

**Analysis of the Consultation on English for
Speakers of Other Languages (ESOL)
Qualifications**

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1 Executive summary

1.1 Introduction

Since the current regulations for English for speakers of other languages (ESOL) qualifications were introduced, there have been changes to the purposes to which these qualifications have been put.¹ ESOL Skills for Life (SfL) qualifications are in some cases now used to support immigration applications, even though the regulations had not originally been designed with this purpose in mind. Ofqual has reported that these qualifications are subject to a higher than usual incidence of malpractice.²

Ofqual has reviewed the additional regulations that currently apply to ESOL SfL qualifications, and proposed changes to the regulations that reflect:

- a) The use of ESOL SfL qualifications to support UK entry, settlement and citizenship purposes
- b) Updates to Ofqual’s General Conditions of Regulation, which make some of the additional regulations unnecessary³

Following the publication of their consultation document (which may be found at <http://comment.ofqual.gov.uk/esol-qualifications/>), Ofqual carried out a formal

¹ The current regulations for ESOL qualifications were first put in place between 2000 and 2008 by the Qualifications and Curriculum Authority (QCA), Ofqual’s predecessor body.

² In 2011, ESOL qualifications accounted for approximately 12 per cent (87) of all malpractice incidents logged by Ofqual, despite the fact that ESOL qualifications accounted for approximately only 2.5 per cent of all awards that year. Incidents logged for ESOL in 2011 related to the use of qualifications for citizenship and the right to remain in the UK. Aspects of the malpractice alleged could also be traced to the need for learners to demonstrate progression in English ability as a result of the course that they took (data from the Ofqual investigations team).

³ All regulated qualifications must meet Ofqual’s General Conditions of Recognition – see www.ofqual.gov.uk/for-awarding-organisations/96-articles/610-regulatory-requirements. ESOL qualifications are used to support residency or citizenship applications and are therefore monitored more closely by the regulator as high-impact qualifications. Awarding organisations have to demonstrate that they have the correct safeguards in place to deliver ESOL qualifications, and, before it can be offered, each ESOL qualification is checked to ensure it meets the General Conditions of Recognition and any additional regulations.

consultation process between 10 September 2012 and 3 December 2012,⁴ the aim of which was to identify the level of endorsement for three proposals for the regulation of ESOL qualifications, which are described below.

Proposal 1: The introduction of a new qualification, ESOL for Life in the UK (working title)

The proposed new qualification is intended to provide learners with an appropriate course of study with suitably demanding and secure assessments that will enable awarding organisations to demonstrate how learners achieving their qualifications can meet Home Office/UK Border Agency (UKBA) English language requirements for UK entry, settlement or citizenship.⁵ The consultation focused on draft regulations for this new qualification, which specify:

- 100 per cent external assessment
- verification of each learner’s identity at every assessment by means of original, valid, officially issued photographic ID
- curriculum coverage and levels
- titling

Proposal 2: Introduce general conditions for ESOL International qualifications, based on existing regulations

The consultation asks whether the existing additional regulations for ESOL International qualifications should be retained, the only change being to introduce a consistent requirement for 100 per cent external assessment (the current regulations allow up to 25 per cent internal assessment in limited circumstances).

⁴ The consultation was for England and Northern Ireland only.

⁵ It should, however, be noted that the Home Office/UKBA is responsible for UK border control, setting the rules that must be met by any non-UK citizen who applies for leave to enter or remain in the UK. The changes proposed by Ofqual are intended to make ESOL qualifications more consistent with Home Office/UKBA requirements. Awarding organisations must meet these requirements if their qualifications are to be accepted by the Home Office/UKBA.

Proposal 3: The withdrawal of additional regulations for ESOL Skills for Life and ESOL for Work qualifications

The consultation document proposes that the additional criteria⁶ for ESOL SfL and ESOL for Work qualifications be withdrawn on the basis that the qualifications can be effectively regulated through the existing General Conditions of Recognition.

1.2 Methodology

The consultation questions were made available as an online questionnaire and also included in the downloadable consultation document. This document was available for a 12-week period to 3 December 2012 (with the online questionnaire's web address given on the Ofqual website), and responses to it could be submitted electronically or in paper format.⁷ In total, 167 complete responses to the questionnaire were received. Over half of the respondents were from schools and colleges – a large majority of these were further education (FE) colleges.

A total of 95 participants from a range of stakeholder groups took part in a focus group and a round-table discussion at one of three consultation events held in November 2012 (in Leeds, London and Belfast).

1.3 Key messages

Proposal 1: The introduction of a new qualification, ESOL for Life in the UK (working title)

There was significant opposition to the introduction of a new qualification (ESOL for Life in the UK) among both questionnaire respondents and focus group participants across all stakeholder groups. The majority of participants felt that existing ESOL qualifications already provided a range of appropriate qualifications for the purposes of entry, settlement

⁶ ESOL SfL qualification criteria were previously published within the Statutory Regulation of External Qualifications in England, Wales and Northern Ireland (2004). ESOL for Work qualification criteria were previously published as standalone criteria documents in 2008. The criteria refer to titling and content for the SfL qualification and titling, levels, target group, content, assessment, awarding and reporting and, finally, guided learning hours in the case of ESOL for Work.

⁷ Delivered using SurveyGizmo: <http://www.surveygizmo.com/>

and citizenship, and that it would be better to reform the existing qualifications to meet the requirements of the Home Office/UKBA than to develop a new qualification.

This opposition influenced responses to further questions, for example on mapping to other frameworks. Responses reported in the main report therefore need to be considered within this context.

Those respondents to the questionnaire who supported a new qualification gave as their reason for doing so the benefit of rationalising qualifications and providing a rigour for qualifications required for entry, settlement or citizenship.

There was overall support for 100 per cent external assessment by questionnaire respondents, but a significant minority against it, including those who (mistakenly) thought that the proposal goes against Ofqual's Criteria for Entry-level Qualifications. Some focus group respondents expressed concern about the effect of 100 per cent external assessment on more-vulnerable learners, who do better in an assessment situation that is familiar to them in terms of both the location and also the person assessing.

Both questionnaire respondents and focus group participants identified issues with the proposed qualification including the question of whether there was a need or a market for such a qualification, and the desirability of a qualification that appeared to be serving a political rather than an educational requirement. A broad range of stakeholders at the focus groups suggested that, if the purpose of the new qualification was simply to assess English language at a particular level, then it may be more appropriate to develop an English language test alongside the current Life in the UK test.⁸

Many focus group participants were unsure how the new proposed qualification would eliminate or at least minimise malpractice. Participants were unclear about the scale and type of malpractice that had occurred and therefore felt unable to say whether a new qualification was a reasonable and proportionate response. Most participants from providers offering ESOL qualifications felt that the safeguards the awarding organisations and the providers themselves had put in place were robust. The risk of malpractice was

⁸ <https://www.gov.uk/becoming-a-british-citizen/life-in-the-uk-test>

minimised by the ‘policing’ of these measures by awarding organisations, by their own internal processes and by the demands from funders and Ofsted. There was support for verifying each learner’s identity at every assessment by use of original, valid, officially issued photographic ID but little sense that it would achieve much or represent much of a change, as many participants reported that it was already a requirement in their organisations.⁹

There were concerns raised at the focus group events that the proposed timescale for the development and implementation of the new qualifications was too tight.

Proposal 2: Introduce general conditions for ESOL International qualifications, based on existing regulations

There were many ‘don’t know’ responses to the questionnaire relating to Proposal 2. Not all the questionnaire respondents or consultation event attendees were involved in the delivery of, or had knowledge of, ESOL International qualifications. In the case of provider representatives, more providers attending the events and/or responding to the online questionnaire offered ESOL SfL than offered ESOL International qualifications.

Even when the participant’s organisation offered ESOL International, the qualification was located in a different part of the organisation that was not represented in the questionnaire response or at the events. Responses to Proposal 2 therefore need to be treated with caution, as they may not be representative of the views of those with experience of or expertise in ESOL International qualifications.

Participants in the Northern Ireland focus group had more knowledge about the ESOL International qualification, because whereas in England only ESOL SfL qualifications are eligible for financial support, in Northern Ireland both ESOL International and ESOL SfL are funded by the devolved administration and therefore providers are more likely to offer both qualifications.

Within the context of the reservations cited above, there is general support in the questionnaire responses for regulated ESOL International qualifications (though some

⁹ A number of participating organisations have already chosen to put this requirement in place; however, it is not currently a regulatory requirement for ESOL SfL, ESOL International or ESOL for Work qualifications.

reservations about the title). There was strong support from all stakeholder groups responding to the questionnaire for the proposal to map ESOL International qualifications at any single level from Entry 1 to Level 2 to the Common European Framework of Reference for Languages (CEFR) and support, also, for the need for clarity about what is covered.

There was some support for restrictions to pre-16 provision from respondents to the questionnaire,¹⁰ but many commented that they would like to see the qualifications available to pre-16 learners. The questionnaire respondents also expressed support for freeing qualifications from links to the ESOL Core Curriculum and Adult Literacy Standards and for 100 per cent external assessment, but with some important reservations, especially for the assessment of speaking and listening.

Some groups in the consultation events were concerned that ESOL SfL and ESOL International were seen as ‘one market’ by Ofqual. It was argued that the two groups were distinct and with differing needs. The majority of participants at the consultation events focused on Proposals 1 and 3, and there is little to report from the events on Proposal 2.

Proposal 3: The withdrawal of additional regulations for ESOL Skills for Life and ESOL for Work qualifications

Responses to Proposal 3 in the questionnaire have to be treated with great caution as it is obvious that there has been a misunderstanding about what the removal of additional regulations actually means in practice: some respondents clearly believed that ESOL SfL would no longer be available (there was far greater concern about the possibility that ESOL SfL might no longer be available than there was about ESOL for Work being withdrawn). These concerns about the withdrawal of the ESOL SfL qualification also influenced responses to Proposal 1, because some respondents mistakenly understood the new ESOL for Life in the UK qualification to be a replacement for ESOL SfL.

¹⁰ There appears to have been a different interpretation of the restrictions Ofqual proposed for pre-16 learners. The statement on page 12 of the consultation says that ESOL International qualifications should ‘reflect the interests and needs of adult learners at all levels *and must not be designed for use pre-16*’ (our italics). Respondents interpreted this to mean that it should not be available to pre-16 learners.

Participants in the focus groups at the consultation events presented little opposition to the removal of additional regulations for ESOL SfL and ESOL for Work once it was made clear to them what this would mean in practice. Responses from focus groups participants to several questions on Proposal 3 showed concern about aspects of current provision rather than about the need to regulate it.

2 Introduction

2.1 Background to the consultation

Since the current regulations for English for speakers of other languages (ESOL) qualifications were introduced, there have been changes to the purposes for these qualifications.¹¹ Ofqual has reported that these qualifications are subject to a higher than usual incidence of malpractice.¹²

Ofqual has reviewed the additional regulations that currently apply to ESOL SfL qualifications, and proposed changes to the regulations that reflect:

- a) The use of ESOL SfL qualifications to support UK entry, settlement and citizenship purposes
- b) Updates to Ofqual's General Conditions of Regulation, which make some of the additional regulations unnecessary

Ofqual has consequently decided to review the current regulations to reflect the way in which ESOL qualifications are now used and to make these compatible with the General Conditions of Recognition.¹³ Following the publication of their consultation document

¹¹ The current regulations for ESOL qualifications were first put in place between 2000 and 2008 by the Qualifications and Curriculum Authority (QCA), Ofqual's predecessor body.

¹² In 2011, ESOL qualifications accounted for approximately 12 per cent (87) of all malpractice incidents logged by Ofqual, despite the fact that ESOL qualifications accounted for approximately only 2.5 per cent of all awards that year. Incidents logged for ESOL in 2011 related to the use of qualifications for citizenship and the right to remain in the UK. Aspects of the malpractice alleged could also be traced to the need for learners to demonstrate progression in English ability as a result of the course that they took (data from the Ofqual investigations team).

¹³ All regulated qualifications must meet Ofqual's General Conditions of Recognition – see www.ofqual.gov.uk/for-awarding-organisations/96-articles/610-regulatory-requirements. ESOL qualifications are used to support residency or citizenship applications and are therefore monitored more closely by the regulator as high-impact qualifications. Awarding organisations have to demonstrate that they have the correct safeguards in place to deliver ESOL qualifications, and, before it can be offered, each ESOL qualification is checked to ensure it meets the General Conditions of Recognition and any additional regulations.

(which may be found at <http://comment.ofqual.gov.uk/esol-qualifications/>), Ofqual carried out a formal consultation process between 10 September 2012 and 3 December 2012, the aim of which was to identify the level of endorsement for three proposals for the regulation of ESOL qualifications, and to highlight any concerns or areas where there was a lack of clarity. AlphaPlus Consultancy Ltd was commissioned by Ofqual to undertake an independent evaluation of the data collected from the consultation. This report outlines the methodology used in the consultation process to collect and analyse data, and describes stakeholder responses to the consultation document.

The equality analysis referred to in the consultation document can be found at <http://www2.ofqual.gov.uk/files/2012-09-10-esol-consultation-equality-assessment.pdf>

2.2 The consultation focus

The consultation took place in England and Northern Ireland only. The online consultation was open for 12 weeks, from 10 September 2012 to 3 December 2012. Participants were invited to complete an online questionnaire or to submit responses to the questionnaire electronically or by post. Participants were also invited to participate in a focus group and round-table discussion at one of three consultation events held in Leeds, London and Belfast during November 2012.¹⁴

Ofqual's role is to ensure that qualifications are fit for purpose, to secure standards in order to promote public confidence in the qualifications, and to secure a healthy, robust and efficient qualifications system. The consultation therefore focused only on Ofqual's three proposals for **changes to the regulations** for ESOL qualifications, which are described below.

Proposal 1: The introduction of a new qualification, ESOL for Life in the UK (working title)

The proposed new qualification is intended to provide learners with an appropriate course of study with suitably demanding and secure assessments that will enable awarding organisations to demonstrate how learners achieving their qualifications can meet Home

¹⁴ 6, 16 and 20 November 2012.

Office/UKBA English language requirements for UK entry, settlement or citizenship. The consultation focused on draft regulations for this new qualification, which specify:

- 100 per cent external assessment
- verification of each learner's identity at every assessment by means of original, valid, officially issued photographic ID
- curriculum coverage and levels
- titling

It should, however, be noted that the Home Office/UKBA is responsible for UK border control, setting the rules that must be met by any non-UK citizen who applies for leave to enter or remain in the UK. The changes proposed by Ofqual are intended to make ESOL qualifications more consistent with Home Office/UKBA requirements. Awarding organisations must meet these requirements if their qualifications are to be accepted by the Home Office/UKBA.

Proposal 2: Introduce general conditions for ESOL International qualifications, based on existing regulations

The consultation asks whether the existing additional regulations for ESOL International qualifications should be retained, the only change being to introduce a consistent requirement for 100 per cent external assessment (the current regulations allow up to 25 per cent internal assessment in limited circumstances).

Proposal 3: The withdrawal of additional regulations for ESOL Skills for Life and ESOL for Work qualifications

The consultation document proposes that the additional criteria¹⁵ for ESOL SfL and ESOL for Work qualifications be withdrawn on the basis that the qualifications can be effectively regulated through the existing General Conditions of Recognition.

