to preserve transparency and integrity. All exemptions, whether full or partial, would be clearly noted on the learner's certificate. This sensibly aligns with JCQ guidance which allows exemptions to be recorded on certificates. It ensures that further education providers and employers are fully informed of the assessment route taken, without undermining the credibility of the qualification.

By balancing fairness for disabled learners with the need for robust quality assurance, the proposed approach protects the core value and recognition of these GCSEs in the wider system.

We recommend that the Welsh Government, in partnership, monitor the application of exemptions annually. Evaluating patterns of use, learner outcomes and centre consistency would provide assurance that the approach remains equitable and continues to command public confidence.

Q7: What are your views on the effects that the proposed amendments to the Reasonable Adjustment Specification will have on the diverse needs of individual learners, including those from disadvantaged backgrounds and those who share protected characteristics (as set out under the Equality Act 2010)?

We agree that the proposed amendments to the Reasonable Adjustment Specification represent a positive and proportionate step towards meeting the diverse needs of individual learners. The changes will strengthen compliance with the Equality Act 2010 by offering greater flexibility for learners who would otherwise be disadvantaged by the design of oracy assessments within the new English and Welsh GCSE qualifications.

The inclusion of an exceptional exemption rule, where no other reasonable adjustment is possible, will particularly benefit learners with speech, language and communication needs, such as those experiencing selective mutism, Developmental Language Disorder (DLD), or anxiety-related speech difficulties. For these learners, the current 40% exemption threshold and lack of partial component exemptions create significant barriers to attainment. These amendments would allow for a fairer reflection of their knowledge, skills and understanding, as demonstrated through accessible components of the qualification.

We also recognise that learners from disadvantaged backgrounds may face additional challenges in accessing timely diagnoses or specialist support. The introduction of clearer guidance and a transparent exemption process is therefore essential to ensure consistency across centres and to prevent disparities in how access arrangements are applied. This is particularly important for learners who may not have a formal diagnosis but who face genuine barriers to completing oracy assessments, where the centre recognises their needs through established evidence of their normal way of working, as currently outlined in the reasonable adjustments process.

The proposals reflect a balanced approach that prioritises inclusion while maintaining the integrity of the new GCSE qualifications.

Inspection findings frequently show that learners from disadvantaged backgrounds or with less formal identification of needs can face inconsistent access to reasonable adjustments. Clear national guidance and exemplars of good practice would help ensure that all learners, regardless of background, benefit from a consistent and fair process.

Q8: What, in your opinion, would be the likely effects of proposed amendments on the Welsh language in Years 10 and 11? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?

Yes, there are clear opportunities to promote positive effects through the proposed amendments. By extending the exemption threshold and allowing partial component exemptions, more learners with speech or communication impairments will be able to access Welsh and English GCSE language qualifications. This promotes equity in assessment and could help retain engagement with the Welsh language, particularly for learners who may otherwise disengage due to barriers associated with oracy components.

Additionally, the amendments can be used as a platform to raise awareness of inclusive assessment practices and demonstrate how qualifications can evolve to meet the needs of all learners without compromising standards. This supports both the Curriculum for

Wales and Cymraeg 2050 by promoting fair access to Welsh-medium qualifications and reinforcing the commitment to a bilingual and inclusive education system.

Do you think that there are opportunities to mitigate any adverse effects?

Yes, any potential adverse effects can be mitigated through clear guidance, transparent communication, and robust eligibility criteria. To ensure confidence in the system, it will be essential that exemptions are granted only where no other reasonable adjustments are possible and that all exemptions are clearly recorded on qualification certificates, as per existing JCQ policy.

To further mitigate risks, ongoing monitoring and evaluation of the impact of these changes, particularly in relation to the Welsh language, should also be embedded to ensure that the reforms continue to uphold the principle of not treating Welsh less favourably than English.

We also encourage Welsh Government and WJEC to capture learner voice evidence from those affected by exemptions, to understand how the changes influence motivation and confidence to use Welsh in different contexts.

Supporting comments

The proposed amendments present a clear opportunity to enhance inclusivity in assessment, especially for learners with speech, language or communication needs who currently face structural barriers in accessing GCSE qualifications. By raising the exemption threshold and allowing partial exemptions, learners are more likely to remain engaged in language learning through to assessment and progression, which supports wider policy goals such as Cymraeg 2050 and the inclusive aims of the Curriculum for Wales.

In practice, this could result in more learners opting to pursue Welsh qualifications, where they might otherwise be withdrawn or discouraged due to the inaccessibility of oracy components. This proactive approach promotes fairness and widens participation without compromising assessment standards.

Although these amendments would allow a small number of learners to be exempt from oracy components, the opportunities to use Welsh within the broader cohort remain unaffected. The number of learners affected is likely to be very low and narrowly defined by clear eligibility criteria, including where no other reasonable adjustment is possible.

Q9: In your opinion, could the proposed amendments in relation to the GCSE Core Cymraeg and GCSE Cymraeg Language and Literature qualifications be formulated or changed so as to:

-have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or

-mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Supporting comments

The proposed amendments for GCSE Core Cymraeg and GCSE Cymraeg Language and Literature represent a significant step forward in promoting equity for learners with communication difficulties to access Welsh language qualifications.

There are also ways to mitigate potential negative effects on the use of Welsh. While exemptions are necessary in some cases, there is a risk that they could unintentionally reduce learners' exposure to spoken Welsh in formal settings. This can be addressed by making it clear that exemptions will only be applied where no other reasonable adjustment is possible and that learners should still be encouraged to use Welsh in informal or non-assessed contexts. Encouraging schools to create additional opportunities for learners to engage with the language outside of formal assessment, such as through cultural activities or peer interaction, would help maintain language use and learner confidence. To further mitigate risks, ongoing monitoring and evaluation of the impact of these changes, particularly in relation to the Welsh language, should also be embedded to ensure that the reforms continue to uphold the principle of not treating Welsh less favourably than English.

These amendments should not be seen as weakening the status of Cymraeg qualifications, but rather as removing access barriers for learners with certain impairments and/or disabilities. With clear implementation, consistent application, and appropriate monitoring, these changes can enhance the inclusivity of Welsh-medium qualifications while continuing to support the Welsh Government's commitment to promoting the Welsh language across all sectors.

Q10: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

In summary, Estyn supports the proposed amendments as a proportionate and evidence-based approach to improving access and inclusion. We would welcome contributing inspection and thematic evidence to future evaluations of their implementation. Ensuring consistent practice, transparent monitoring, and professional development for staff will be key to sustaining both equity and public confidence in Wales's qualifications system.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: