

CONSULTATION DECISIONS

# Alternative arrangements for the award of VTQs and other general qualifications in 2021

Approach to awarding qualifications where exams do not take place



Department  
for Education

**ofqual**

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# Introduction

Our joint consultation on the alternative arrangements for the award of vocational and technical qualifications (VTQs) and other general qualifications in 2021 took place between 15 January and 29 January 2021. A copy of the [consultation and our analysis of responses is available on the Ofqual website](#).

Due to the ongoing impact of the coronavirus (COVID-19) pandemic and the consequent disruption to education, the Department's position is, as previously set out, that it is no longer viable for exams, scheduled for February and March, to go ahead for some VTQs and other general qualifications. The Department consulted on the following policy positions:

- it is not viable for external exams for qualifications that are taken instead of or alongside GCSEs, AS and A levels, including other general qualifications (that are not GCSEs, AS and A levels), scheduled for April onwards to go ahead. Alternative arrangements should be put in place to award results in the absence of exams. The Department proposed that those VTQs in scope of alternative assessment arrangements are likely to be those that received a 'calculated result'<sup>1</sup> in summer 2020
- exams and assessments for VTQs that require a practical assessment to demonstrate occupational competency or are a licence to practise should continue to take place wherever possible, where they can be delivered in line with Public Health England (PHE) measures
- for other VTQs that may be used for either progression to further or higher education, or progression to employment, and are unlike GCSEs, AS or A levels, assessments should continue where they can be delivered in line with PHE measures, including remotely, and should be subject to alternative arrangements where this is not possible

In Part A of the consultation, the Department asked for views on this proposed policy.

Part B of the consultation set out proposals for how Ofqual could implement the Department's proposed policy, as set out in Part A. Ofqual consulted on the alternative regulatory arrangements it needed to put in place so that awarding organisations can issue results to learners when exams and other assessments do not take place. These alternative regulatory arrangements will help students and

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<sup>1</sup> In line with the [ministerial direction issued in April 2020](#) for those qualifications which supported progression to further and higher study and to employment, awarding organisations were permitted to issue calculated results to learners where assessments did not take place.

other learners who were due to take external exams and assessments this summer to progress to the next stage of their education.

For qualifications that demonstrate occupational competency or act as a licence to practise, Ofqual proposed that the new alternative regulatory arrangements would not apply because exams and other assessments should continue. This was necessary to ensure that employers can have confidence in the knowledge, skills and understanding of learners achieving these qualifications and are competent to operate in the workplace.

## Consultation details

The consultation ran between 15 January 2021 and 29 January 2021. The consultation included 33 questions and was published on the Ofqual website with an online form for responses. We received 3,277 responses to our consultation and [a full analysis of the consultation responses is published alongside the consultation](#).

## Summary of decisions

Following the consultation, the Department has decided to proceed broadly as proposed. The Secretary of State confirmed the government's policy in his direction to Ofqual, which was published on 23 February 2021. This is summarised below:

- Different approaches will be taken to 3 broad groups of VTQs:
  - the first group includes those VTQs most similar to GCSE, AS and A levels that are used for progression to further or higher education. It is government policy that it is no longer viable that exams for these VTQs go ahead. Instead, results should be awarded using similar arrangements to GCSEs and AS or A levels. These include VTQs such as many BTECs, Cambridge Nationals and Technicals, and many Technical Awards and Technical Certificates, as well as other general qualifications that are not GCSEs, AS and A levels, such as the International Baccalaureate, Pre- U, Core Maths, Extended Project Qualification and Advanced Extension Awards.
  - the second group is VTQs used to enter directly into employment. Exams or assessments should continue where they are critical to demonstrate occupational or professional competence and can be delivered in line with PHE measures. Where the assessment cannot take place safely, it will need to be delayed. These may be written or practical exams and assessments.

- the third group includes smaller qualifications taken for mixed purposes that are unlike GCSEs and A levels in their qualification and assessment structure, such as Functional Skills qualifications and English for speakers of other languages (ESOL). Exams and assessments for these should continue where they can be delivered in line with PHE measures or remotely, but with alternative arrangements available for those who cannot access the assessments.
- as this is the first year in which students will be taking T Levels and students need to be able to progress through the course, students should be able to receive grades for the core component in August this year. Alternative arrangements for the award of these grades should be put in place to recognise that there is no historical delivery that can inform alternative assessment.
- internal assessment should continue where possible as it is important in supporting continued learning, as well as providing evidence to inform results awarded through alternative arrangements. However, the Department recognises that the disruption to learning means that, like external exams, internal assessment will have been, and will continue to be, affected.
- the performance standard for VTQs and other general qualifications should be broadly the same as in previous years
- it is essential that students taking VTQs and other general qualifications that are not GCSEs or A levels but are used to progress to HE or FE should receive their results no later than their GCSE or A Level peers. It is expected that relevant VTQ results are issued to students on or before 10 August for level 3 and 12 August for level 2

Qualification grades awarded using alternative assessment arrangements in spring and summer 2021, will not be used to create performance table measures or Qualification Achievement Rates at school or college level for use in accountability. The Department will provide further information on accountability arrangements in 2020/21 separately.

In line with this and the decisions set out above, the requirements on AOs for qualifications to count in performance tables, as set out in the [Technical Guidance](#), will also not apply for the 2020 to 2021 academic year.

Following the consultation and the confirmation of the Department's policy position as set out in [the Secretary of State's direction](#), Ofqual has decided to implement its proposals in full.

Ofqual has decided to introduce a new regulatory framework and is [now consulting on the detail of that framework](#). This will be called the VTQ Contingency Regulatory Framework (VCRF).

The VCRF will permit awarding organisations to issue results on the basis of alternative evidence including teachers' judgements of learners' performance (to be referred to as Teacher Assessed Grades<sup>2</sup>) when exams do not take place and/or when learners cannot complete all internal assessment. These provisions will apply to those qualifications identified by the Department in the direction issued to Ofqual.

For those VTQs and other general qualifications most similar to GCSEs, AS and A levels, where it is not viable for exams and other assessments to continue as normal, our expectation is that awarding organisations will put in place similar approaches to awarding as those put in place for GCSEs, AS and A levels, where possible and appropriate.

For those qualifications that support progression to further study or employment but that have different characteristics to GCSEs, AS and A levels, exams and assessments should continue where safe to do so, remotely or in-person. Where learners are ready to sit the exams or assessments but are not able to do so, we will permit awarding organisations to issue results to learners using alternative evidence including Teacher Assessed Grades. Where exams and assessments continue, we will permit awarding organisations to continue to make adaptations to assist in mitigating the impact of the pandemic.

This framework will also permit awarding organisations to award results only on the basis of assessments, adapted or otherwise, which have been completed by the learner. These provisions will apply to those qualifications identified by the Department in [the direction issued to Ofqual](#) as not being safe to award on the basis of alternative evidence including Teacher Assessed Grades and that exams and assessments should continue where it is safe to do so, remotely or in person.

These arrangements will apply to both certificating and non-certificating learners.

We will also require awarding organisations to be mindful of the burden their approach to awarding places on centres and learners, to work together to develop consistent approaches where appropriate, and to provide clear and timely advice and guidance to centres.

We have also decided to:

- supplement General Condition I1 with additional guidance around appeals for qualifications

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<sup>2</sup> In this context the term teacher is used to encompass any member of staff at a centre who is involved in the delivery and assessment of the qualification.

- require awarding organisations to include private learners in their arrangements for awarding as far as possible
- permit awarding organisations to take the same approach to awarding for qualifications which are also taken in international markets, provided that this does not undermine the validity of the qualifications and that any risks around malpractice and the particular needs of the international market are considered and addressed

# Decisions

## Part A – Policy Overview

### *1.1 Proposed qualifications in scope for alternative arrangements in 2021*

#### ***What we proposed***

Due to the ongoing impact of the coronavirus (COVID-19) pandemic and the consequent disruption to education experienced by students, it is no longer viable for external exams to go ahead from February onwards for some vocational and technical qualifications (VTQs) and other general qualifications. We want to ensure that students and other learners taking VTQs most similar to GCSEs, AS and A levels, or other general qualifications, are not advantaged or disadvantaged in comparison to their peers taking GCSEs, AS and A levels. This means we must ensure students and other learners can be awarded a qualification and access the same progression opportunities, and that the approaches to awarding are broadly similar. Therefore, Ofqual will require awarding organisations to put in place alternative arrangements to award these qualifications.

The qualifications in scope of alternative arrangements are likely to align closely to those qualifications where calculated results were made available in 2020. This is because those qualifications were most similar to GCSE, AS and A levels and were used to support progression to further study instead of, or alongside, GCSEs, AS and A levels. This will include most qualifications approved for inclusion on performance tables, including Applied General qualifications such as some BTECs and Cambridge Technicals.

#### **We asked:**

Question 1: Are there any other written exams due to take place from April onwards this academic year, that should be in scope and therefore not go ahead?

#### ***Responses received***

There were 1,937 open responses to question one, and responses to this question were largely related to assessments that were already in scope of the proposed policy proposals. There was a consensus among respondents that exams for the VTQs in scope should not go ahead.

Other respondents raised the issue of other general qualifications, which share similarities with GCSE, AS and A levels. In particular, a significant proportion of the comments argued that assessments for the International Baccalaureate, Core Maths, and Cambridge Pre-University should no longer go ahead. They stated that arrangements for these qualifications should ensure there is parity with GCSEs, AS and A levels, since they led to similar progression opportunities.

Some respondents requested that the government should provide a clearer position on some practical assessments, particularly in Early Years Educator qualifications. Respondents also argued that the impact of lost learning and the lack of access to technical equipment while learning from home need to be considered.

There was a significant number of responses lobbying for IGCSEs and International A levels (out of scope qualifications) also to be cancelled. Many of these responses recognised that these qualifications were out of scope as they are not regulated by Ofqual, but requested that they were considered, citing that they should be treated in parity with other qualifications such as GCSEs, AS and A levels. Some students and teachers cited specific VTQs where they felt exams should be cancelled.

## ***Our decisions***

As set out in the consultation document, the diverse nature of VTQs means that one approach to awarding cannot be applied to all VTQs. Having analysed the consultation responses, it is the government's policy that different approaches will be taken to different VTQs.

It is not viable for exams for VTQs most similar to GCSEs, AS and A levels that are used for progression to further or higher education to go ahead. Results should instead be awarded using similar arrangements to GCSEs, AS and A levels. Ofqual will put in place a regulatory framework that will enable awarding organisations to determine the appropriate arrangements for their qualifications, and, in due course, will publish an explainer tool confirming the arrangements for all qualifications.

The majority of the specific qualifications cited by respondents are in scope of alternative assessment arrangements.

Some of the qualifications that respondents felt should not go ahead are considered professional competence qualifications. It is government policy that, in line with the broader policy set out in the previous section exams and assessments in these qualifications should continue where they can be delivered in line with PHE measures, given they are required by a professional body to enable a student to enter into employment.

The government's decision regarding other general qualifications is confirmed below, in response to question 2.

As respondents recognised, IGCSEs and International A levels are not regulated by Ofqual and are therefore out of scope of these arrangements. It is the responsibility of the individual awarding organisations to determine the appropriate approach to these qualifications.

## **1.2 Other general qualifications**

### **What we proposed**

For other general qualifications that are not GCSEs, AS or A levels, it was proposed that alternative arrangements should be applied. This includes qualifications such as Extended Project Qualifications, Advanced Extension Awards, the International Baccalaureate (IB), Pre-U, and Core Maths. The structure and assessment methods for these qualifications mean they are similar to GCSEs, AS and A levels.

#### **We asked:**

Question 2: Do you agree that written exams for other general qualifications that are not GCSEs, AS or A levels, due to take place from April onwards this academic year, should be subject to alternative arrangements similar to that taken for GCSEs, AS and A levels, as addressed in part B of this consultation?

### **Responses received**

The majority of respondents (91%) agreed that exams for other general qualifications should be subject to alternative arrangements similar to those put in place for GCSEs, AS and A levels. The majority of respondents argued that fairness with GQs is needed and so all exams should be cancelled, and alternative arrangements used instead.

A significant number of respondents commented on the IB and Pre-U specifically, arguing it would be unfair for these exams to go ahead because these students have experienced the same levels of disruption, reduction in face-to-face teaching and lost learning as their A level counterparts. Respondents argued that IB and Pre-U students would be significantly disadvantaged if exams for these qualifications continued.

A minority argued that some exams should go ahead, potentially at a later date, with some citing some schools' ability to continue with remote learning, or because for some qualifications, some assessments had already been taken and "banked" with the relevant awarding organisation.

Similar to the position the government took in relation to January exams, other responses also suggested that students should be given the option to sit their exam if they wanted because they have worked hard to prepare for them. It was also suggested that year 12 students should be able to sit their exams, as they would have the opportunity to re-sit next year. However, some respondents raised the opposite view, arguing that students in year 12 should be awarded results based on teacher judgement for the units they would have ordinarily sat an exam for this summer, because to delay these exams until the second year of their course would put too much pressure on them in year 2. Their view was that there would be insufficient time to complete these assessments, as well as the teaching, learning and assessment for the units taken in year 2 of the qualification.

### ***Our decisions***

Since these other general qualifications lead to similar progression opportunities as GCSEs, AS and A levels, the government's policy position is that they should be treated in a similar manner, with exams not going ahead. To ensure fairness for learners who are taking similar qualifications leading to similar progression opportunities, these other general qualifications should be in scope of alternative awarding arrangements and grades should be determined in a similar way to GCSE, AS and A levels.

However, whilst the structure of these qualifications is similar to GCSEs, AS and A levels, they are not identical. In some cases, non-examined assessment will have been completed and awarding organisations could use this as evidence for the final grade. This means that the alternative awarding arrangements for these qualifications cannot be exactly the same as those used for GCSEs, AS and A levels.

Some of these qualifications are also taken overseas and in countries where exams are continuing. This element was raised strongly in the responses from the relevant awarding organisations. We recognise that there will need to be some flexibility in the arrangements for awarding of those qualifications, so that there is a degree of comparability internationally. Section 1.23 in part B sets out Ofqual's decision on how these qualifications should be awarded.

During consultation, we spoke directly to the awarding organisations for these qualifications. They were mindful of the strength of feeling on whether these exams should go ahead and the impact of the ongoing disruption of the pandemic. They also highlighted the need for flexibility in how grades are awarded through alternative arrangements given the different structure of their qualifications as compared to GCSEs and A levels.

## 1.3 Functional skills qualifications

### **What we proposed**

Functional skills qualifications (FSQs) are taken on-demand and many awarding organisations offer remote assessments in English and maths. We know some assessments can still take place, therefore we do not see a strong rationale for preventing them where accessible and where they can be delivered in line with public health measures. Where it is not possible for assessments to take place, alternative arrangements will be made available.

### **We asked:**

Question 3: Do you agree assessments for Functional Skills qualifications should be permitted to go ahead where they can be delivered in line with public health measures, including remotely, from April onwards, and otherwise be awarded through alternative arrangements set by Ofqual?

### **Responses received**

The majority of respondents agreed with the proposal. Those who disagreed largely cited the need for parity with the awarding approaches for GCSEs.

Where assessments proceed, some respondents raised concerns about commuting to exam centres, safe social distancing and associated costs with setting up Covid-secure facilities. Many respondents were positive about the rollout of remote solutions, but further work is needed regarding scalability and robustness. Remote solutions are also not currently available across all awarding organisations. Accessibility of remote solutions is also impeded by digital poverty, such as lack of devices and connectivity, therefore alternatives are required as contingency.

Some respondents requested allowances for disrupted learning, such as adjusted curricula and thresholds for awarding. Some respondents raised the need for additional information about appeals, special considerations, and support for SEND learners with scribes or readers. Flexibility was requested where there are valid objections to taking assessments. Clarity was requested for what constitutes sufficient evidence under alternative arrangements, with respondents also highlighting the need for appropriate controls to be put in place to avoid malpractice. Where alternative arrangements are needed, comments included that teachers should determine the results, but also that external quality assurance is important to minimise teacher bias.

## **Our decisions**

There was agreement across the majority of respondents that all efforts should be made to allow learners to take an assessment, in line with public health measures or remotely, and that these should be explored before considering alternative arrangements. There were various concerns raised about this approach that we have detailed below. Having carefully considered these concerns, we have decided to implement the policy as proposed. Our decision means that wherever possible, learners should take an assessment, and alternative arrangements should only be considered for those who cannot access one. This solution will support many learners to progress to the next stage of their studies. It will also ensure that apprentices can progress through their apprenticeship towards their end point assessment and future employment opportunities. Where learners are ready to take FSQ assessments, but it is not possible to access an assessment in person on public health grounds, or remotely, they can receive a result under the alternative arrangements.

To ensure alternative arrangements are robust substitutes, we have asked Ofqual to work with awarding organisations to provide guidance to centres regarding consistency in grading and approaches to internal and external quality assurance across centres and awarding organisations. Although most respondents agreed with our policy position, we acknowledge the concerns raised by those who disagreed on grounds of lack of parity with students taking other qualifications, particularly GCSEs. As we set out in the consultation, FSQs are unlike GCSEs in their qualification and assessment structure and they are taken by a wide range of learners including adults, 16 to 19-year-olds and apprentices of all ages. FSQs are smaller qualifications and taken on-demand when learners are ready. It is for this reason it is considered appropriate for exams to continue even though GCSE exams are not going ahead. We are aware, however, that assessments will not be accessible for all students due to public health measures, which is why alternative arrangements will, in those, circumstances be available.

## 1.4 T Levels – core component assessment

### **What we proposed**

The policy proposed in the consultation was that the core exams scheduled for the summer would not go ahead.

As the technical qualifications within T Levels are entirely new qualifications, based on new content and assessment standards, and the challenges in any alternative means of generating assessment evidence, we proposed that students should instead take the core exams in the second year.

As the other part of the core component assessment (that is, the employer-set project) is more practical, we proposed that students should still have the option to take this assessment in summer 2021.

Results from the core exams and the employer set project assessments are required to derive an overall core component grade. This would have meant that overall core component grades would only be awarded after students had taken the core exams in autumn 2021, in the second academic year.

### **We asked:**

Question 4: Do you agree that T Level core component exams should not go ahead this summer and should be taken in the second year, but that students should still have the option to take the employer-set project?

### **Responses received**

The vast majority (88%) of the 2,589 respondents who answered this question, agreed with the proposal. However, most of these are not directly involved in the delivery of T Levels.

Of those T Level providers that are responsible for delivering the courses and administering the assessments this year, the majority (18 of the 34 who responded) raised concerns about the impact on the curriculum time available next year if the core assessment was pushed back.

It is also clear from responses that providers may be more open to the use of grades based on teacher judgement than was first understood.

## ***Our decisions***

Our decisions are based largely on the subset of responses from 2020 T Level providers and from more in-depth conversations with them during the consultation period.

They reiterated concerns that if core knowledge exams were delayed until the autumn, this could limit the time available in the second year to deliver the occupational specialisms and for students to complete their industry placement.

Our position is therefore that students have the option to complete the core component this summer and receive an overall grade in August that accounts for the employer-set project and core knowledge.

Where a student has decided to complete the core component this summer, Teacher Assessed Grades should be used to derive the core component grade. Drawing on both the employer-set project and core knowledge will provide more evidence to inform the Teacher Assessed Grade for the core component while ensuring the coherence of this part of the course.

Students who choose to complete the core component this summer, can retake either the core knowledge exams or the employer-set project in the autumn as planned. Alternatively, they could choose to take the core component for the first time in the autumn and re-take either or both parts in the summer of 2022.

Using Teacher Assessed Grades will mean students can receive a grade for the core component this summer. This approach aims to avoid overloading the second year so that students have more time to prepare for occupational specialism assessments and to go out on their industry placement.

### ***1.5 Proposed qualifications not in scope of alternative awarding arrangements***

#### ***What we proposed***

There are a number of VTQs that enable students and other learners to directly enter into employment, which require a practical assessment to demonstrate occupational competency and award the qualification.

While we recognise students and other learners taking these VTQs have faced disruption to their education, we also recognise that there would be wider economic and societal impacts, and potential health and safety impacts, if students and other learners enter employment when they are not appropriately qualified. For example, there could be health and safety implications that would arise if a learner were placed in employment to fit a boiler, wire buildings and install electrical equipment, handle machinery, or work with vulnerable people. For these reasons, it is not

possible to award these occupational or professional competency qualifications through alternative arrangements – a direct assessment of the learner’s demonstration of skills or knowledge is necessary.

In line with the decision on February and March assessments, occupational or professional competency VTQs should continue wherever possible, in line with public health guidance, so that students and other learners are able to progress to the next stage of their lives. We recognise, however, that schools’ and colleges’ ability to teach the entire curriculum and provide the usual exam preparation support will be affected and that VTQ students and other learners will have experienced some disruption to their learning. Therefore, where students and other learners would prefer to, or need to, defer their assessment, they will be able to do so. This may mean students are not able to progress as planned.

### **We asked:**

Question 5: Do you agree that practical exams required for employment and apprenticeships should continue to go ahead throughout the academic year, where they can be delivered in line with public health measures, or otherwise will need to be delayed?

If you do not agree, which practical, occupational competence exams do you think should not go ahead?

### **Responses received**

The majority of respondents agreed with the proposal that practical exams required for employment should continue, with a minority disagreeing.

Of those respondents who agreed that exams and assessments should go ahead and left comments, many agreed that they were needed to enable a student to progress to the next stage of their lives. They agreed that it was not possible or safe to award qualifications that assess learners against professional or occupational standards via alternative means, as it could lead to a lack of confidence in the ability of the qualifications to meet their purpose of measuring whether a student has acquired or can demonstrate practical, occupational competence in the workplace. Respondents also argued that often the written exams, not just practical ones, are integral to awarding qualifications that allow students to demonstrate occupational competency.

However, a number of respondents who agreed with the proposal argued that these students require access to specialist equipment and should be prioritised for return

to school and college. They also raised logistical concerns, such as ensuring sufficient distancing within workshops, as well as the need for additional funding to ensure students are able to catch up sufficiently before taking their assessments. A campaign response<sup>3</sup> from teachers was identified that raised concerns to this effect, but other non-campaign responses also raised these sentiments.

A number of respondents who agreed that exams and assessments for occupational competency qualifications should go ahead argued that while these qualifications have already been adapted under Ofqual's Extended Extraordinary Regulatory Framework, they may need to make further adaptations and should be permitted to do so. There were also calls for greater consistency between awarding organisations with regard to which qualifications are considered to focus on occupational competence and in scope of continuing, with a small number pushing for this group of qualifications to be limited to those qualifications truly considered to measure occupational competency. A small number of respondents suggested that the decision for exams and assessments for occupational competency qualifications go ahead should be optional, similar to the position permitted for January exams.

## ***Our decisions***

For some qualifications, the exams or assessments are critical for the qualification to be awarded reliably and safely. This will primarily be the case for exams and assessments that are taken to demonstrate occupational or professional competency or proficiency. This will include, for example, professional accounting assessments, health and safety critical skills relating to machinery and construction, and skills in health and social care, plumbing, electrics, animal care, land management. These are needed for students to enter directly into, or progress through, employment or apprenticeships, as employers need to be confident that the individual has the appropriate professional or occupational competency to fulfil the job safely.

The government recognises the concerns raised about student progression. However, the government considers that the risks associated with a student entering the workplace without the right level of competence are greater than those associated with students not progressing. Providing a result that signals competency that has not been assessed or evidenced to the usual expected standards creates risks, including those relating to health and safety. It could mean that a student does not possess the skills required by the role to which the qualification relates or does not meet the standards set by professional bodies or in regulations. The government therefore does not consider it appropriate nor safe to use alternative arrangements to assess these students' skills and knowledge.

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<sup>3</sup> A campaign response is where the exact same response has been received by multiple different respondents.

For these qualifications that signal occupational or professional competence, exams and assessments should continue to be delivered where they can be done in a Covid-secure way, in line with PHE measures. In light of the comments received regarding occupational competence being demonstrated through written exams, this applies to both written and practical exams.

In recognition of the concerns raised in the consultation that students taking these qualifications have faced disruption, the government recognises that further adaptations may be required to take account of the ongoing impact of the pandemic, in addition to the adaptations that awarding organisations have already made.

The government acknowledges the concerns raised regarding the importance of students having access to specialist equipment for these sorts of qualifications. That is why the FE guidance allows for a small number of FE students and apprentices who would otherwise be completing their courses or apprenticeships in January, February or March are able to attend where it is not possible for their training or assessment to be completed remotely. This includes:

- those who are due to do a licence to practise, or other occupational or professional competency assessment, including end point assessments, in February or March
- those training for some critical worker roles, for example: engineering, health and social care, manufacturing technologies, nursing and subjects and vocations allied to medicine, transportation operations and maintenance, agriculture, education and training and building and construction (where this is connected to utilities and communications) that are due to complete in the next 3 months.

Furthermore, on 22 February it was announced that all school and FE students will be able to return from 8 March. This means that students taking qualifications which confer occupational competence and apprentices can get back to face-to-face teaching and training, which we know is important their mental health and educational achievement.

## ***1.6 Level 4 and 5 qualifications***

### ***What we proposed***

At level 4 and 5 the mix of qualifications is different from level 3 and below, and external examination is not the norm. Nonetheless the same broad issues and considerations apply to level 4 and 5 qualifications, and similar principles and approaches should be followed. In particular, many level 4 and 5 qualifications are occupational in nature. With these, as at lower levels, practical exams are critical to ensuring the requisite level of competency is achieved (as set out in paragraphs 18

to 21) and we propose they should therefore continue where they can be delivered in line with PHE guidance.

At level 4 and 5 the market cuts across the HE and FE sectors. Many qualifications at this level are delivered by higher education institutions (HEIs) regulated by the Office for Students, and in these cases HEIs decide their examination arrangements autonomously. We would expect HEIs to apply similar considerations to their assessment and awarding, as the awarding organisations regulated by Ofqual.

### **We asked:**

Question 6: What, if any, important differences of approach do you think need to be taken to exams for Ofqual-regulated level 4-5 qualifications?

### **Responses received**

644 respondents gave a view on level 4 and 5 courses. Of those, 26% preferred to follow a similar approach to other VTQs. 19% indicated a preference for teacher assessment and/or assessed grades. 30% preferred alternatives to exams such as portfolios, assignments, adapted exams, or lowering grade boundaries. 13% supported taking a similar approach to GCSEs and A levels (that is, cancellation of exams). 6% favoured going ahead with exams. Some of the responses indicated that the respondent may not have experience in level 4 and 5 teaching or learning and was providing views based on other expertise.

Many respondents highlighted the importance of consistency of approach across levels and between FE and HE. Another common theme was around fairness, for example taking into account the amount of learning that had taken place. Others highlighted particular subjects with specific constraints (such as hair and beauty), or particular groups with particular needs or difficulties (such as SEND students).

### **Our decisions**

At level 4 and 5, qualifications have a broad range of purposes including progression to higher study, occupational learning and achieving professional requirements. A high share of qualifications have a vocational or technical component (around 88%<sup>4</sup> are studying subjects aligned to technical routes<sup>5</sup>), but these qualifications can also

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<sup>4</sup> [Mapping the higher technical landscape](#) (RCU 2018),

<sup>5</sup> The Sainsbury Review and Post-16 Skills Plan set out 15 routes describing occupations across the labour market that require technical and higher technical education

be used for direct progression to higher level study as well as for entry to employment.

Just as with qualifications at other levels, considerations of public health may limit the ability to carry out assessments. Disruption to learning may also mean students have not covered the full content of the course or are not prepared for examinations. The general approach set out in the rest of this document is largely appropriate for level 4 and 5 qualifications, albeit recognising that external examinations are less prevalent, and therefore some of it does not apply. This means that the government's policy approach is:

- the government recognises that the level 4 and 5 landscape is varied, covering a range of provider types, subject areas and assessment methods, and a one-size-fits-all approach is not appropriate. Awarding organisations will need to take decisions on their approach to awarding based on the particulars of their qualifications, taking into account the policy set out in this document for other VTQs. The approach to awarding should seek to ensure a consistent and equitable approach with comparable qualifications, including those offered by other awarding organisations, while ensuring that assessments are based on robust evidence.
- for qualifications aimed predominantly at progression to higher level study, external examinations should not go ahead. These should be replaced by alternative arrangements.
- in general, internal assessment should continue where this is possible, though it is recognised that this may not always be possible, given disruption to study and where remote assessment is not practical
- where the purpose of the qualification is substantially occupational or professional, examinations should proceed, either in person or remotely, where possible in line with public health measures, and where the student is ready to take the exam. Adaptations will often continue to be appropriate, including new adaptations in recognition of the disruption suffered by learners since January. In some cases, public health considerations, or the disruption to learning, may mean that examinations need to be delayed.

At level 4 and 5, qualifications are awarded by awarding organisations regulated by Ofqual (which are in the scope of this policy), and Higher Education Institutions (HEIs) regulated by the Office for Students (OfS) (which are not). In some cases there is overlap, such as where an Ofqual-regulated awarding organisation licenses its qualifications to an OfS-regulated HEI. While HEIs make autonomous decisions about their own examinations, the department believes that the considerations and approaches set out here are just as relevant to HEI qualifications. Furthermore, consistency across awarding organisation and HEI qualifications is highly desirable.

We therefore urge HEIs to apply the same approaches set out here to their own qualifications, taking into account [OfS guidance on quality and standards](#).

## ***1.7 Principles for assessment approach for proposed qualifications in scope of alternative awarding arrangements***

### ***What we proposed***

#### ***The approach for alternative arrangements: teacher assessment***

In recognition of the fact that VTQ students and other learners will also have experienced disruption, we want the approach for VTQs to be as consistent as possible with GCSEs, AS and A levels, particularly where qualifications are designed, delivered, and assessed in a similar way and support students and other learners to progress to similar destinations. This will seek to ensure VTQ students and other learners are not advantaged or disadvantaged compared to their peers. For some VTQs and other general qualifications, this would therefore require some form of teacher assessment to replace exams for the qualifications in scope of alternative awarding arrangements, in line with the proposals for GCSE, AS and A levels.

#### ***Internal assessment***

We know that for many VTQs, internal assessment occurs throughout the year. Awarding organisations have been working to adapt their internal assessments to continue to be able to deliver them in a way that mitigates the impacts of disruption on teaching, learning and assessment, as well as responding to public health measures such as social distancing. The Department's view is that internal assessment should be taken into account when determining a result.

We also recognise the importance of ongoing access to education and learning throughout the remainder of the 2020/21 academic year, with schools, colleges and other FE providers providing education and learning remotely. As part of this remote delivery, we expect that internal assessment should continue to take place for these qualifications wherever possible. We acknowledge, however, that the level of disruption suffered might mean that not all internal assessment can be completed by all students and other learners. As set out in Part B, arrangements will need to be put in place, to ensure that, as far as possible, all learners are able to access a result that reflects their achievement and are not disadvantaged.

## **We asked:**

Question 7: Are there any qualifications in scope of alternative awarding arrangements where a form of teacher assessment is not appropriate?

Question 8: Do you agree that internal assessment should continue, where relevant, for all students and other learners where possible?

## **Responses received**

### *The approach for alternative arrangements: teacher assessment*

88% of respondents thought a form of teacher assessment was appropriate for all qualifications in scope of alternative awarding arrangements.

Respondents felt that teachers know their students best and are therefore best placed to make assessments. Some suggested that in order to ensure teacher assessments are fair, they should still be moderated, with guidance provided for consistency. Concerns were raised about potential for teacher bias or favouritism as well as their ability to assess accurately where contact with students has been limited. Some respondents felt there should be a distinction drawn between learning that has taken place at home versus school or college.

Respondents commented that technical courses with practical components or those with a licence to practise are not suitable for teacher assessment alone. Examples given included music, performance arts, electrical/plumbing, childcare, hairdressing and animal care.

A small number of respondents raised concerns that a form of teacher assessment is not appropriate for private students, with one respondent suggesting that these students should be given the opportunity to sit exams remotely. Another respondent suggested that private students should work with a school or another teacher to provide a teacher assessment.

A small number of respondents also argued that teacher assessment was not appropriate for the International Baccalaureate (IB) because teacher assessment would not be used in other countries where candidates will be able to sit exams. Other respondents argued that the IB has internal assessment on which the IB could be awarded.

### ***Internal assessment***

The majority of respondents, at 81%, agreed with the proposal that internal assessment should continue where relevant, with 19% disagreeing.

The majority of the respondents who agreed with the proposal highlighted the need for the internal assessments to be carried out in a fair way and so they added several caveats to their agreement.

A significant percentage of respondents suggested that individual circumstances should be taken into account, citing digital poverty, an unfavourable home environment, and illness as some of the reasons that needed to be considered. Other suggestions included that internal assessments should be adapted across the board, with moderated grades, reduced assessment requirements, adapted standards verification processes, marking incomplete assessments and that internal assessments continue as a means to inform centre-assessed grades and/or provide evidence for them.

A significant number of respondents who disagreed with the proposal cited the lack of fairness as the main reason. They highlighted inconsistencies between different courses, different schools, and different areas, as well as between technical courses and GCSEs, AS and A levels. A significant loss of teaching time was also a common concern, along with the view that remote learning was less effective. Concerns regarding the impact on pupils' mental health were also raised.

### ***Our decisions***

While the government position is that exams for VTQs most similar to GCSEs, AS and A levels that are used for progression to further or higher education will not go ahead, stakeholders raised a concern that some qualifications in this group, such as Early Years and Childcare, are used both for progression to higher education and progression into employment and have an element of occupational competence which cannot easily be assessed through alternative arrangements. Awarding organisations are developing alternative ways to award these qualifications for students entering higher education for which occupational competence is not required.

With regard to private candidates, we know that the scale of private candidates taking VTQs is typically much smaller than those taking GCSEs and AS, and A levels. This is because the nature of VTQs, such as the need for access to specialist equipment or the need for internal assessment, means that students must have access to centres. Therefore, it is likely that some private candidates for VTQs will have already generated some evidence that can be used to award a result. Where this is not the case, however, Ofqual's regulatory framework will expect awarding organisations to put in place arrangements for private candidates taking VTQs which

are similar to the arrangements for private candidates taking GCSEs, AS and A levels, to ensure parity as far as possible between the two cohorts of learners.

Internal assessment for VTQs is important in supporting continued learning, as well as providing a source of the evidence to inform results awarded through alternative arrangements. Therefore, the government's policy is that internal assessment should continue where possible and should be used as evidence in alternative arrangements.

It is particularly important that internal assessment continues for occupational competency qualifications. However, where assessment for occupational competency qualifications is not able to continue, students will have to delay their assessment and completion of their qualification until a later date.

We recognise that a minority of respondents disagreed with internal assessment continuing, citing a lack of fairness, since for a number of students, it is likely that they will not be able to complete all of their internal assessment, due to the disruption they have faced. And so, for the qualifications in scope of alternative awarding arrangements, we recognise that all internal assessments may not be completed for all students. Ofqual's alternative regulatory arrangements will permit awarding organisations to develop an approach to awarding qualifications on the basis of incomplete assessment evidence while identifying their minimum evidential requirements.

## ***1.8 Equalities considerations***

We have set out detail of the responses to Question 9 and our response to these in the joint Equality impact assessment.

## Part B – Approach to awarding VTQs and other general qualifications

In this section, Ofqual sets out the decisions it has made following the consultation.

### *1.9 Alternative regulatory arrangements*

#### ***What we proposed***

In light of the Department's policy position that exams would not take place for some VTQs and other general qualifications, we proposed to introduce alternative regulatory arrangements to permit awarding organisations to award these qualifications when exams do not take place and not all internal assessments are completed.

For all other qualifications which the Department did not identify as in scope of their policy position, namely occupational and licence to practise qualifications, we proposed that the approach and provisions in the Extended ERF remained appropriate and that the new alternative regulatory arrangements will not apply to these qualifications.

#### **We asked:**

Question 10: To what extent do you agree/disagree that the alternative regulatory arrangements should only apply to the qualifications identified in Part A of this document?

#### ***Responses received***

47% of respondents agreed/strongly agreed with the proposal that the alternative regulatory arrangements should only apply to the qualifications identified in Part A of this document, 24% disagreed/strongly disagreed and 29% neither agreed nor disagreed.

Some respondents also thought that occupational and licence to practise qualifications were in scope, which they did not agree with.

Those respondents who disagreed or were not able to agree or disagree did so because they were unclear which qualifications were in scope.

A small number of respondents suggested that exams should go ahead.

Other respondents who disagreed said that all qualifications should be approached in the same way to be fair to students.

Some respondents, who neither agreed nor disagreed, commented that Pre-U, BTEC and Cambridge Technical should be dealt with in a similar way to A levels, and that IGCSEs and IB should be dealt with in a similar way to GCSEs. Otherwise candidates taking these qualifications would be disadvantaged.

Some responses mentioned that entry level qualifications should be taken into consideration.

There were also some comments mentioning that further consideration should be given to IGCSEs and BTECs.

Some respondents requested more clarity and for information on which qualifications are in scope to be provided in a timely manner.

Some respondents also commented on the need for qualifications to be awarded on the basis of centre assessment grades (CAGs), particularly for knowledge-based qualifications.

Some awarding organisations also expressed disagreement with the proposed policy position by the Department that exams should not take place, particularly where remote assessment could continue. Specific responses were received around Performing Arts Graded Examinations and that they should not be in scope.

## ***Our decisions***

Respondents were clear that greater clarity is needed about which qualifications are in scope of alternative arrangements for awarding.

In his [direction to Ofqual](#), the Secretary of State has now set out his policy that different approaches to awarding will be taken to 3 broad groups of VTQs.

- For those qualifications most similar to GCSEs, AS and A levels which are important for progression to further or higher study, the policy is that qualifications will be awarded based on teachers' judgements of learners' performance as it is not viable for external exams to continue as normal. Examples of these qualifications are Applied General qualifications, Tech Levels and Technical Awards, including many BTECs, Cambridge Nationals and Cambridge Technicals. There will also be some VTQs not approved for inclusion on performance tables which also fall within this group.
  - Also, within this group, there will be some qualifications which have an element of occupational competence that needs to be assessed, such as Early Years and Childcare qualifications. The arrangements for awarding will therefore have to be slightly different for those qualifications.
- Qualifications used to demonstrate occupational or professional competence to enter into or progress through employment should continue to be awarded

on the basis of exams or assessments. Learners must demonstrate that they have the key knowledge, understanding, behaviours and occupational skills for these qualifications to be awarded safely and for employers to have confidence in them.

- There is also a third group of qualifications which support progression to further or higher study or to employment but which have different characteristics to GCSEs, AS and A levels. They are smaller, do not always follow an academic year cycle, and learners sit assessments when they are ready to do so. They tend also to be at lower levels. Examples of these qualifications are Functional Skills qualifications and English for Speakers of Other Languages (ESOL) Skills for Life. The structure of these qualifications means the impact of disruption may be less as learners may already be ready to take the assessment or be able to catch up later in the spring and summer. For this group of qualifications, exams and assessments should continue. However, where learners cannot access exams or assessments for these qualifications, they should be able to receive a result through the alternative arrangements for awarding.

In the direction, the Secretary of State has also set out his policy position for T Levels and for Level 4 and 5 qualifications.

- For T Levels, the policy is that the core component is awarded through the alternative arrangements, which must take account of the fact that, unlike other qualifications, there is no historical delivery which can be used to inform the award.
- For Level 4 and 5 qualifications, which cover a broad range of learning aims, including progression, entry into employment and professional recognition or a mix of these, the policy is that the same arrangements for awarding apply as for lower level qualifications.

We agree with the position set out by the Secretary of State in the direction. We believe that it is important both for individual learners and for the qualifications system at large for learners to be issued results where it is safe to do so and be enabled to progress. This will also be the public expectation, given that ‘calculated results’<sup>6</sup> were made available to learners taking many of these qualifications last year, and this was reflected in the consultation responses we received.

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<sup>6</sup> In line with the ministerial direction issued in April 2020 for those qualifications which supported progression to further and higher study and to employment, we permitted awarding organisations to issue calculated results to learners where assessments did not take place.

We note the importance placed in the direction on the need for consistent approaches to be taken across similar qualifications and will reflect this in our regulatory arrangements.

The Secretary of State has also set out that his policy position applies to qualifications from Entry level to Level 6. He also said that, although his direction covers publicly-funded qualifications, Ofqual could choose to extend these arrangements to non-publicly-funded qualifications. We have decided to do so where these qualifications are also important for progression.

To implement the policy intentions set out in the direction, we have decided to introduce a new regulatory framework, replacing the Extraordinary Regulatory Framework (ERF) and the Extended ERF. This will be called the VTQ Contingency Regulatory Framework (VCRF). This will apply to all Ofqual regulated qualifications apart from GCSEs, AS and A levels, apprenticeship end-point assessments, and some other general qualifications (see section 1.11). In the VCRF we do not propose to prohibit any exams or assessments from going ahead where they are able to do so as normal or in an adapted form. However, we do not expect that it is viable for exams to go ahead for those qualifications most like GCSEs, AS and A levels.

Within the VCRF, we propose to set out provisions for 2 categories of qualifications. These 2 categories cover the 3 groups set out in the direction.

### *Category A qualifications*

These are the qualifications [identified by the Department in the direction](#) as not being safe to award without exams and assessments taking place and so they should continue where it is possible to do so in compliance with public health guidance. This category includes qualifications which attest to occupational competency or act as a licence to practise, or signal proficiency in specific skills such as performing arts graded examinations.

For these qualifications, our provisions will permit awarding organisations to only award qualifications in Category A on the basis of assessments, which have been completed by the learner.

We will carry forward the provisions from the Extended ERF introduced in October 2020. This permits awarding organisations to adapt assessment and qualifications to assist in mitigating the impact of the pandemic so that assessments are not automatically delayed.

We recognise that some assessments for these qualifications might be delayed as they cannot take place in compliance with public health guidance and we will work with other stakeholders to develop a system-wide solution to this situation.

## **Category B qualifications**

These are the qualifications [identified by the Department in the direction](#) where results should be prioritised for learners so that they can progress to further or higher study or employment.

Within this category, there is distinction between 2 groups of VTQs: those VTQs and other generals most similar to GCSEs, AS and A levels where it is not viable for exams and other assessments to continue as normal; and those qualifications for which exams and assessments can continue but may need alternative arrangements where students cannot access them, such as Functional Skills.

For all qualifications in Category B, our provisions will permit awarding organisations to award results to learners where exams do not take place. This may be on the basis of incomplete assessment, including incomplete internal assessments as well as exams. However, for those qualifications in Category B, such as Functional Skills qualifications, where it is viable for exams and assessments to take place, we will expect awarding organisations to make those exams and assessments available to learners. Learners should only be able to receive a result through alternative evidence including a Teacher Assessed Grade where the assessment cannot be accessed on public health grounds. We will also expect them to develop common approaches to determine when learners can access a result through a Teacher Assessed Grade.

For those VTQs and other general qualifications most similar to GCSEs, AS and A levels in Category B, we will set out in the VCRF the expectation that similar approaches to awarding are used where this is possible and appropriate. Awarding organisations will therefore ask centres to provide Teacher Assessed Grades<sup>7</sup> based on a range of evidence about learners' performance. This will be in addition to, or instead of, assessment evidence arising from formal exams or assessments provided by the awarding organisation.

For all qualifications in Category B, our provisions will permit awarding organisations to award results to learners where exams do not take place. This may be on the basis of incomplete assessment, including incomplete internal assessments as well as exams. However, for those qualifications in Category B, such as Functional Skills qualifications, where it is viable for exams and assessments to take place, we will expect awarding organisations to make those exams and assessments available to learners and use alternative evidence including Teacher Assessed Grades only where the assessment cannot be accessed on public health grounds. We will also

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<sup>7</sup> In this context the term teacher is used to encompass any member of staff at a centre who is involved in the delivery and assessment of the qualification.

expect them to develop common approaches to determine when learners can access a result through alternative evidence including Teacher Assessed Grades.

In his direction to Ofqual, the Secretary of State acknowledges that qualifications similar to GCSEs, AS and A levels used for progression to further or higher education will not adopt precisely the same arrangements for awarding in all cases because of the diversity of these qualifications.

We seek views on this proposed approach and categorisation in our [consultation on the draft VCRF](#).

In regard to other comments made by respondents, IGCSEs are not regulated by Ofqual and so are not in scope of our regulatory arrangements.

Arrangements for other general qualifications, such as Pre-U, are discussed in section 1.11.

## ***1.10 Learners in scope of the alternative regulatory arrangements***

### ***What we proposed***

We proposed that the alternative regulatory arrangements we are putting in place should apply to all learners expecting to sit exams or assessments for the qualifications in scope, whether or not they are planning to certificate in summer 2021, given that learners will have experienced the same disruption to learning this academic year whether or not they are certificating this year.

### **We asked:**

Question 11: To what extent, do you agree/disagree that the alternative regulatory arrangements should apply to all learners expecting to sit exams or assessments in the academic year 2020/2021 for the qualifications identified as in scope in Part A of this consultation?

### ***Responses received***

The majority of respondents (83%) agreed/strongly agreed that the alternative regulatory arrangements should apply to all learners expecting to sit exams or assessments in the academic year 2020/2021 for the qualifications identified as in scope in Part A of this consultation, 8% disagreed/strongly disagreed; 9% neither agreed nor disagreed.

Those who addressed the question agreed that certificating and non-certificating learners should be in scope of the arrangements as all learners will have experienced disruption this year.

Many responses did not, however, really address the question but talked generally about fairness to learners.

Respondents commented that alternative centre-based assessment should be available for all qualifications to mitigate the impact of the pandemic on individuals.

Some respondents commented on the proposed approach to awarding GCSEs, AS and A levels and said that they were unsure how the “mini-exams” would work.

Several awarding organisations talked about the need for flexibility in the regulatory arrangements in light of the diversity in the VTQ landscape.

Some awarding organisations also expressed disagreement with the proposed policy position by the Department that exams should not take place.

### ***Our decisions***

In his direction, the Secretary of State has set out that results can be issued for certificating and non-certificating learners who were expecting to sit assessments for qualifications in Category B.

In line with the direction, we have decided that the arrangements for awarding should apply to certificating and non-certificating learners. This aligns with the approach we took last year and helps to prevent issues in centres, particularly in respect of a backlog of learners needing to access workshops and other resources in the next academic year.

We will therefore reflect this in the VCRF and will retain the provision previously in the Extended ERF that any adaptations made to qualifications in Category A and in Category B can also apply to all learners, whether certificating or not in summer 2021.

We do not propose to prescribe the approach awarding organisations should take to issuing results for non-certificating learners but will include statutory guidance in the VCRF, identifying the issues that should be taken into account, such as fairness to learners and manageability for centres.

We consider the other points raised in response to this question when we comment on approaches to awarding in section 1.14.

## 1.11 Consistency with GCSEs, AS and A levels

### **What we proposed**

For those qualifications most similar to GCSEs, AS and A levels in terms of assessment design and use, such as Pre-U, AEA, Core maths, Extended Project Qualification and the International Baccalaureate, most of which currently fall under the Extended ERF, the Department proposed that these qualifications should follow the approach proposed for GCSEs, AS and A levels.

In the consultation we asked whether this could be achieved through setting an expectation in our alternative VTQ regulatory arrangements that the similar approach is followed for these qualifications. This would leave the awarding organisations some discretion on the exact approach to manage the circumstances they face. Alternatively, these qualifications could be included within the General Qualifications regulatory arrangements requiring exactly the same approach to be taken as is taken in relation to GCSEs, AS and A levels.

### **We asked:**

Question 12: Should other general qualifications such as Pre-U, AEA, Core maths and the International Baccalaureate be included under the measures proposed for GCSEs, AS and A levels or under the alternative arrangements for awarding VTQs we propose to put in place?

### **Responses received**

82% of respondents to the question said that they should be included under the measures proposed for GCSEs, AS and A levels.

Respondents who preferred this approach highlighted the importance of all qualifications being treated in a similar way and that the qualifications mentioned were more similar to A levels than many VTQs.

Respondents who preferred including these qualifications under the proposed VTQ framework did so because of the differences in assessment approach which meant that the proposed approach to awarding GCSEs, AS and A levels would not be appropriate.

We received several responses which did not specifically address the question but commented on the need for fairness and consistency across all the qualifications, including international qualifications and said that all exams should be cancelled. Respondents also expressed concern about the negative impact that COVID-19 has

had on both the education and the mental health of students and that expecting some students to sit exams (or some exams) but not others, would be unfair. Some were concerned that COVID-19 still represents a threat to the public and therefore exams should not be sat. Several respondents also called for the use of teacher assessment grades and did not want “mini-exams” or an algorithm to be used. Some respondents expressed concerns that short papers may overburden teachers and schools who have already collected the evidence to make their professional decision. Other responses which did not specifically address the question wanted clarity for those who sat exams in January (particularly modular exams such as BTECs).

Additionally, we received a number of comments which focused on IB diplomas and programmes, saying that they should be included under the alternative arrangements for GCSEs, AS and A levels or that IB exams should be cancelled. A few respondents commented that IB should be assessed based on coursework.

A few respondents called for other qualifications that are not regulated by Ofqual to be included in scope, such as IGCSEs and Access to Higher Education qualifications.

## ***Our decisions***

In his direction, the Secretary of State, set out his policy position that, in order to achieve fairness for students, other general qualifications that are not GCSEs, AS or A levels such as the International Baccalaureate, Pre-U, Core Maths, Extended Project Qualifications, and Advanced Extension Awards should be awarded through alternative arrangements, similar to those used for GCSE, AS and A levels.

We note that a very high level of respondents to this question said that these other general qualifications should be included under the measures proposed for GCSEs, AS and A levels.

We agree with the policy position set out in the direction and fully understand the importance of fairness between learners taking qualifications used for similar purposes. Given the differences and variety in the design and operation of many of these qualifications, however, we do not think it will be possible to require all of them to comply with the requirements of the GCSE, AS and A level framework (which will be designed to cover a largely homogenous group of qualifications).

We do think that we can ensure a level of consistency without including all other general qualifications under the regulatory framework being developed for GCSEs, AS and A levels.

We can do so by making clear in the statutory guidance within the VCRF that we expect the qualifications whose characteristics are the most similar to GCSEs, AS and A level to use similar approaches to awarding as those qualifications where

possible and appropriate. For these qualifications, differences in the approach to awarding compared to GCSEs, AS and A levels would need to be explained and justified, for example on the basis of differences in assessment design. Awarding organisations will be required to maintain a record and justification for their decisions which will be subject to our review.

We will also provide similar guidance in other areas where we would like awarding organisations to consider alignment with approaches taken in GCSEs, AS and A levels, for example in relation to our guidance on appeals and private candidates.

We have, however, decided to include all project qualifications and Advanced Extension Awards (AEAs) under the regulatory framework for GCSEs, AS and A levels. This is because last year the Extended Project qualification and AEAs fell under the regulatory framework for GCSEs, AS and A levels and we considered that it was helpful to take a consistent approach.

## **1.12 January exams**

### **What we proposed**

The Department stated that January external exams and other assessments for VTQs could continue where schools, colleges and other FE providers judge it is right to do so. Some learners may not, however, have been able to sit these exams and assessments as planned, including those intending to certificate in January 2021.

In the consultation, we confirmed that the alternative regulatory arrangements we put in place would seek to ensure that these learners were not disadvantaged and could receive results, irrespective of whether they sat an external exam in January. For learners intending to certificate in January 2021, we noted that there was provision within our General Conditions of Recognition for them to receive a result through the application of Special Consideration.

For learners not intending to certificate in January 2021, we said we would work closely with awarding organisations to ensure the alternative regulatory arrangements that we put in place were as fair as possible, including in relation to learners also intending to take the same exams later in the year.

### **We asked:**

Question 13: For learners expecting to sit assessments in January, are there any particular factors that would need to be taken into account in the development of the alternative regulatory arrangements to seek to ensure fairness?

## **Responses received**

There were several comments about the last minute and unclear guidance around the cancellation of January exams and the pressure and impact this had on students and centres.

Respondents highlighted the need to take account of learning loss and the impact of COVID-19 (centre closures, absence, challenges of remote learning, differential access to equipment) for those who did sit the exam in January as this may have affected exam performance.

The importance of fairness and equity between those who sat the January exams and those who did not, was emphasised. The need for learners who did sit the exams in January to have the same opportunity for alternative arrangements as those who did not was also raised. Respondents highlighted areas of potential unfairness for learners who did sit the exams in January. These included:

- student and staff illness and absence
- disruption to learning
- stress and pressure that students have experienced
- access to resources

Respondents also commented that it would be unfair to expect learners who did not sit the January assessments to sit them at a later date.

Many respondents commented that the alternative arrangements should take the form of a centre assessment grade.

A few respondents highlighted the particular issues facing practical subjects and practical exams and the need to address them in the alternative arrangements. For example, an awarding organisation commented that due to the significant disruption to learning, centres may have insufficient evidence of students' practical abilities which could pose risks if students are certificated without the ability to demonstrate these skills. Therefore, these students may not have the opportunity to certificate in the current academic year, which must be considered so that these students are able to progress as intended.

## **Our decisions**

The government's announcements regarding the January series made it clear that where learners did not feel comfortable sitting assessments, they did not have to. In addition, many centres decided not to run assessments on public health grounds. As a result, many learners who had planned to sit their assessments in January did not do so.

In the direction, the Secretary of State also set out his expectation that all students will be able to progress fairly, irrespective of whether they sat an exam in January.

We agree with this policy position and recognise the importance of fairness and equity, highlighted by respondents, between those who sat the January exams and those who did not. This extends to those learners who sat the exams but who may feel that their performance in the exams was adversely affected by the pandemic and the most recent lockdown.

We have decided that it would be unfair not to make accommodations for those learners and have reflected this in our arrangements for awarding, which are set out in our response to Question 19 in section 1.16.

## ***1.13 Assessment by exam***

### ***What we proposed***

In the consultation we highlighted that there is no standard definition of assessment by examination in the context of VTQs. We reflected that what could be considered exams in the context of VTQs is likely to be wider than those covered by the GCSE, AS and A level framework. For example, many exams in VTQs are not taken simultaneously by learners on a specific date/time and take place over a defined period during an assessment window. Some awarding organisations might describe any assessment which is marked by them as an exam.

We proposed that it would be helpful in our alternative regulatory arrangements to clarify, or provide examples of, exams which are not considered viable.

### **We asked:**

Question 14: Do you have any comments on how exams could be defined for qualifications in scope of the alternative regulatory arrangements?

### ***Responses received***

Respondents addressed this question in 2 ways.

Some respondents talked generally of the features that could be used to define an exam (such as being externally set, undertaken in controlled timed conditions, summative/taking place at the end of the course).

Other respondents talked specifically about how to define exams in the context of the alternative arrangements. Some of these respondents said that the decision that

exams should not go ahead should apply to all assessments. Some awarding organisations said that the definition of which exams to cancel should be left to them to determine for their qualifications. Some respondents suggested that definitions should be considered in terms of qualification types, for example Applied General qualifications, Tech Levels.

There were also a range of views as to which exams and assessments might be viable to go ahead citing, for example, the differences between paper-based and online assessment.

A number of respondents suggested that however exams are defined, it is essential that definitions are clear, especially for students and parents. Several respondents suggested it would be helpful to provide clear examples of exams that are considered viable and those which are not, assuming these examples do not prevent safe and viable assessments from going ahead.

## ***Our decisions***

Reflecting on the policy position set out in Part A of the consultation, that it was no longer considered viable for written exams to go ahead, we considered whether it would be necessary to define what is meant by 'exams' in VTQs, particularly in the context of a policy position where exams do not take place, but internal assessment is expected to continue. This policy position, however, is no longer under consideration.

The feedback we have received through the consultation period, both in the responses to the consultation and through our engagement with awarding organisations, suggests that for those qualifications most similar to GCSEs, AS and A levels, it will be very difficult for learners to complete all internal assessments by the end of the academic year.

This is reflected in the policy intention set out in the direction which recognises that like external exams, internal assessment will have been, and continues to be, impacted by the disruption caused by the pandemic.

We are also now in the position where, for many qualifications in Category B, exams and other assessments will in fact go ahead, in line with the policy position set out in the direction.

Assessments (whether an exam or other form of assessment) will also continue for qualifications we have placed in Category A, where it is safe to do so.

We therefore do not think it will be necessary to define what is meant by an exam in the context of VTQs at this point in time, particularly as we are not proposing to prohibit exams from going ahead under the VCRF for qualifications in either Category A or B.

The feedback we have received on how to define an exam in the context of VTQs will inform our thinking, should we decide to produce such a definition at a later date.

In regard to other comments made by respondents about decision-making around which exams can go ahead, the policy position is set out in the Secretary of State's direction.

## **1.14 Internal assessment**

### **What we proposed**

In Part A of the consultation, the Department acknowledged that even though their proposal was that internal assessments should go ahead as far as possible for in scope qualifications, learners have and will continue to experience disruption to teaching, learning and assessment. This may mean that some learners are not able to complete all their assessments before the end of their course of study.

We agreed with this and therefore proposed, for in scope qualifications, to permit awarding organisations to make awards where not all internal assessments have been completed, as well as where exams have not taken place.

We proposed that our alternative regulatory arrangements would permit awarding organisations to do this only where it did not undermine the validity and reliability of the award of the qualification, in line with any requirements and guidance that we put in place.

### **We asked:**

Question 15: To what extent do you agree/disagree with our proposal to permit awarding organisations to make awards when not all internal assessments have been completed in qualifications in scope of the new regulatory arrangements?

### **Responses received**

The majority of respondents (81%) agreed/strongly agreed with our proposal to permit awarding organisations to make awards when not all internal assessments have been completed in qualifications in scope of the new regulatory arrangements, 8% disagreed and 12% neither agreed nor disagreed.

Respondents highlighted the disruption experienced by teachers and learners as a consequence of the pandemic which meant that learners would not be able to complete all internal assessments, even if remote education continued.

Awarding organisations supported the proposal, commenting that it was necessary to provide parity between GCSE, AS, A level and VTQ students.

They felt, however, that students should be encouraged to complete internal assessment where possible, and that they were provided with sufficient flexibility to take account of the differing purposes and assessment strategies of their qualifications.

Respondents commented that awarding organisations should provide centres with guidance on the minimum evidentiary requirements expected, which should take into account partial completion of internal assessments. Centres should also be able to mark partially completed assessments and use them to make teacher judgements.

A small number of respondents commented on the need for there to be sufficient evidence upon which to base an award reliably and validly, and were concerned that a reduction in the amount of internal assessment expected for a qualification might have implications for this, particularly for occupational and licence to practise qualifications.

Respondents also highlighted the varying impact of the pandemic and the challenges this would pose in securing fairness across all students.

## ***Our decisions***

As explained earlier in section 1.9, it is the Secretary of State's intention that qualifications attesting to occupational competence or acting as a licence to practise, are only awarded on the basis that learners sit those assessments. We will reflect this policy position in the VCRF. There will be no expectation that there should be any reduction in internal assessment for these qualifications, which we have placed in Category A. As noted earlier, it is recognised that a consequence of this may be that assessments are delayed as, even with adaptations, they cannot take place in compliance with public health guidance and we will work with other stakeholders to develop a system-wide approach to address this situation.

For other qualifications, in particular those most similar to GCSEs, AS and A levels, which follow an academic year cycle and which are taught in schools and colleges, we acknowledged in our consultation proposal that some learners would not be able to complete all internal assessments because of the ongoing disruption arising from the pandemic. Even though education has been continuing remotely during the most recent lockdown, we have received feedback in the consultation responses and from awarding organisations that centres that previously may have felt that they were on track to complete all internal assessments by the end of the academic year no longer consider that to be the case.

For those qualifications in Category B which are most similar to GCSEs, AS and A levels, our position is now that internal assessment should continue where it is

helpful, for example where it can be used as an evidence base for a Teacher Assessed Grade or where it is needed to be a basis to determine a result, for example because it is used to assess occupational skills. This brings these qualifications into alignment with the approach for GCSEs, AS and A levels.

For those qualifications in Category B where it is viable for exams and assessments to continue, internal assessment should also continue.

We have therefore decided to implement our proposal to permit awarding organisations to make awards when not all internal assessments have been completed, but only for those qualifications in Category B which are most similar to GCSEs, AS and A levels. However, awarding organisations must only do so when they have sufficient evidence upon which to base an award.

We consider other points made in response to this question in section 1.16 where we set out how this approach to awarding will be implemented.

## ***1.15 A principles-based approach***

### ***What we proposed***

In the consultation we said we did not consider that it was appropriate or possible to prescribe a single approach for all qualifications. We said that awarding organisations are best placed to determine approaches for their qualifications and how to award them based on incomplete evidence because learners have not been able to complete their assessments, whether exams or internal assessments. As with our previous frameworks, we considered that this should be guided by a set of principles.

We reflected that the guiding principles within the Extended ERF remained broadly appropriate in the new context where exams do not take place but other assessments continue with the existing adaptations in place, or indeed with further adaptations to streamline assessment.

The guiding principles within the Extended ERF are:

- **Principle 1**  
As far as possible and without prejudice to the other principles, an awarding organisation must seek to ensure that the adaptations which it makes to a qualification assist with mitigating the impact on teaching, learning or assessments caused by the Covid-19 pandemic for learners taking that qualification
- **Principle 2**  
An awarding organisation must seek to ensure, as far as possible, that the adaptations which it makes to a qualification do not serve to advantage or

disadvantage learners taking that qualification against their peers taking general qualifications not covered by the Extended ERF

- **Principle 3**

An awarding organisation must seek to ensure that, where it makes any adaptations to its qualifications in accordance with the Extended ERF, the validity and reliability of those qualifications is sufficiently maintained

- **Principle 4**

An awarding organisation must seek to maintain standards, as far as possible, within the same qualification in line with previous years, and across similar qualifications made available by the awarding organisation and by other awarding organisations

We did think, however, that we needed to make additional provision within our regulatory arrangements for the award of qualifications in scope where exams do not take place and/or where learners are unable to complete internal assessments because of disruption to teaching, learning and assessment.

Therefore, we asked for views on whether to add a further principle which states that, while complying with these principles, awarding organisations making available qualifications which are in scope of the alternative regulatory arrangements, must seek to issue results to as many learners as possible who are taking that qualification.

We also recognised that the proposed approach to assessment for GCSEs, AS and A levels meant that it would be difficult for awarding organisations to know whether the alternative arrangements they might put in place to award in scope qualifications will advantage or disadvantage their learners compared to their peers taking those qualifications. We therefore welcomed views on how Principle 2 might be applied for qualifications in scope of the alternative regulatory arrangements in the new context.

Finally, we said that we considered that Principle 4 in the Extended ERF, as currently drafted, provided sufficient flexibility for awarding organisations to maintain standards in the new context. This is because it acknowledged that standards would be maintained as far as possible, but we welcomed views on this point.

### **We asked:**

Question 16: Do you have any comments on what should be the guiding principles for awarding organisations for the award of qualifications where exams do not take place and/or where learners cannot complete all internal assessments?

Question 17: Do you have any comments on how Principle 2 might apply for in scope qualifications in light of the new approach to assessment proposed for GCSEs, AS and A levels?

Question 18: Do you have any comments on whether Principle 4 is still appropriate for in scope qualifications, awarded where exams do not take place and/or all internal assessments cannot be completed?

## **Responses received**

Many respondents agreed with the principles from the Extended ERF and many were also in favour of including an additional principle around seeking to issue as many results to learners as possible.

Some respondents commented to say that they felt the principles in the ERF were more suitable, because they were in a hierarchy and recognised that without this awarding organisations would not be clear where compromises should be made when issuing results.

Some comments were received in relation to the specific principles, this included concerns around the clarity of the wording for Principle 3 with respondents reporting that the word 'sufficiently' was too subjective.

Many respondents also suggested additional points which should be included in the principles. This included fairness and equity across different types of learners, qualifications and situations and between VTQ and GQ students. As well as placing trust in teachers and acknowledging how stress and anxiety may impact on the quality of students' work.

Many respondents also suggested that the principles should enable some form of teacher assessment to be used as part or all of a student's grade and enable students to progress.

Respondents also commented on the need to consider how those students who are unable to complete this summer will be able to continue their learning and assessment once disruption has ended.

The majority of respondents agreed with Extended ERF principle 2, that VTQ learners should not be advantaged or disadvantaged compared to their peers taking GCSEs, AS and A levels.

Some respondents, however, also highlighted the challenges with meeting this principle because of the diversity between VTQs and GCSEs, AS and A levels. In

addition, challenges were highlighted in the context of grading and standards this summer when GCSE, AS and A levels would not be statistically moderated.

The importance of consistent approaches across awarding organisations and qualifications was also highlighted, including having a common approach to the minimum level of evidence students must have completed before the qualification is awarded. A respondent also commented that a consistent approach should be taken across the devolved administrations.

Respondents also requested that any adaptations should be in line with the assessment methods already in place for affected qualifications. Concerns were raised that any change to the assessment methods at this stage could have a detrimental effect on a student's preparation.

The majority of respondents supported the principle of maintenance of standards and felt that it was still appropriate, although many respondents pointed to the potential difficulty in maintaining standards with previous years, in the context of how grades were awarded in summer 2020.

Respondents also commented on the differences in student experiences, highlighting that there will be differences across cohorts, centres and between individuals in regard to how much learning has taken place and how much evidence can be gathered to inform grading.

There were responses asking that there was some "future proofing" built into the system for grading this year, so that those students assessed in 2022 would not be adversely affected. They asked that any approach should cover multiple years, so that planning for next year can commence as soon as possible.

Some respondents noted the interplay between Principles 2 and 4. They requested that the two principles should align where possible and that care should be taken that further guidance does not result in the two principles contradicting each other. They felt that the principles did not operate in isolation and needed to be considered together.

A large number of the awarding organisations that responded also raised concerns about the burden that would result from Principle 4 in its current form, with the gathering of evidence and the approach to missing evidence highlighted as potentially resource intensive activities.

## ***Our decisions***

In developing the VCRF, we have concluded that the different approaches to awarding to be used for qualifications in Category A and Category B require different guiding principles.

We agree with respondents that for qualifications in Category B, awarding organisations will be prioritising the issue of results and that a hierarchical approach

would permit awarding organisations to make compromises about awarding results which they would not be doing if awarding on the basis of exams or moderated/verified internal assessments which is the case for Category A qualifications.

Therefore, in the draft VCRF:

- for qualifications in Category A, we have included principles very similar to those in the Extended ERF
- for qualifications in Category B, we have included principles which align to the approach taken in the ERF

We are consulting on those principles in our consultation on the draft VCRF.

In both sets of principles, we will include principles addressing fairness for learners and consistency across awarding organisations and qualifications. We will reflect these important themes elsewhere within the VCRF, including in our requirements and statutory guidance.

For those qualifications most similar to GCSEs, AS and A level, we agree that there are particular challenges around ensuring fairness in the context of standards this summer, particularly as VTQs and GCSEs, AS and A levels are not awarded in exactly the same way.

In late 2020 we had begun a programme of work to align VTQs' standards with the standards proposed for GCSEs, AS and A levels at that time to fulfil the broad intention of Extended ERF principle 2. We recognised, however, that this would be challenging because of the different grading structures across different qualifications, the different assessment structures and different underpinning notions of standards (for example, competency versus compensatory, the presence of criterion-based standards).

In the context of the awarding arrangements for GCSE, AS and A levels, this is even more challenging. Although we will expect awarding organisations to carry out some overall check on outcomes at qualification level, there is no mechanism to align VTQ and other general qualifications outcomes with GCSE, AS and A level outcomes.

As a result, in the draft principles for Category B qualifications, we propose to focus on maintenance of VTQ standards this year and the different approaches to awarding now proposed for GCSEs, AS and A levels mean that the concern around fairness can be addressed in different ways.

We have concluded that the key mitigation in relation to advantage/disadvantage between learners taking qualifications most similar to GCSEs, AS and A levels, to be covered by the VCRF, and their peers taking GCSEs, AS and A levels is that the overall approach to awarding qualifications will be similar.

Also, consistent with the approach agreed for GCSEs, AS and A levels, we will require awarding organisations to instruct their centres that the expected performance standard should be broadly the same as in previous years.

## ***1.16 Arrangements for awarding qualifications where exams do not take place and/or learners cannot complete all internal assessments***

### ***What we proposed***

In the Extended ERF, we developed guidance to help awarding organisations to structure their decisions around approaches to adaptations and to support the development of consistent approaches across awarding organisations.

In this consultation, we proposed that in our alternative regulatory arrangements it might be helpful to provide similar guidance to awarding organisations to help them develop their approach to awarding on the basis of incomplete assessment evidence.

We took the view that awarding organisations were best placed to decide on their minimum evidential requirement and their approach to awarding in light of the assessment design of their qualifications.

In the consultation we said that when developing their approaches, we expected awarding organisations to:

- take account of the need for consistency with similar qualifications
- take account of the need for manageability for centres and learners and their own capacity
- comply with other guidance, for example any guidance issued by the Department regarding VTQs appearing on performance tables
- not develop an approach which places more burden on centres and students than the original assessment
- promote ongoing engagement with learning during lockdown and when centres reopen
- recognise and consider results carried forward from summer 2020 in any minimum evidential requirement

We also proposed to put in place arrangements to seek to ensure that awarding organisations take consistent approaches where appropriate.

We proposed not to prescribe arrangements for marking and quality assuring any additional assessment evidence. Instead, we said we would allow awarding organisations to determine whether the additional evidence is collected and judged by the awarding organisation, or whether it is judged by the centre and quality assured by the awarding organisation. In either case, we would require awarding organisations to provide a strong rationale and put in place sufficiently robust methods of quality assurance.

### **We asked:**

Question 19: Do you have any comments on our proposed approach to arrangements for awarding in scope qualifications where exams do not take place and/or learners are unable to complete all internal assessments?

### **Responses received**

The majority of respondents didn't specifically comment on the approach we proposed, but said that they supported the use of centre assessment grades and teacher predictions in the award of qualifications.

The importance of making sure that any arrangements were manageable for learners and students, were comparable with those used for other qualifications, such as GCSEs, AS and A levels, and consistent between awarding organisations, was emphasised by respondents. This also included the need for consistency around what could be used as evidence and the minimum evidential requirements and that these requirements should be proportional to the qualifications' size. Many awarding organisations welcomed our intention not to take a prescriptive approach to awarding while recognising the need for consistency where possible. They also commented on the need for our regulatory arrangements to be manageable for them.

Some awarding organisations raised concerns about how the proposed guidance aligned with the adaptations made under the Extended ERF and further clarity on the proposals were needed.

Some awarding organisations also commented that Ofqual should take a more prescriptive approach.

### **Our decisions**

We have concluded that, because of the differences in qualification and assessment design, we will not prescribe a single approach to awarding for qualifications in

Category B, and that awarding organisations are best placed to determine the minimum amount of evidence necessary to award valid and reliable qualifications.

Through the VCRF, however, we will guide awarding organisations' decisions so that they adopt consistent approaches as far as possible.

We will require awarding organisations to determine their approach to awarding based on:

- the rationale for awarding on the basis of incomplete assessment evidence: for example, the need for parity with GCSEs, AS and A levels where exams have been cancelled; disruption to teaching and learning; importance for progression to further or higher study, or into employment
- qualification characteristics: for example, whether it follows an academic year cycle, or not: whether it is primarily taught alongside or instead of GCSEs, AS and A levels in schools and colleges; the size of the qualification

For those VTQs and other general qualifications whose characteristics are most similar to GCSEs, AS and A levels, we will expect awarding organisations to use similar approaches to awarding to those agreed for those qualifications. This is likely to mean that qualifications are awarded using Teacher Assessed Grades preferably at qualification level, and that formal internal assessment does not have to continue as normal. This may mean that awarding organisations put in place approaches to quality assurance which are different to their normal moderation or verification processes.

Some VTQs which are important for progression to further or higher study or to employment also include some assessment of occupational skills. Again, we will expect awarding organisations to use similar approaches to those used for GCSEs, AS and A levels where that is possible for the elements of the qualification which do not assess occupational skills.

Many VTQs are unitised and we recognise that where Teacher Assessed Grades are used for these qualifications, this may need to be at unit level rather than qualification level where it is not possible to award a Teacher Assessed Grade at qualification level. We propose that we will permit this in the VCRF.

For those qualifications in Category B which are important for progression to further study or employment, but which do not share all the same key characteristics as GCSEs, AS and A levels, such as Functional Skills qualifications, awarding organisations will be making live assessments available in parallel with issuing results using alternative evidence including Teacher Assessed Grades for learners who cannot access those live assessments. It is therefore important that awarding organisations have measures in place to make comparable awards across both

routes. This will be reflected in the principles we put in place for qualifications in Category B.

In the VCRF, we will require awarding organisations to develop consistent approaches to awarding where possible, as we have already done where qualifications are adapted. We will facilitate awarding organisations working together and look at consistency of approach as part of our monitoring arrangements, which are set out in section 1.24.

Respondents highlighted the need for fairness for learners who sat exams in January compared to those who did not. For those qualifications most similar to GCSEs, AS and A levels, we will require awarding organisations to enable non-certificating learners, whether they were absent from January examinations, or whether they sat the examinations but found the context detrimental, to receive results through the alternative arrangements. We will also permit awarding organisations to take similar approaches for learners who expected to certificate following the January examinations.

## ***1.17 Learner eligibility***

### ***What we proposed***

We proposed awarding organisations should put in place arrangements to authenticate eligibility of candidates or claims for the award of in scope qualifications.

In the consultation, we recognised that the timing of this lockdown may mean that not all learners will have formally registered to take assessments in the way that many had by March 2020. However, under the Extended ERF, in recognition of the unpredictability of the pandemic and the need to build resilience, we said that we expected awarding organisations to take steps to ensure that they understood which learners are expecting to take their assessments in 2020/21.

We therefore considered that the exact method for authenticating the eligibility of learners should be determined by the awarding organisation and would be based on approaches that were successful last summer, for example the use of Head of Centre declarations.

### **We asked:**

Question 20: Do you have any comments on the arrangements that should be put in place to authenticate the eligibility of candidates or claims for the award of in scope qualifications?

## **Responses received**

Many respondents did not specifically address the question but emphasised the need to take account of manageability and to minimise the burden on centres. There was support for the use of Head of Centre declarations and the use of historical and student data that already exist.

Respondents also highlighted the need for consistency of approach between awarding organisations and between qualifications at the same level.

Awarding organisations commented on the particular challenges of authenticating the eligibility of candidates for on-demand qualifications.

## **Our decisions**

In line with the approach being implemented for GCSEs, AS and A levels, we will expect awarding organisations to ask centres, where appropriate, to return a Head of Centre declaration form where qualifications in Category B are to be awarded using Teacher Assessed Grades.

For qualifications in Category B, where exams and assessments are still made available, we will work with awarding organisations to develop common approaches to eligibility for an award made through Teacher Assessed Grades. This is so that, as far as possible, learners are neither advantaged nor disadvantaged compared to their peers.

### **1.18 Guidance to teachers and learners**

#### **What we proposed**

We proposed to require awarding organisations to take account of manageability and the burden on teachers and learners when developing their approach. We said we would require awarding organisations to provide clear and timely guidance to teachers on the assessment approaches to be implemented, the records that they should maintain, and on the nature of any centre-based quality assurance, where moderation of centre marking will take place.

#### **We asked:**

Question 21: Do you have any comments on the guidance that should be put in place to support teachers and learners to implement the new arrangements?

## **Responses received**

Respondents emphasised the need for clear and timely information from awarding organisations, with as much consistency as possible, and provided helpful examples of what should be included in any guidance, such as information on the assessment approaches and evidence requirements, as well as clear guidance on moderation, remote invigilation, special consideration and appeals.

Respondents also provided examples of how communication with centres could be approached. This included co-ordination of communications between awarding organisations, Ofqual and the Department, and suggestions on the format that communications should take.

Respondents suggested that the guidance should align with GCSEs, AS and A levels and highlighted the need to minimise the burden on teachers and learners was also emphasised.

## **Our decisions**

In the VCRF, we will require awarding organisations to communicate with their centres clearly and in a timely way and will set out the information and guidance that awarding organisations must provide to their centres. We will also require awarding organisations to take account of manageability and the burden on centres of any alternative arrangements to awarding they put in place.

For those qualifications most like GCSEs, AS and A levels, we will require awarding organisations to provide a similar level of instructions, advice and guidance to teachers as that provided to teachers of GCSEs, AS and A levels.

Although we will not prescribe how awarding organisations should communicate with their centres, we will share the suggestions we received from respondents with awarding organisations. We will also continue to work with the cross-sector group we established last year to coordinate communications with centres.

### **1.19 Special Consideration**

#### **What we proposed**

General Condition of Recognition G7 (Special Consideration) requires awarding organisations to have in place arrangements to give Special Consideration to learners where they have temporarily experienced an illness or injury, or some other event outside of their control, which has had, or is reasonably likely to have had, a material effect on their ability to take an assessment or to demonstrate their level of attainment in an assessment.

In the Extended ERF, we included additional guidance on the application of Special Consideration. We clarified that where learners have missed teaching and learning as a consequence of public health guidance, adaptations to qualifications and assessments should be considered, rather than the application of Special Consideration. We said that if further disruption occurs on a localised basis and assessments cannot take place, awarding organisations should consider whether they can adapt or further adapt their qualifications or assessments before considering whether Special Consideration applies.

We also said that where Special Consideration is available to learners who have not completed all the assessments, awarding organisations must be clear about the amount of assessment evidence a learner must have completed before a qualification can be awarded. Awarding organisations were also required to review their current arrangements for Special Consideration to ensure they remain appropriate in the context of the potential continuing disruption caused by the pandemic.

Special Consideration may apply to both internal assessments and exams. Therefore, as internal assessments may continue within qualifications in scope of the alternative regulatory arrangements, we proposed that General Condition G7 and the current guidance in the Extended ERF should continue to apply for qualifications in scope of the alternative regulatory arrangements.

### **We asked:**

Question 22: To what extent do you agree/disagree with our proposed approach to Special Consideration?

### ***Responses received***

The majority of respondents (68%) agreed/strongly agreed with our proposed approach to Special Consideration, 5% disagreed/strongly disagreed and 27% neither agreed nor disagreed.

It was clear from the responses, however, that there continues to be some confusion around the application of Special Consideration, particularly this year.

Many of the respondents expressed the need for clear guidance to enable Special Consideration to be applied reliably. Respondents suggested the guidance should contain clarification on the minimum evidential threshold, on the types of grounds and on the process for applying for Special Consideration, on how it could be applied to different types of assessment, including practical and internal assessments, and timescales.

Some respondents also commented on the grounds for Special Consideration suggesting situations where Special Consideration might be appropriate.

We received a mix of comments on how widely Special Consideration should be applied, with some respondents stating all students should be entitled to it while others stating its use should be minimal.

Some respondents highlighted the resource implications for both teachers and awarding organisations for processing Special Consideration requests.

Some of the respondents that did not agree with the approach stated that Special Consideration should not be required or was not appropriate for all assessments.

Respondents also raised concerns that Special Consideration could be abused or applied inconsistently.

## ***Our decisions***

We have decided to implement our proposed approach to Special Consideration and will carry forward the statutory guidance from the Extended ERF into the VCRF with some minor changes to the wording to reflect its application to the new framework. This is because some exams and assessments will continue to take place for qualifications in Category A and Category B and Special Consideration may apply to learners who are not able to take them because of illness, or other circumstances outside their control, even though they are ready to sit them.

Special Consideration will not apply to learners who are not able to sit assessments because they have not been taught the content for the assessments. In this situation, learners may be able to be awarded a result on the basis of the approach to awarding put in place for those qualifications in Category B which are most similar to GCSEs, AS and A levels. Centres will not, therefore, need to separately apply for Special Consideration for these learners.

We do, however, note the confusion in the consultation responses, and we will expect awarding organisations to clearly communicate to their centres the circumstances under which Special Consideration applies.

## ***1.20 Appeals***

### ***What we proposed***

General Condition of Recognition I1 (Appeals process) requires that an awarding organisation's appeals process must provide for the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly. Awarding organisations have discretion to include additional grounds should they wish to do so, such as allowing appeals to be accepted directly from learners.

For those qualifications which are in scope of the alternative regulatory arrangements, we proposed to supplement General Condition I1 with additional guidance around appeals. For those qualifications most closely aligned to GCSEs, AS and A levels, we said we would permit awarding organisations to take similar approaches to appeals.

## **We asked:**

Question 23: To what extent do you agree/disagree that we should supplement General Condition I1 with additional guidance around appeals for qualifications in scope?

## **Responses received**

The majority of respondents (65%) agreed/strongly agreed that we should supplement General Condition I1 with additional guidance around appeals for qualifications in scope, 4% disagreed/strongly disagreed and 31% neither agreed nor disagreed.

Respondents generally agreed with the proposed approach although many respondents commented on the approach to appeals set out in the consultation on arrangements for GCSEs, AS and A levels, rather than on the proposal included in this consultation.

Centres and teachers broadly agreed but were concerned about burden on schools and teachers being protected from pressure by students or parents, and most wanted appeals to go to the awarding organisations, not to the centres. Some were concerned about sharp-elbowed parents or students abusing an appeal process. Conversely, most awarding organisations wanted appeals to go to the centres.

Several respondents discussed the possible grounds for appeal and provided examples of different scenarios where appeals should be permitted and the process to be followed.

Many respondents, including awarding organisations and teachers, commented that any appeal should be allowed only in cases of administrative error and/or unfairness/bias, but not be allowed in cases where a student or parent disagreed with the teacher assessment grade.

Most respondents of all types commented that they wanted the guidance to be clear and explicit and many were critical of the arrangement for appeals last year which they said were poorly understood.

Respondents also agreed that the speed and clarity of timelines was important both in finalising the guidance and in processing the appeals. Some respondents were concerned about the timing of results and appeals and the admission decisions by higher education institutions.

Many respondents were in favour of aligning the appeals processes across VTQs and GCSEs, AS and A levels.

A minority of respondents who disagreed commented that appeals should not be available because teacher assessment grades would be moderated. They said that students could instead take assessments in the autumn and that the appeals process would put teachers under great pressure.

Others stated that they disagreed with the proposed approach to appeals and said further clarity was needed.

## ***Our decisions***

We noted the differing views of respondents about the approach to appeals, both in terms of the grounds for appeal and the process of managing appeals.

We have decided to implement our proposal and to supplement General Condition I1 with additional guidance around appeals for qualifications, rather than taking a prescriptive approach. We consider this approach to be appropriate as the grounds for appeals and the processes which awarding organisations implement will need to take into account the arrangements for awarding they put in place. We will not be prescribing those arrangements for awarding in the VCRF and so cannot prescribe the approach to appeals. The appeals arrangements will also need to accommodate situations where awarding organisations have delivered results through adapted assessments, as well as assessments taken as normal where this was possible.

Given the number of awarding organisations across such a broad range of qualifications, there is a risk that a prescribed approach to appeals might create an unduly rigid system that does not reflect the different contexts and would be disproportionately burdensome for both awarding organisations and centres to implement. Therefore, as far as possible, we expect awarding organisations to build on their existing policies and procedures, but adapt those where it is necessary to do so, to ensure an effective appeals system will operate in response to the current situation. We also recognise that the decisions that may be appealed this year are novel and that some changes to approach are likely to be necessary.

We consider that awarding organisations' approaches to appeals should, as far as possible, be consistent. We will therefore encourage awarding organisations and their representative bodies to collaborate in relation to delivering as coordinated an approach to appeals as possible, with a particular mind to reducing burdens on centres who may have to submit appeals through multiple different processes.

In order to promote further consistency, the statutory guidance in the VCRF will signal that for those qualifications most closely aligned to GCSEs, AS and A levels, we will expect awarding organisations to give students access to a right of appeal on the same basis as those set out for GCSEs, AS and A levels. This in line with the position set out in the direction. We recognise, however, that the exact nature of the process might need to differ to take account of the different features of the

qualifications. We will seek views on that guidance in the next phase of the consultation.

We will also ensure that there is clear messaging from both us and from awarding organisations on the approach to appeals, as we know from consultation responses and feedback following last year that in some instances there was a lack of clarity.

## **1.21 Certificates**

### **What we proposed**

When we introduced the ERF and the Extended ERF, we said that awarding organisations should issue certificates (where appropriate) as normal and should not refer on the certificate to a result having been determined under the arrangements in those regulatory frameworks. To do otherwise would risk disadvantaging learners by suggesting that their awards were less valid than those awarded under our normal regulatory arrangements.

In this consultation, we proposed to take the same approach for certificates awarded in 2021 for qualifications in scope of the alternative regulatory arrangements.

### **We asked:**

Question 24: To what extent do you agree/disagree with our approach to certification for qualifications in scope?

### **Responses received**

The majority of respondents (70%) agreed/strongly agreed with our approach to certification for qualifications in scope, 5% disagreed/strongly disagree and 24% neither agreed nor disagreed.

The majority of those who responded to the question highlighted the need for students to not be disadvantaged and that students' certificates should hold equal value to certificates previously awarded.

One awarding organisation that disagreed with the proposed approach commented that some qualification certificates include reference to outcomes at unit level. They recommended that these should not be included on certificates for 2021.

Many respondents did not specifically answer the question and instead called for teacher or centre assessed grades to be used and guidance for how to support students who have insufficient evidence to certificate.

## **Our decisions**

We do not think awarding organisations should include specific reference on certificates to regulatory arrangements employed to deliver a result to a learner and that awarding organisations should issue qualification level certificates (where appropriate) as normal.

However, for some unitised qualifications, some awarding organisations supplement qualification level certificates with a report of learner achievement for individual units or components.

Where qualifications are awarded using qualification level Teacher Assessed Grades, we recognise that end-users may consider unit reports of this kind unhelpful or in some cases potentially misleading.

Therefore, in our consultation on the draft VCRF, we propose to permit awarding organisations to disapply General Condition H6.1(a) (which requires the issue of results for all units and all qualifications). Instead, we will require only the issue of results at qualification level. This will not however prohibit the issue of unit level results where this was possible and does not give rise to additional issues.

### **1.22 Private candidates/learners**

#### **What we proposed**

Under the ERF and the Extended ERF, we required awarding organisations to include private learners within their arrangements as far as possible.

In this consultation, for qualifications in scope of the alternative regulatory arrangements, we proposed to take a consistent approach and to require awarding organisations to include private learners in their arrangements as far as possible. For those qualifications most similar to GCSEs, AS and A levels we said we would expect them to take a similar approach to that agreed for those qualifications following this consultation.

#### **We asked:**

Question 25: To what extent do you agree/disagree with our proposed approach for private candidates/learners?

## **Responses received**

51% of respondents agreed/strongly agreed with our proposed approach for private candidates/learners, 7% disagreed/strongly disagree and 42% neither agreed nor disagreed.

The overwhelming majority of comments highlighted the need for private candidates to be treated the same as all other students.

There were also a number of comments which raised concern about what evidence would be used to enable the assessment of private students work, how this evidence could be authenticated and who would make a judgement about the students' achievements.

There were also a small number of comments recommending that private candidates undertake some sort of external assessment/exam to enable a teacher assessment grade.

## **Our decisions**

For many VTQs that will be placed in Category B, the issue of private candidates will be of a much smaller scale than it is in relation to GCSEs, AS and A levels. For many of these qualifications, their practical nature means that access to a centre and to particular workshops, equipment or facilities is necessary in order to complete much of the internal assessment, and so there are often not many private candidates taking those qualifications. However, while the scale of the issue is smaller, there will still be private candidates taking VTQs in some instances.

We have decided to implement our proposal and to require awarding organisations to include private learners in their arrangements as far as possible. This is the same approach that we took last summer, and we are not aware of any issues being raised by private candidates in the context of VTQs delivered last summer.

Although we are not in a position to be prescriptive on the approach that should be taken in relation to any accommodations for private candidates, for those qualifications most similar to GCSEs, AS and A levels in Category B, we will set an expectation in the VCRF that we will expect awarding organisations to take a similar approach to that agreed for those qualifications. This is line with the policy position set out in the direction.

Where there is no evidence to support an award, however, it may be necessary for private candidates to take an assessment at the next available opportunity. This is the same position as for all learners, as we are clear that awards must be based on evidence such that they remain sufficiently valid and reliable.

## 1.23 Qualifications also taken internationally

### **What we proposed**

Under the ERF, we permitted awarding organisations offering regulated qualifications also taken internationally to do one of the following:

- 1) apply the approach in the ERF where appropriate and manageable
- 2) continue to comply with the General Conditions of Recognition if this was more appropriate based on the needs of the specific international market

We also flagged that awarding organisations should consider the particular risks of malpractice depending on the nature of the non-UK setting.

We took the same approach under the Extended ERF and have permitted awarding organisations to adapt assessments taken in international markets, where this was necessary, if this did not undermine the validity of the qualifications and risks around malpractice and the particular needs of the international market were considered and addressed.

In this consultation, we proposed to take a consistent approach for qualifications in scope of the alternative regulatory arrangements and to permit awarding organisations to award on the basis of minimum evidential requirements where this is necessary. This is provided that it does not undermine the validity of qualifications, and that the risks around malpractice and the particular needs of the international market are considered and addressed.

### **We asked:**

Question 26: To what extent do you agree/disagree with our approach to awarding for qualifications in scope which are also taken internationally?

### **Responses received**

51% of respondents agreed/strongly agreed with our approach to awarding for qualifications in scope which are also taken internationally, 7% disagreed/strongly disagreed and 43% neither agreed nor disagreed.

Respondents commented that international qualifications should either be cancelled or treated the same as UK based qualifications and that international students should not be disadvantaged.

Respondents strongly agreeing with the proposal highlighted the flexibility offered by the ERF and Extended ERF and felt that this was the best course of action for qualifications also offered to international learners.

Some respondents stated that IGCSEs and the suite of qualifications within the International Baccalaureate should be treated the same as GCSE, AS and A levels.

Many respondents commented on the need for consistency when awarding qualifications in scope which are also taken internationally.

Respondents who disagreed or strongly disagreed with the proposal stated that applying one approach across different countries would not be appropriate.

## ***Our decisions***

We have decided to implement our proposal as planned.

In regard to other comments made by respondents, as explained earlier in this document, IGCSEs are not regulated by Ofqual, and the suite of qualifications within the International Baccalaureate will fall in Category B within the VCRF.

## ***1.24 Regulatory oversight and record keeping***

### ***What we proposed***

We proposed to take a similar approach to regulatory oversight and record keeping as we did in the ERF and the Extended ERF. The proposed approach included:

- requiring awarding organisations to maintain records of the decisions they made when adapting assessments in compliance with our requirements and guidance. They are also required to provide these records to us upon request to enable us to undertake a risk-based approach to regulatory supervision and monitoring
- requiring awarding organisations to have regard to any advice that we provide in writing, in the form of a Technical Advice Notice. They are required to follow our advice unless there is a compelling reason not to.
- undertaking proactive and targeted monitoring work in relation to qualifications and the awarding organisations that offer them
- engaging with awarding organisations who offer similar qualifications in order that they take a consistent approach where it is appropriate to do so
- collecting more data directly from awarding organisations to inform our risk-based approach

We also said we would expect awarding organisations to operate transparently and in good faith and to notify us promptly if things go wrong. Our priority would be to

work constructively with awarding organisations to achieve the fairest outcomes for learners.

### **We asked:**

Question 27: To what extent do you agree/disagree with our approach to regulatory oversight and record keeping?

### **Responses received**

The majority of respondents (67%) agreed/strongly agreed with our approach to regulatory oversight and record keeping, 5% disagreed/strongly disagreed and 28% neither agreed nor disagreed. Some respondents mistakenly thought that we were consulting on arrangements for record keeping in centres.

There were a number of comments received that agreed with the proposal, but requested additional steps be added to the regulatory arrangements to make them as robust as possible.

Respondents from awarding organisations emphasised the need for our oversight to be proportionate and raised concerns about the burden the proposals could introduce.

Other respondents felt that our approach to regulatory oversight and record keeping would help to increase trust in the system and increase consistency between awarding organisations.

### **Our decisions**

In light of this feedback, we have decided to implement our proposal as planned. We consider that these record keeping requirements, and Technical Advice Notices are key in allowing us to have sufficient oversight of approaches taken by awarding organisations.

The regulatory approach that we intend to take places a high degree of trust in awarding organisations and it is important that awarding organisations keep good records of the decisions that they take in line with the framework, for example the reasoning behind the approach to awarding that they are taking.

As the regulator, we need to monitor the decisions awarding organisations take, and in some cases will want to test them further. In certain circumstances we may also need to assist an awarding organisation in their decision-making, or to raise issues where it appears an awarding organisation has made an error. We expect awarding organisations to operate transparently and in good faith and to notify us promptly if

things go wrong. Our priority will be to work constructively with awarding organisations to achieve the fairest outcomes for learners.

We will undertake proactive and targeted monitoring work in relation to qualifications and the awarding organisations that offer them. This will include:

- holding a series of readiness reviews with priority awarding organisations offering high-stakes, high volume qualifications during March and April, with ongoing monitoring of awarding organisations' delivery at multiple points during the year to closely monitor their plans, timescales, communications and delivery
- monitoring a range of awarding organisations' approaches to awarding by collecting and reviewing a sample of awarding organisations' records about the approaches they propose to take to ensure that they comply with the VCRF
- supporting the development of consistent approaches to awarding, including facilitating awarding organisation to agree common minimum evidential requirements for candidate to receive results, and by looking across awarding organisations decision records to ensure they are taking a consistent approach
- checking that awarding organisations have put in place controls to ensure that learners have sufficient evidence to support Teacher Assessed Grades.
- for those qualifications where exams and assessments are viable, such as Functional Skills qualifications, agreeing common approaches to learner eligibility for Teacher Assessed Grades and then proactively monitoring that awarding organisations are working within these parameters
- for those assessments that will continue to go ahead in an adapted form, looking across similar qualifications and sectors to monitor consistency in approaches and to prevent risks from materialising as far as possible
- for Functional Skills qualifications, continuing to monitor awarding organisations' roll out of remote assessment and remote invigilation solutions, ensuring that they are putting in adaptations to enable learners to continue to access assessments where possible

## Equality impact

### *Public Sector Equality Duty (PSED)*

In developing these proposals, the Department and Ofqual have considered the likely impact on persons who share particular protected characteristics. Public authorities are required to comply with the PSED in section 149(1) of the Equality Act 2010. The duty requires them, in the exercise of their functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act (the aim in s 149(1)(a));
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (the aim in s 149(1)(b));
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the aim in s 149 (1)(c).

The relevant protected characteristics for the purposes of the second and third bullets are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### *Summary*

In the consultation, both DfE and Ofqual set out assessments of the potential impact of the proposals on particular groups of students, including those who share particular protected characteristics.

One of the key aims of the policy and its implementation is to ensure that the policy principles and the arrangements are as fair as possible for all students. The proposals seek to ensure that where assessment has already been completed, this can be taken into account in determining students' results, and also that the approach maximises the opportunities for students to catch up on lost learning. A key objective is that students taking VTQs are not disadvantaged compared with those taking GCSEs, AS and A levels, where they are being used for similar progression purposes. The policy seeks to build on the work done last year, and the approaches developed by awarding organisations under the Extended ERF, to deliver adapted assessments.

The consultation considered whether any of the proposals might impact (positively or negatively) on students who share particular protected characteristics. While the proposals sought as far as is possible to ensure that no students would be disadvantaged, it identified that in some cases, this would not be possible to prevent.

The consultation set out how students may be disadvantaged, and asked respondents for their views on whether there were ways these disadvantages could be mitigated, or if there were any further disadvantages which had not been identified. The consultation set these out in two parts:

- Part A covered those equalities impacts that relate to the Department's policy proposals
- Part B covered those equalities impacts arising as a result of Ofqual's proposed approach to implementing the proposed policy

While these were set out separately, to reflect the responsibilities that each of the Department and Ofqual has in relation to the decisions they are each responsible for, in many areas, the equalities considerations relating to the policy position, and to how it is implemented, were similar, or the same. Many respondents to the consultation responded to the equalities impacts of the Department's and Ofqual's proposals in the same way, raising the same concerns. To reflect that in many places, it is difficult to consider the equalities impact of the policy approach separately to how that approach will be implemented, we have chosen in some places to report on these together to avoid duplication. We have ensured however that where the impact of the policy position, and the impact of the approach to implementing it can be separated, or give rise to different equalities impacts, these are reported separately in the sections that follow.

The consultation set out the potential equalities impacts. The potential impacts identified were:

- Some students taking VTQs could be disadvantaged compared to their peers taking GCSEs, AS and A levels, if there were significant differences in the approach to awarding taken for qualifications used for the same progression purposes
- The differential impacts of the pandemic on students cannot be rectified through awarding and therefore some groups of students who may have been more disadvantaged through the pandemic may continue to be differentially impacted. This may be more likely to have an impact on students taking VTQs as they are, on average, more likely to be from disadvantaged backgrounds when compared with those taking GCSEs, AS and A levels.
- Some qualifications or assessment types may be more or less easy to adapt in ways that meet the needs of all students, meaning some students could be advantaged or disadvantaged depending on the nature of their qualification or assessment
- That some students may be disadvantaged by the proposed principle for awarding organisations to prioritise the issuing of results to as many students

as possible if, as a result of sharing a protected characteristic, they were unable to access an adaptation which other students were able to access

- Some students could be advantaged or disadvantaged on the basis of the amount of internal assessment they had completed prior to centres closing including where they were unable to attend assessments due to shielding, or their ability to continue to complete internal assessment remotely during lockdown.
- Students without access to the equipment needed to take assessment or learning remotely, including specialist software or equipment for SEND students, could be disadvantaged.
- Students could be disadvantaged if the reasonable adjustments they would normally use are unavailable for adapted assessments, or they require reasonable adjustments with which they are less familiar in order to take an assessment.
- Private students who do not normally attend a centre could be disadvantaged if they are less able than other students to receive a result informed by teacher judgement
- Students would be disadvantaged compared to their peers if they do not have access to appeals their result in the same way as students taking similar qualifications.
- That the extent to which students are disadvantaged may be mitigated to some extent through the application of special consideration.
- The likelihood of students being disadvantaged will be reduced by their certificate not referring to the fact a result has been issued under alternative arrangements for awarding.
- The flexibility provided by the Extended ERF, much of which is being carried forward, may help ensure awarding organisations are able to mitigate some of the potential disadvantage faced by some groups of students.

## ***Equalities considerations – Part A of the consultation – DfE policy proposals***

The Department sought views on the equalities impacts of the policy proposals in question 9 of the consultation. The responses to this question and the Department's decisions are set out below.

### **We asked:**

Question 9: Do you agree with the impacts we have identified and are there any other impacts, including equalities impacts, of the policy set out in Part A that should be considered?

### ***Responses received***

A total of 912 comments were received from respondents on the equality question in part A. These were from a mixture of students, parents, teachers, carers, individuals, centres, training providers, awarding organisations, local authorities and representative bodies.

The consultation had already identified that disabled students and disadvantaged students are more represented on VTQs at ages 16-18 than on GCSEs, AS and A levels. More VTQ enrolments aged 16-18 were white compared to GQ enrolments and more were Male. Asian pupils, Black pupils, and pupils with mixed heritage are underrepresented in enrolments for VTQs compared to GQs. Additionally, there are more VTQ enrolments by people aged 19 and over than 16-18.

Therefore, disabled students, students who are over 19, or male, Black, Asian or with mixed heritage are more likely to be affected by measures regarding awarding of VTQs than by measures for GQs. Additionally, although disadvantage is not itself a protected characteristic, disadvantaged students are also more likely to fall into these groups, with BAME and disabled people being particularly over-represented.

The consultation responses did not identify equalities impacts that we had not already considered.

The responses identified that, irrespective of the measures put in place, students have been, and will continue to be, differentially impacted by the pandemic. The responses tended to focus on the need for fairness across VTQ and GQ students to be achieved by taking a similar approach to awarding VTQs as for GQs. They also drew out the impact of disruption on students taking practical assessment such as drama or music meaning these students had not been able to practice at home due to lack of access to the necessary equipment and SEND students may not have had

access to readers or scribes at home. Most responses mentioned issues such as unequal access to IT, home environment not being suitable for work, and students not having access to the same support at home as they had at school or college.

Additionally, the effect of the pandemic on mental health for both students and teachers was highlighted strongly, suggesting that students that do take exams or assessments may not perform at their best.

A small number of comments suggested there is a disparity between students in private schools and students in state funded provision, as there is a perception that online learning has been able to continue better in private funded institutions, than in state funded schools.

## ***Our decisions***

The policy approach on the alternative awarding arrangements set out above will apply to all VTQ and other general qualifications students taking the qualifications in scope. It seeks to ensure as much fairness as possible for VTQ and other general qualifications students compared to their GCSE, AS and A level peers by stating exams will not continue for similar qualifications. However, given the nature of these VTQs and other general qualifications, the precise awarding approach may not be exactly the same as for GCSEs, AS and A levels.

The policy approach also seeks to ensure as much fairness as possible across VTQ students taking similar qualifications by stating that similar qualifications will be subject to similar awarding approaches. However, where VTQ exams and assessments do continue for occupational and professional competence qualifications, the adaptations awarding organisations put in place to ensure they are delivered in line with PHE measures may be slightly different for similar VTQs. Despite these nuances, the Department wants to see as much consistency as possible across similar VTQs and Ofqual is continuing to work with awarding organisations to support them in taking similar approaches where relevant.

Awarding organisations are subject to the Equality Act and must therefore take their decisions about adaptations in compliance with Equality Act obligations. They are also subject to Ofqual's General Conditions, which include measures to ensure accessibility, reasonable adjustments and minimising bias. Ofqual requires awarding organisations to keep a record of any adaptations they make, and the rationale for them. Ofqual can take action against an awarding organisation that introduces an adaptation which disadvantages students with particular protected characteristics.

## **Summary for each protected characteristic**

### *Disability*

Responses to the consultation identified the concern that SEND students may not be able to access specialist equipment or support that is normally available to them, such as scribes, readers or access to IT. The Department's wider work on digital device access is one mitigation. In addition, Ofqual requires awarding organisations to ensure that assessments, including any adaptations to them, are fit for purpose and can be delivered. This cannot mitigate the effect of having not had access to equipment during their course, but it can help ensure that awarding organisations take account of the equipment and resources needed by students and their centres, when deciding how to adapt an assessment.

### *Age*

The consultation identified that students on lower level VTQs (e.g., level 1 and entry level) are more likely to be adults than those on level 3 and A levels. The Department's policy puts many of the qualifications at these lower levels in the group alongside Functional Skills – meaning they could continue to be delivered or receive alternative arrangements.

### *Gender*

The consultation did not set out specific equalities impacts based on gender. No comments were made in the consultation responses about the impact of the proposals based on gender.

### *Pregnancy and Maternity*

The consultation did not set out specific equalities impacts based on pregnancy or maternity. No comments were made in the consultation responses in relation to students who are pregnant or on maternity leave but the additional pressures of caring responsibilities were highlighted. These could impact a student's ability to attend assessments or complete learning. One respondent also highlighted how some sectors (the health and social care sector) were reliant on apprentices as a number of pregnant staff were shielding.

### *Race*

A small number of respondents made comments relating to the potential for BAME students to be disadvantaged. This was in part because they considered that many of the qualifications covered by these proposals were more likely to be taken by BAME students. Respondents also commented that BAME students have been disproportionately affected by COVID-19, so may have experienced more disadvantage in terms of lost learning to a greater extent than other students.

Respondents also said that there was a risk that these students could be subject to bias as part of teacher assessments.

### *Religion or belief*

No comments were made in the consultation specifically in relation to religion or belief.

### *Sex*

No comments were made in the consultation specifically in relation to sex.

### *Sexual Orientation*

No comments were made in the consultation specifically in relation to sexual orientation.

### *Cross-cutting impacts*

Despite the potential negative impacts identified above, it is considered that the benefit of students being able to progress to the next stage of their lives, outweighs any negative impacts associated with the recommended policy.

For students who take qualifications most like GCSEs, AS and A levels, it is the Department's policy that they are awarded qualifications on the basis of alternative arrangements similar to those that will be used for GCSEs, AS and A levels. This is to seek to ensure as much fairness between VTQ students and their GCSE, AS and A level peers.

There is a risk that students are disadvantaged by receiving a lower grade than they may have achieved through an exam. This would affect all students taking VTQs, but could have a greater impact on male students, disadvantaged students, white students and students with SEND as they are overrepresented in VTQ enrolments. This impact may be mitigated to some extent by the use of internal assessment in the awarding process. Whilst the precise awarding arrangements are yet to be finalised, the Department's policy is that internal assessment can be used as part of the evidence to award a result. Additionally, awarding organisations are required by Ofqual to have in place processes for students to appeal their final grade. Ofqual and the Department are working together to ensure that appeals processes align where relevant and possible with the approaches for GCSE and A level appeals.

The risk with the policy regarding occupational or professional competence qualifications is that some students may be unable to progress to the next stage of their lives, because their exam cannot be delivered in line with PHE measures or the learner is not ready to take their exam. This would result in students having to delay their exams to later in the year or next academic year, and/or retake learning next year. In a normal year, there will be students that are not ready to take their exam,

however this will be more likely this year given the impact of the pandemic on lost learning. As per above, this will affect all students taking these sorts of qualifications but could have a greater negative impact on those students who are overrepresented in VTQ enrolments. This includes male students, disadvantaged students, white students, students with SEND and students aged 19+. This may therefore have an impact on those adult students who have caring responsibilities alongside their qualification and are therefore unable to engage in remote learning. However, given these VTQs are used to progress into the workplace, it is considered that the disadvantage to the individual learner of not being able to progress is outweighed by the benefit of our policy to wider society – there is a health and safety, and safeguarding risk of allowing a learner to progress into employment when they are not occupationally competent. In the consultation, both DfE and Ofqual set out assessments of the potential impact of the proposals on particular groups of students, including those who share particular protected characteristics.

This risk does not apply in the same way to students taking VTQs who will have their results awarded through alternative arrangements.

The policy accounts for the fact that not all students will have taken, or be able to engage in, internal assessment in the same way – given issues relating to access to remote learning and IT as considered above. The policy position acknowledges this and internal assessment will be used as evidence where possible, and awarding organisations will need to consider any differential completion of internal assessment as part of the awarding arrangements. However, where assessments for qualifications that demonstrate occupational competency have been missed, alternative arrangements are not able to be applied, and the assessment will need to be taken at a later date.

The policy approach on Functional Skills is designed to give Functional Skills students the greatest opportunity to progress as it enables alternative arrangements to be used to award the qualification where in-person or remote assessment cannot be delivered. Taking this approach allows these students to progress in a timely manner. In addition, the impact of the policy approach on T Levels is considered neutral – students will still be able to progress onto their second year of the course if any assessments have been missed in the first year of the course.

## ***Equalities considerations – Part B – Ofqual’s Approach to awarding VTQs and other general qualifications***

In Part B of the consultation Ofqual set out its proposed approach to implementing the policy approach set out by the Department. Questions 28 and 29 sought views on the equalities considerations of the approach to implementing the proposals in Part B, including views on how any potential negative impacts on particular groups of students could be mitigated. This impact assessment of Part B covers Ofqual’s assessment of the impacts which relate to approach to implementing the Department’s policy. Those relating to the Department’s policy approach are covered in Part A.

Ofqual asked respondents whether there were any equalities impacts it had not identified relating to its proposals, and whether there were any ways to mitigate the potential impacts identified. Ofqual received 1,955 comments across the 2 part B equality questions, from a mixture of students, parents, teachers, carers, individuals, centres, training providers, awarding organisations, local authorities and representative bodies. Across those, many supported the proposed approach and welcomed the proposals, while acknowledging the potential disadvantage for all students as a result of the current circumstances. A number made suggestions that either reinforced those potential impacts identified, identified additional impacts, or made suggestions for how these could be mitigated. Respondents also made a number of general comments about fairness and inequality, some relating to groups of students who share particular protected characteristics, and some relating to other groups of students, or students taking assessments more generally, rather than particular groups of students.

Set out below are the additional equality factors identified as a result of the consultation, including through discussions with stakeholders.

### ***Overall approach***

In considering the impacts identified, Ofqual is ensuring, through its framework, that equalities issues are considered in a range of ways. The Extended ERF operates alongside the General Conditions, and under our proposals, many of the requirements of the Extended ERF will continue to apply in our new framework. Both the General Conditions and the Extended ERF are intended to be considered in their entirety, meaning equalities should be considered throughout the design, development, delivery and award of qualifications (including where adaptations are made), not just at a single point in time. The approach in the Extended ERF, which we are proposing to largely retain, is designed to be flexible, and not to prescribe a single approach, but to allow awarding organisations to take account of a range of factors when determining whether, and how, to adapt their assessments. These

factors include the wider obligations placed on awarding organisations under the Equality Act, and the requirements in the General Conditions for awarding organisations to design assessments which allow for reasonable adjustments to be made, while minimising the need for them. Ofqual set out in its [EIA when implementing the Extended ERF](#), ways in which the obligations on awarding organisations, through the Extended ERF and the General Conditions, will help mitigate the disadvantage faced by some students.

Ofqual has previously set a number of obligations on awarding organisations, to help ensure that the needs of students are considered. In particular, the Extended ERF requires awarding organisations to ensure that any adaptations are sufficiently transparent to meet the reasonable needs of users of the qualification. It requires awarding organisations to keep a record of any adaptations they make, and the rationale for their decisions. Awarding organisations need to provide this to Ofqual on request and can be held to account for any adaptations they make. Ofqual is proposing that these expectations will remain in the new framework. Where adaptations are not made in accordance with Ofqual's regulatory framework, including where an adaptation introduces a disadvantage to students with particular protected characteristics which cannot be justified, Ofqual would be able to take action against that awarding organisation.

Ofqual also sets other requirements relating to equalities considerations. These set out that awarding organisations must ensure that, in any approach to adaptations, they minimise bias as far as is possible. General Condition D2 requires that an awarding organisation ensures that it complies with the requirements of equalities law in relation to each of the qualifications which it makes available. They must monitor their qualifications to identify any feature that could disadvantage students because of a protected characteristic and remove those features where they cannot be justified or maintain a record of such features which it believes are justified. Condition D2 mirrors the principle that there will be some cases in which the design of a qualification leads to a disadvantage to persons with particular protected characteristics, but that the disadvantage can be justified in the circumstances. Under equalities law, the primary responsibility will be on awarding organisations to consider whether adaptations are justified. Additionally, the General Conditions require that awarding organisations ensure their assessments permit reasonable adjustments to be made whilst minimising the need for them, and set a requirement, under General Condition G6 for awarding organisations to have in place clear arrangements for making reasonable adjustments in relation to qualifications which it makes available.

In addition, the Equality Act 2010 imposes obligations directly on awarding organisations. Awarding organisations will need to ensure that they comply with their

duties under the legislation in deciding whether to adapt any of their qualifications and what adaptations to make.

While these requirements will not prevent all disadvantage, taken together, they place a range of obligations on awarding organisations, which should help reduce the disadvantage faced by students as far as is possible. Set out below are some more specific considerations arising through the consultation.

### ***Differing impacts on particular groups of students and socio-economic factors***

A particular concern raised by respondents was the differential impact of the pandemic on different groups of students. Respondents were concerned that students will have been impacted in different ways, and even students for whom their circumstances appear the same, could have been affected to differing extents. Respondents felt that all students, not only those who share particular protected characteristics, will have been affected, either in terms of having missed teaching and learning, or their preparedness or ability to take assessments. However, many respondents felt that students who shared particular protected characteristics (disabled and BAME students) may experience those disadvantages to a greater extent than other students.

Respondents also highlighted that some students could be affected as a result of socio-economic factors. Respondents commented that some students who share particular protected characteristics (disabled and BAME students), are also more likely to be from more disadvantaged backgrounds. Respondents said that students may, for example, not have the same access to equipment and resources as those from other backgrounds. Respondents commented that students who share particular protected characteristics (disabled and BAME students) may be more likely to be affected by such factors. They commented that sharing a protected characteristic could affect their socio-economic circumstances, or that their socio-economic circumstances could increase the extent of any disadvantage faced as a result of sharing a protected characteristic.

Ofqual recognises that the impact of the disruption and the alternative arrangements awarding organisations put in place is likely to be felt by all students, and in some cases, students who share a protected characteristic may be more affected than other students. Given the overall impact of the disruption, and the fact that it has been experienced differently by different students, it is unlikely that any alternative arrangements will fully mitigate these disadvantages. Additionally, some of these disadvantages exist separately to the effects of the pandemic, and it was set out in the impact assessment that it will not be possible for results this year to remove many of the disadvantages that are faced by some students due to circumstances outside of this year's disruption.

While these disadvantages cannot be fully mitigated through Ofqual's regulation, Ofqual is ensuring that as far as possible, the alternative arrangements do not make them worse. For assessments with exams that are cancelled, Ofqual is putting in place flexible requirements that will allow teachers to consider a range of evidence when determining students' grades. Where it is possible for teachers to identify evidence to support a determination of a student's level of attainment, they will be able to do this, and won't be restricted by only being able to refer to a prescriptive list of evidence. Ofqual is also ensuring that as far as possible, the arrangements between GQs and VTQs are consistent, so students who have taken qualifications that are similar, and used for similar purposes, will be treated consistently, where that is appropriate.

Where students are not able to complete all of their assessments, Ofqual's framework will require awarding organisations to provide effective guidance for centres on how to determine a result. The provision of such guidance to centres should help ensure that centres delivering the same qualification will receive consistent guidance and will take a consistent approach to determining students' results.

For qualifications that do not include exams, or where assessments have not been cancelled and are able to proceed, it is proposed that the flexible approach allowed under the Extended ERF should be allowed to continue. This will mean that where assessments can take place, either in their normal, or an adapted form, this will be allowed. This will allow as many students as possible to receive a result. When making adaptations, awarding organisations will be able to take account of the needs of students, including those who share a protected characteristic, to put in place alternative arrangements, that as far as is possible, do not disadvantage them. Where assessments cannot take place, awarding organisations will be able to determine the most appropriate approach. This could include, for example, allowing arrangements such as special consideration, which would take account of the impact on students.

For qualifications that signal occupational competence, these may not be able to proceed, and students may not be able to receive a result until the assessment can take place. This could disadvantage students taking these qualifications, as they may be unable to progress in the way that students taking other qualifications can. For such qualifications, the impact is likely to apply to all students. While recognising this disadvantage, Ofqual's view is that the potential negative impact of allowing a student to receive a result where they have not been able to demonstrate practical competence, particularly given many of these qualifications signal an ability to work safely, would be greater. Therefore, in these cases, students may have to wait until it is possible to take their assessments safely.

## *Mental health*

Respondents raised particular concerns about the impact of the disruption on student's mental health. Some of these concerns centred around the direct impact of the pandemic itself, while others focussed on the additional impacts caused by the approach that is taken, and the uncertainty that currently surrounds it. Respondents were also concerned that the impact on students' mental health could be greater on students who shared protected characteristics, with reference to disabled students with conditions such as autistic spectrum disorders, than on other students.

While mental health isn't a protected characteristic, it is recognised that this is a particular concern for respondents, and that the impact on students' mental health may be worse for students who share some protected characteristics. It is unlikely, through Ofqual's regulation, that it can directly address the impacts on students' mental health caused by the effects of the pandemic. Many arise as a result of the pandemic more generally, and are outside of the scope of what we can be controlled through regulation. However, Ofqual can seek to ensure that the arrangements put in place do not make these impacts worse, and there are steps that were recommended by respondents which may reduce some of these impacts.

To minimise these impacts, Ofqual is seeking to provide as much certainty about the arrangements as possible, and to provide this promptly, in order that students, their parents/carers, centres and teachers know how their results will be issued. The proposed arrangements will continue to allow flexibility for awarding organisations to put in place approaches that take account of the needs of students and ensure that as many students as possible are able to receive results this summer. It is intended that arrangements are as consistent as possible between similar qualifications, used for similar purposes. While these won't remove the impact on students' mental health, they will help to reduce the impact where possible.

## *Access to equipment*

Respondents were concerned about the impact that a lack of access to equipment and resources could have on students. They commented that many would not have access to IT or to specialist equipment. They also commented that some students with disabilities may struggle more to access and use equipment remotely, so could be further disadvantaged compared with their peers.

Through our regulation, it cannot be ensured that students have access to the necessary equipment. But Ofqual does set requirements on awarding organisations to ensure that assessments are fit for purpose and can be delivered. In deciding what adaptations to make to an assessment, awarding organisations will need to make sure that they are manageable and can be delivered. Awarding organisations must also ensure that in making any adaptations to assessments, it minimises bias as far as is possible to ensure that an assessment does not produce unreasonably

adverse outcomes for students who share a protected characteristic. While this will not fully mitigate the effect of having not had access to equipment, either at the point of assessment or during their course, it will help ensure that awarding organisations take account of the equipment and resources needed by students and their centres, when deciding how to adapt an assessment.

### *Nature of assessment*

Respondents were concerned that students taking some types of assessments, in particular practical assessments, or those taking assessments in settings other than centres, such as workplaces could be disadvantaged.

As set out above, Ofqual's arrangements are intended to be flexible, so that awarding organisations can determine the most appropriate approach for their qualifications and assessments. An awarding organisation will be expected to consider when deciding its approach, how assessments are normally taken, and any arrangements that need to be in place to allow them to be taken in alternative ways.

It is possible that students taking some types of assessments (for example some practical assessments that cannot be adapted), or those taken in work places that are not open, may be disadvantaged. In particular, this may be the case for assessments that are intended to signal occupational competence, and for which it may not be possible to calculate a result or make appropriate adaptations. In these circumstances, if an assessment cannot be adapted, students taking these qualifications may be prevented from receiving a result, so could be disadvantaged. Disabled students who cannot take an adapted assessment as a result of their disability, despite adaptations being accessible for other students, may be disadvantaged to a greater extent.

While the steps being proposed will go some way to minimising the disadvantage faced by some groups of students, it may not be possible to completely remove any disadvantage in all cases. Some students may experience this disadvantage to a greater extent as a result of sharing a protected characteristic, however on balance, it would not be reasonable to prevent those students who are able to take an adapted assessment from receiving a result on the grounds that the adaptation was not available to all students.

### *Private candidates*

Some respondents raised concerns that private candidates who do not normally attend a centre, and are more likely to be SEND students, could be disadvantaged, as they may be less able to receive a teacher assessed result than students who attend centres regularly.

Ofqual's proposed arrangements do not prevent private candidates from receiving a result. It is possible though that centres may have less evidence on which to base a

result, or that teachers may be less familiar with the work of private students. Under the arrangements proposed, awarding organisations will be able to consider a range of evidence, and it will be possible for additional evidence to be produced remotely, to be taken into account when determining a grade, if sufficient evidence does not already exist.

Allowing additional evidence to be considered should help to limit the extent to which private students are disadvantaged. In addition, if centres are able to reopen ahead of results being issued, which was not the case in 2020, then students will have additional opportunity to create and provide evidence to centres.

### *Teacher assessments*

Respondents commented on the potential for students to be disadvantaged if teacher judgements are used to inform results. Respondents were concerned that the differential impacts of lost learning would make it difficult to assess students fairly, and that students receiving teacher assessment grades could be disadvantaged compared with those who took exams. There were also concerns about the use of internally assessed work in informing results. Students were concerned about the potential for bias in teacher assessments, and that this could negatively affect students who share protected characteristics (in particular disability and race).

Ofqual is proposing to set requirements relating to the nature of the evidence that should be used to inform a Teacher Assessed Grade. For qualifications that are similar to GCSEs, AS and A levels, it is proposed that the approach for those VTQs is consistent. Last year, Ofqual published guidance on how results should be calculated using evidence from centres, and on objectivity in grading. Ofqual expects to publish similar guidance in 2021.

Ofqual believes that this, along with the wider obligations imposed through its framework, will help to mitigate this risk. Awarding organisations will be expected to monitor their centres to ensure this is the case. They are required to keep a record of their decisions, and Ofqual will consider the extent to which this has been done as part of its ongoing regulatory oversight of their approaches. Additionally, awarding organisations will be able to consider the impact on students through their special consideration arrangements. While these will not be able to fully mitigate any disadvantage, it will help ensure that the impact on students can be considered by awarding organisations and minimised as far as is possible.

### *Race*

Some respondents made comments relating to the potential for BAME students to be disadvantaged. This was in part because they considered that many of the qualifications covered by these proposals were more likely to be taken by BAME

students. Respondents also commented that BAME students have been disproportionately affected by COVID-19, so may have experienced the other disadvantages identified to a greater extent. Respondents also said that there was a risk that these students could be subject to bias as part of teacher assessments.

As part of the Extended ERF, Ofqual set a requirement relating to equalities considerations, that awarding organisations must ensure that, in any approach to adaptations, they minimise bias as far as is possible. This means that they will need to ensure that the assessment does not produce unreasonably adverse outcomes for students who share a protected characteristic. As set out above, Ofqual has previously published guidance on how results should be calculated using evidence from centres, and on objectivity in grading and will consider whether further guidance is needed. The Extended ERF also highlights the other obligations that awarding organisations must meet under the General Conditions. As many of the same requirements will be carried into the new framework, these requirements will continue to apply.

### *Special educational needs and disabilities*

Respondents were concerned that students with special educational needs or disabilities could be disadvantaged. Particular concerns that were raised in relation to students with disabilities were the effect on students with autistic spectrum disorders, who may suffer from greater anxiety and find it more difficult to access adapted assessments as a result. Respondents also identified that deaf students may struggle to access adapted assessments, if their particular needs were not fully considered. In addition, students with special educational needs and disabilities may find it more difficult to access remote assessments. Students who require reasonable adjustments may also be disadvantaged if these adjustments were not available for adapted assessments, or if they required different reasonable adjustments as a result of any adaptations to assessments. Respondents also commented that many of the disadvantages raised elsewhere would be felt to a greater extent by students with SEND.

As set out earlier, awarding organisations are required under Ofqual's General Conditions and by wider equalities legislation, to make reasonable adjustments. The Extended ERF also requires awarding organisations to take account of these equalities considerations when deciding how, or whether, to adapt assessments. The proposed approach, which carries forward many of the same expectations from the previous framework, allows awarding organisations to be flexible in their approaches, to take account of these needs. By allowing flexibility of approach, awarding organisations will be able to consider what type of adaptation is most appropriate for the students taking their qualifications. This means that the primary responsibility for ensuring that adapted assessments do not impose unjustifiable disadvantages on students with protected characteristics rests with awarding organisations.

Many of the points made by respondents, as outlined in the sections above, relate to the types of adaptations that awarding organisations may make to their qualifications, rather than the broad regulatory framework Ofqual has provided to facilitate adaptation. Awarding organisations should therefore consider these factors as part of their own equalities analysis. Additionally, awarding organisations are not required to make adaptations where they do not consider it appropriate to do so. This means that awarding organisations will be able to take account of any potential disadvantage on any groups of students when considering whether to make adaptations.

### ***Regulatory oversight***

While the steps Ofqual has taken and which are outlined above will go some way to minimising the disadvantage faced by some groups of students, it may not be possible to completely remove all disadvantage in all cases. As part of Ofqual's ongoing regulation of awarding organisations, the approaches they put in place will be monitored, and action taken where necessary.

Ofqual will seek further views on any additional steps that could be taken as part of the technical consultation. Where the issues identified are outside the scope of Ofqual regulation, Ofqual will work with partners, stakeholders, other regulators and government towards a coordinated system-wide approach to address the risks impacting on students' results.

## Regulatory impact

In our consultation we recognised that some of our proposals may have a regulatory impact. We asked respondents whether there were any regulatory impacts, costs or benefits associated with the implementation of the framework that were not identified in the consultation. We also asked whether any of these were specific to teachers. We also asked what additional costs might be incurred through implementing the framework, or conversely whether and where any costs might be saved. Finally, we asked if there are any additional or alternative approaches we could take to minimise the regulatory impact of our proposals.

The approach we consulted on was intended to ensure that the approaches taken by awarding organisations will meet the Department's policy intentions, while recognising the range and complexity of different assessment models used in VTQs. The approach built on that which we consulted on previously – see our [previous regulatory impact assessment](#).

In developing our approach, we considered the potential regulatory impact of meeting our requirements, and the potential burden this could place on other stakeholders, for example, learners, centres, employers and further and higher education institutions.

We recently published [findings relating to the changed activities required by awarding organisations and centres](#) from working within the [2020 Extraordinary Regulatory Framework](#), and will continue to examine this in 2021. This assessment recognised that various new activities needed to take place, while others that would be required in a typical year were no longer applicable.

We previously identified the following impacts, which we have grouped into the following main impacts: direct delivery costs, people/staff costs, opportunity costs – see below for more detail and examples:

### *Direct delivery costs*

- familiarisation with any new or amended requirements
- development of approaches to adaptations
- maintaining a record of decisions made to adapt an assessment and the rationale for them
- adaptation or development, and delivery, of processes and systems for adapted assessments and quality assuring these
- investment in IT and systems technology needed to deliver adapted assessments including specialist hardware or software and training in how to use these

- preventing, detecting and investigating any malpractice or maladministration specifically relating to the delivery of adapted assessments
- the cost for awarding organisations of developing, implementing and quality assuring any alternative arrangements, including staff and training costs, communications with centres and appeals
- issuing of results in accordance with new arrangements
- communication of requirements to centres, supporting centre activities and managing continued increased volumes of enquiries from centres and learners
- the cost for centres of delivering adapted assessments, including administrative burdens of familiarisation, delivery and supporting students
- the cost for centres of collating evidence and determining teacher assessment grades where appropriate
- ongoing compliance with the Extended ERF costs to centres of delivering adapted assessments, combined with meeting other external factors such as social distancing requirements
- the cost to students of having to take assessments remotely, including possibly having to provide their own equipment to enable them to do so
- the impact on employers and HE on recruitment activity if large numbers of students are unable to progress due to disruptions to teaching, learning and assessments

### *People and staff costs*

- the cost for awarding organisations of developing and implementing alternative arrangements including staff workload and training costs

### *Opportunity costs*

- the impact on business as usual activities of having to comply with any new or amended requirements

Across the four questions we asked about the regulatory impact, we received 2,153 responses from a range of respondent types including teachers, exam officers and SLT members, centres, students, parents and carers, and awarding organisations. Respondents set out a range of impacts. Some of these were impacts which were likely to lead to increased burdens and costs, some which may lead to cost savings and reduced burdens, and other that may lead to costs and impacts being

transferred from one part of the system to another. We summarise the main themes raised and our decisions below.

## ***Overall proposed approach***

As set out earlier, one of our key aims in developing our proposals was to seek to assist in mitigating disruption to teaching, learning and assessments so that, as far as possible, learners have the opportunity to receive fair results and are not disadvantaged by the longer-term impacts of the pandemic. We aimed to ensure that assessments lead to the award of qualifications that are a valid and reliable indication of knowledge, understanding and skills, or practical competence; that as far as possible, standards are maintained; and to develop as far as possible, consistent approaches across similar qualifications, whilst recognising the diversity of the VTQ landscape.

In developing our approach, we recognised that in adapting assessments, there were likely to be costs associated with doing so. Some of these may be immediate and short term, others may be incurred over a longer period. While we were mindful of the need to minimise the burden of our proposals, we also considered that some cost and burden is inevitable, and indeed, may bring longer term benefits, for example through the increased use of technology. We sought, as far as possible, to balance the need for awarding organisations to deliver adapted assessments that are valid and reliable, with ensuring that any approaches to adaptation they develop are manageable for awarding organisations themselves, centres, learners and other users of qualifications.

Our proposed approach built on the Extended ERF, meaning some of the adaptations already in place may continue to be appropriate. It may be the case therefore that not all adaptations will be new, and awarding organisations and centres may simply be carrying on with adapted approaches that have already been established. The approach also allowed for flexible approaches, to allow awarding organisations to consider a range of factors, including the manageability of any adapted assessments. It required awarding organisations to only act within the limits of their own capacity and capability, and included guidance on factors awarding organisations should consider, including their capacity and capability and the manageability of assessments.

## ***New activities and costs for awarding organisations and centres***

We capture the following areas of new activities and costs raised by respondents: workload and people costs, provision of equipment and administration costs, consistency of approach for qualification delivery, transfer of costs within the system.

## ***Workload and other people costs – teachers and assessors***

A large number of respondents were concerned about the potential costs, both financially, and in terms of workload. Of particular concern were the potential costs if teachers were required to mark internal assessments. Respondents felt this would represent a considerable amount of additional work which would be on top of teachers continuing to deliver online teaching. Many teachers would need to work additional hours to be able to complete this if required, which would have an additional cost to centres. Respondents were concerned that there simply would not be enough time to complete all of the activities needed to ensure that students get results.

Respondents also commented on the additional cost of quality assurance that would need to take place in centres, to ensure that any centre marking and teacher assessment grades were standardised within the centre between different teachers. There would be additional time required to carry out these procedures, and also the additional time needed to train staff on any new procedures and for them to familiarise themselves with them.

One concern relating to these costs was that in many cases, these additional costs were for performing roles that would normally be performed by awarding organisation employed markers and assessors. In many cases, it may be that teachers who carry out marking of external assessments as a paid role for awarding organisations in addition to teaching, would instead be doing the same marking, but of internal assessment, in their role as a teacher, but without being paid for it. Some respondents who are normally examiners commented that they would suffer a loss of earnings as a result of not being required to mark external assessments.

We recognise that there are likely to be increased costs in these areas as a result of new procedures being implemented, and in particular teachers and centres performing additional roles to that which would normally be required. To some extent, these may be offset by savings in activities that are not required to be completed, such as the moderation of coursework, administering and invigilating some exams and other assessments, and the potential savings of online assessments compared with their paper-based equivalents.

## ***Provision of equipment and administration costs***

Many respondents commented on the cost of the provision of equipment and resources required for the continued delivery of adapted or remote assessments. These included costs for awarding organisations of developing and delivering adapted assessments, including developing new approaches, implementing new invigilation approaches, communicating changes with centres, and monitoring and quality assuring the delivery of remote or adapted assessments. While it is likely that

some of these approaches will already have been established under the Extended ERF, which could reduce some of this impact, respondents still felt that the continued delivery of adapted assessments was likely to lead to increased costs.

There were also a number of associated costs for centres and learners, for example the provision of IT equipment and software to access assessments, or the provision of specialist equipment or resources, such as musical instruments or catering equipment where these are required for an assessment. Respondents also highlighted the cost to teachers of ensuring they had access themselves to the equipment needed for remote teaching and learning.

Respondents highlighted a number of additional administrative costs associated with the proposed approach. In addition to the cost of administering adapted assessments, there were also costs highlighted for things such as photocopying and printing of any additional assessments that would need to be taken. Respondents in particular were referring to any additional awarding organisation set internally marked assessments.

We recognise that adaptation approaches could lead to additional costs for awarding organisations and centres and would expect that awarding organisations ensure their approaches are manageable. For many assessments, awarding organisations' arrangements for adapted assessments were put in place under the Extended ERF, and are likely to continue under the new arrangements. Therefore, although there will be some costs associated with delivering adapted assessments, the cost of developing and implementing adapted arrangements is likely to be lower than when these were being introduced for the first time. Some of the costs highlighted in response to the consultation related to the ongoing costs of delivering teaching and learning remotely, although some of the same costs would be applicable to the delivery of assessments remotely too.

The burden imposed by any particular adaptation on an awarding organisation, its centres and learners will be something which the awarding organisation considers as part of deciding whether that adaptation is appropriate to implement.

### ***Consistency of approach for qualification delivery***

Some respondents commented on the additional costs for centres of potentially having to meet multiple different arrangements from different awarding organisations. Many centres deliver qualifications from multiple awarding organisations, therefore the greater the consistency between the arrangements, the lower the potential burden on centres.

Through our framework, we are seeking to balance the need to be flexible to recognise the wide range of VTQs and the settings in which they are taken, with the need, as far as possible, to minimise the burden on centres, and ensure consistent

and fair approaches. Where possible, we will continue to provide guidance on factors to be considered by awarding organisations when determining their approach, although we are not proposing to be prescriptive about what these approaches should be. Therefore, while we hope this will bring a degree of consistency, it is possible that different awarding organisations will adopt different approaches. Regardless of the approach adopted however awarding organisations will need to ensure the arrangements they put in place are manageable and deliverable for centres. Additionally, while there may be differences between awarding organisations, it is likely that some of the arrangements for each awarding organisations will be continued from those that were put in place under the Extender ERF, therefore centres will be less likely to need to familiarise themselves with as many new arrangements as previously.

### ***Transfer of costs within the system***

Respondents noted that in many places, costs would simply transfer from one part of the system to another. So, a saving from one activity would be balanced out by a cost somewhere else. In particular, awarding organisations may save money on marking assessments, but centres would incur additional costs of marking internal assessments. Similarly, centres would save money on exam invigilation costs, but they would need to put in place additional arrangements for the standardisation and quality assurance of internal marking.

### ***Cost savings for awarding organisations and centres***

While many of the responses related to additional costs and burdens, there were also potential savings identified. In the main these related to the fact that although new arrangements were being put in place, these would be instead of activities that were no longer happening (for example, remote assessments replace paper-based exams), savings from not having to hire venues, and lower costs of materials, therefore there would be some saving from these activities that no longer take place. In addition, respondents noted that some of the alternative approaches may be cheaper to administer than those which they replaced. Respondents noted for example, that a remote assessment may be cheaper to administer than a paper-based exam.

### ***Potential impact on qualification fees***

Respondents were concerned that the cost of exam fees was no longer proportionate to the activities that would be carried out by awarding organisations in many cases, in particular where exams were no longer being delivered and much of the marking would now be carried out internally by centres rather than externally by

awarding organisations. Respondents queried whether centres would receive a refund of fees already paid, in light of the changes to assessments.

It is for each awarding organisation to determine its approach to fees, and this may vary by awarding organisation, depending on its own approach and qualifications it offers. We would expect that awarding organisations communicate changes in their approach to fees, including in relation to refunds, with centres. We recently updated our general condition F1 (after a consultation from July – October 2019), to require awarding organisations to publish current qualification fee information for potential purchasers in England. We monitor qualification fees and publish an annual qualification price index report, capturing qualification price changes in the sector.

### ***Our decision – regulatory impact assessment***

While there will be some savings as a result of the approach through activities that no longer take place, the responses suggest overall, there is likely to be an increased burden, particularly for centres, of implementing these alternative arrangements. We are of the view that the increased costs and burdens on awarding organisations are proportionate and necessary to achieve the exceptional arrangements we are putting in place, which will allow as many learners as possible to receive their results and progress to employment, further or higher education.

As set out below, we recognise that there may be increased regulatory burden as a result of meeting our proposed arrangements. A small number of respondents provided estimated costs, which ranged from £7,000 to £250,000 overall. As these were estimated and we do not have a detailed breakdown, for example to indicate how many learners these estimates were for, the type of assessment or type of centre, it has not been possible to carry out any further analysis of these figures.

The opportunity for us to minimise regulatory burden is limited to the scope of our role in delivering as fair a process as possible for awarding organisations, within the current context in which exams and many other assessments are unable to take place as normal. We have sought to put in place arrangements that will allow as many learners as possible to progress, based on the principle of fairness. At the same time, we have tried to minimise the impact on awarding organisations and other stakeholders. We have done this by:

- building maximum flexibility into the proposed arrangements
- taking a risk-based approach to our oversight activities with targeted monitoring work, focusing on securing that errors are corrected and put right, and working constructively with awarding organisations by recognising these exceptional circumstances

- continuing to provide additional guidance in the extraordinary regulatory framework, including in relation to equalities awareness, appeals, malpractice and remote invigilation
- not prescribing a single approach to appeals

We will continue gather further information about the regulatory impact of these proposals as part of our technical consultation, and through ongoing work in this area.



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