¹⁵ ESOL SfL qualification criteria were previously published within the Statutory Regulation of External Qualifications in England, Wales and Northern Ireland (2004). ESOL for Work qualification criteria were previously published as standalone criteria documents in 2008. The criteria refer to titling and content for the

The consultation's focus was on these three proposals and not on wider issues – for example, changes to funding, which are the remit of government departments such as the Department for Business, Innovation and Skills (BIS) and the Department for Employment and Learning Northern Ireland (DEL Northern Ireland). Wider themes have been included in the report, however, where these have been reported by stakeholders, to give context to consultation responses and to highlight any potential issues for the implementation of the proposals.

SfL qualification and titling, levels, target group, content, assessment, awarding and reporting and, finally, guided learning hours in the case of ESOL for Work.

3 The consultation process

3.1 Data collection methods

Stakeholders were able to engage with the consultation by:

- responding to the consultation questionnaire
- taking part in a focus group and round-table discussion at a consultation event

The types of data available for analysis comprised:

- quantitative data from the consultation questionnaire¹⁶
- qualitative data from the consultation questionnaire (in the form of free-text responses), from the consultation events (in the form of stakeholders' reported views), and from written submissions to the consultation (in the form of emails or papers submitted)

The data collected and analysed is summarised below.

3.1.1 Consultation questionnaire

The consultation questions were made available as an online questionnaire and included also in the downloadable consultation document. This document was available for a 12-week period to 3 December 2012 (with the online questionnaire's web address given on the Ofqual website), and responses to it could be submitted electronically or in paper format.¹⁷ In total, 167 complete responses to the questionnaire were received. Two email text responses and a paper were also received.

Over half of the respondents were from schools and colleges – a large majority of these were further education (FE) colleges. A breakdown of respondents by stakeholder group can be found in Appendix 1.

¹⁶ The majority of questions in the consultation questionnaire required a scaled response: respondents were asked to say whether they strongly disagreed, disagreed, do not know or no opinion, agreed, or strongly agreed in response to specific questions about the consultation. There was an option to offer a free-text response following each scaled response.

¹⁷ Delivered using SurveyGizmo: <http://www.surveygizmo.com/>

3.1.2 Consultation focus group events

A total of 95 participants from a range of stakeholder groups attended one of three consultation events held in 2012 (in Leeds, London and Belfast) – see Appendix 2 for a breakdown of participants by organisation type.

The events were used to encourage stakeholders to respond to the consultation questionnaire, for Ofqual to clarify any areas of misunderstanding, and to give participants an opportunity to discuss the proposals in detail with other stakeholders. The events also offered a chance for the evaluators to gain the participants' perspectives on the potential impact of the proposals and on any issues or risks that might be associated with the implementation of the proposals.

The consultation events were based around a series of focus groups, with participants grouped, where possible, according to the type of organisation they represented (for example, school and college, representative group). Participants were asked as a group to identify the areas of the consultation of most interest and relevance to them. An *AlphaPlus* facilitator then ensured that these topic areas were given priority in the discussions. An additional round-table session was held in the afternoon at each event to allow discussion of key issues across stakeholder groups.

3.2 Data analysis

All responses to the consultation were analysed. Questionnaire data was imported into a statistical analysis software package, SPSS,¹⁸ for statistical analysis. Free-text responses from the consultation questionnaire were coded by theme. There were a number of key features of the analysis:

- Responses were received from individuals, organisations and representative groups. In the analysis, therefore, responses have been considered in relation to the role of the respondent, the type of response (individual, organisation, group), and the stakeholder group of the respondent.

¹⁸ See <http://www-01.ibm.com/software/analytics/spss/>

- In a few instances where there have been multiple responses from individuals in an organisation, further statistical analysis has been undertaken to ensure that this aspect of the analysis does not bias any of the key messages identified from the consultation, especially in the few cases in which there is less consensus among participants.
- There were 61 partial responses to the online questionnaire. A partial response was recorded if the respondent did not complete the respondent details section. Completion of this section was required (a) to ensure that the response was genuine and (b) to aid analysis by stakeholder group. Of the 61 partial responses, 40 did not answer any questions at all, 5 answered three or fewer questions, and only 6 respondents answered all the questions (but without providing any respondent details). These responses were not included because they could not be verified.
- As with any public consultation, responses were received from a self-selecting range of participants, which introduces the potential for selection bias.¹⁹ Accordingly, there can be no assumption that the stakeholders who have responded to the consultation are fully representative of the wider stakeholder population.
- There was evidence to suggest that there has been further consultation by representative organisations with their members; there was therefore some direct duplication of response seen in comments from individuals that replicated those of their representative organisation.
- There were a large number of ‘no opinion’/‘don’t know’ responses to questions –where the subsequent free-text response question generated a response, however, the response suggested that the participant clearly *did* have an opinion. These text responses were taken into account within the analysis but no assumptions were made about which option they would have chosen other than ‘no opinion’/‘don’t know’.
- In the presentation of data by stakeholder group (net response charts below) all awarding organisations responding to the questionnaire have been considered as one

¹⁹ Selection bias occurs when characteristics of the subjects selected for the study are systematically different from those in the target population.

group;²⁰ where there were insufficient numbers for a stakeholder group, for example responses from higher education, these have been added to the 'other' category.

- There was no adult community learning (ACL) organisation category option to select in the respondent details in the questionnaire. ACL organisations therefore self-categorised themselves across almost the full range of 'organisation type' categories. Given that there were 45 organisations that further investigation suggested could be categorised as ACL, further analysis took place and has been reported in a footnote where there is the potential to 'skew' the interpretation of response by stakeholder group.

All data collected through the online survey, the focus groups and any separate responses from organisations or individuals has been treated confidentially in this report. No individuals or organisations can be identified.

²⁰ All awarding organisation responding to the consultation offered ESOL qualifications.

4 Summary of consultation responses

4.1 Proposal 1 – ESOL for Life in the UK

4.1.1 The rationale for the introduction of new regulations for an ESOL for Life in the UK qualification

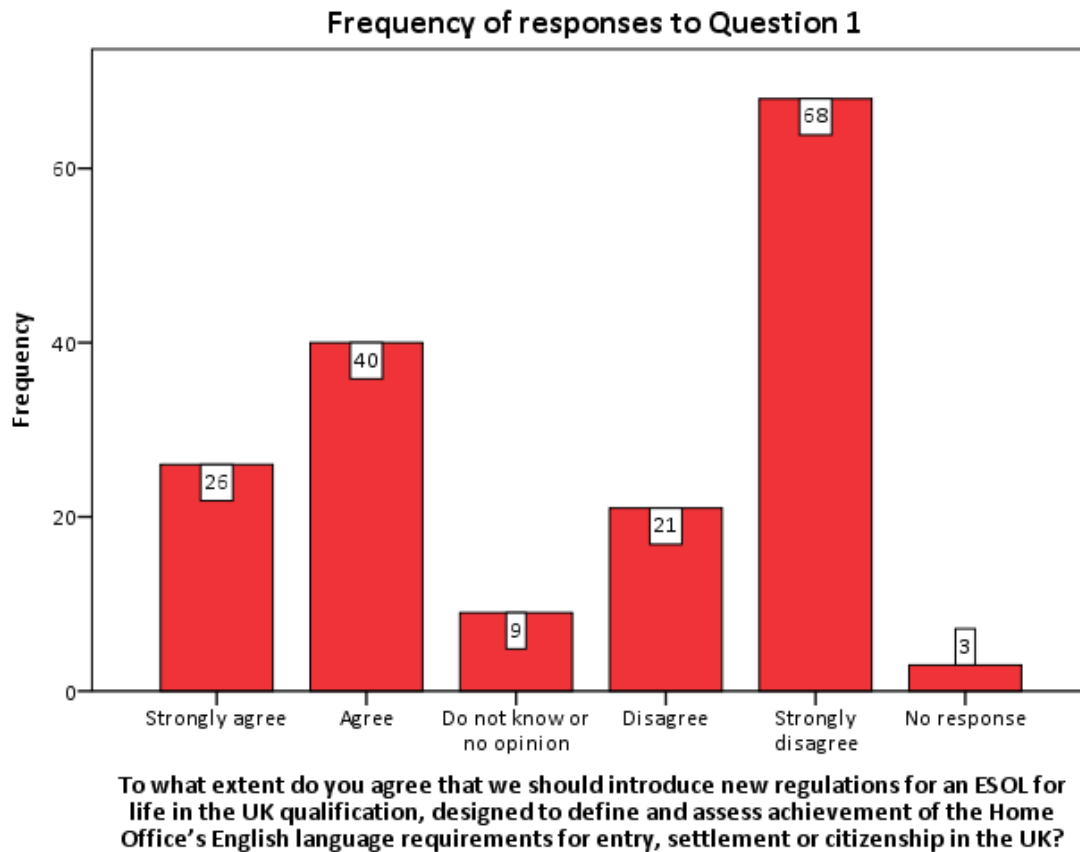


Figure 1: Response to consultation question 1

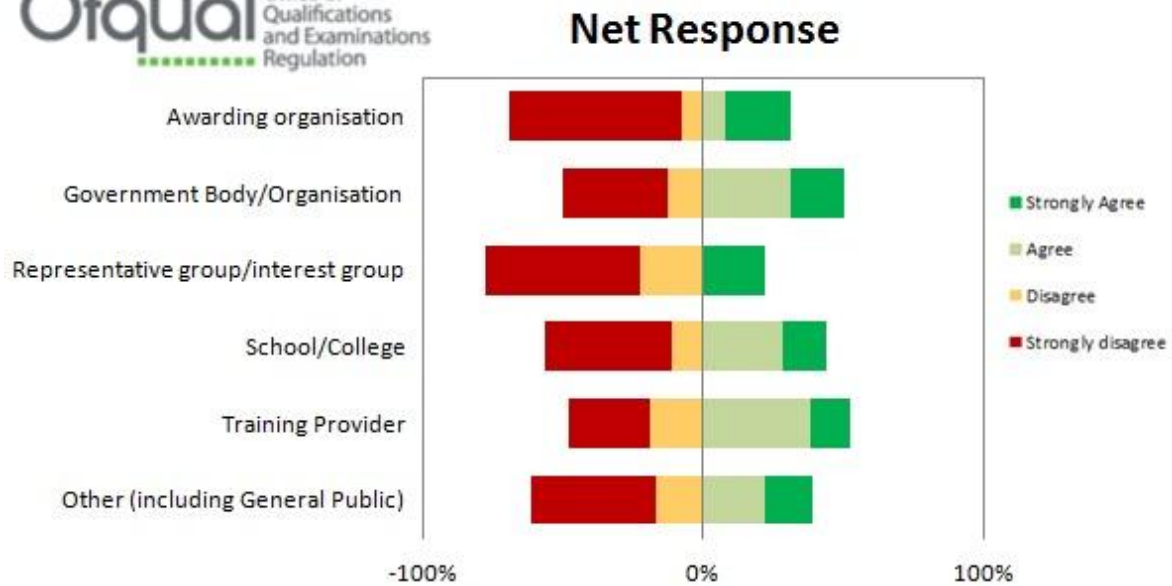


Figure 2: Response by stakeholder to consultation question 1 (%)

4.1.1.1 Questionnaire responses

A majority of questionnaire respondents disagreed or strongly disagreed with the proposal that there was a need for regulations for a new qualification designed to define and assess achievement of the Home Office/UKBA English language requirement for entry, settlement or citizenship in the UK (see Figure 1). There was opposition across the range of stakeholder groups responding to the questionnaire (Figure 2).

Half of those who agreed with question 1 offered responses, which centred on the desirability of rationalising qualifications and providing a more appropriate qualification for entry, settlement or citizenship than ESOL SfL. First, it was felt by some schools and colleges that the current ESOL SfL is fit for the purpose of advancing learners’ language and related skills, but not necessarily for entry, settlement or citizenship purposes. If a new qualification were introduced to fulfil Home Office/UKBA requirements, it would enable other ESOL courses to focus on developing language skills. Second, the proposal would make the qualification more valid and reliable; this was particularly important against the background of reported malpractice, which was thought to have skewed results artificially high, leaving ESOL providers that were innocent of such malpractice unable to attain the success rates of those that were guilty of it.

4.1.1.2 Focus group responses

The concerns of the focus group participants were shared with those offering comments about question 1 in the questionnaire. There was much debate among participants in the focus groups at the consultation events about the purpose of, and the rationale for, the new proposed qualification. Participants questioned whether the purpose of the new qualification was to provide the Home Office/UKBA with evidence of achievement of the language requirements for entry, settlement or citizenship in the UK, or to minimise incidents of fraud and malpractice. A number of concerns, outlined below, were raised by participants in both these regards.

The majority of participants felt that the current suite of ESOL Sfl qualifications and ESOL International qualifications already provides a range of appropriate qualifications for the purposes of entry, settlement and citizenship. A majority of participants also felt that the current ESOL Sfl qualifications support those who intend to settle, or who already are settled, in the UK by placing the learning of English alongside learning about life in the UK. Most assessments, it was said, are focused on citizenship and life in the UK, and can already be said to prepare learners for the Life in the UK test.²¹ Several participants suggested that, rather than develop a new qualification, it would be better to reform the existing Sfl qualification to make it appropriate for entry, settlement and citizenship purposes. A number of participants felt that the Literacy Standards and the ESOL core curriculum on which the Sfl qualifications are based are overdue for review.

Participants from Northern Ireland felt that the current suite of ESOL Sfl and ESOL International qualifications meets the needs of their learners. Both the ESOL Sfl and ESOL International qualifications are funded in Northern Ireland, and providers felt that they are able to steer learners towards the most appropriate qualification for their needs.

Providers in Northern Ireland agreed with their colleagues in England that they currently have few requests for evidence of language competency from their learners. They also expressed concern about the portability of the new qualification across the border in the

²¹ <https://www.gov.uk/becoming-a-british-citizen/life-in-the-uk-test>

Republic of Ireland,²² saying that the requirements for entry into the Republic are not necessarily the same as in the UK.

Several participants expressed disquiet that immigration policy should be a driver for the development of education qualifications. One mixed stakeholder group had strong concerns about developing a qualification for which the sole purpose is to evidence language requirements for entry, settlement or citizenship in the UK. Another mixed group pointed out that the General Conditions of Recognition require awarding organisations to give a business case for any new qualification. They believed that awarding organisations would struggle to produce a business case for ESOL for Life in the UK because the possibility of change to government immigration policy would create too much uncertainty about future prospects for the qualification.

A broad range of stakeholders suggested that, if the purpose of the new qualification was simply to assess English language at a particular level, then it may be more appropriate to develop an English language test alongside the current Life in the UK test.

One mixed group of participants was not against the idea of a new qualification but questioned whether this needed to be at all the levels – Entry level 1 to Level 2 – if the Home Office/UKBA requirement is pitched at Entry level 3 (E3).²³ This group was divided on whether the qualification should be made available at levels above E3; if it was available only at E3, they argued, the requirement of 60 guided learning hours would mean that stronger learners wasted preparation time. This, they felt, made an even stronger case for a specific test at E3 as opposed to a qualification.

The participants struggled to understand how the new proposed qualification would eliminate or at least minimise malpractice. Participants were unclear about the scale and type of malpractice that had occurred and therefore felt unable to say whether a new qualification was a reasonable and proportionate response. One group of representative

²² Ofqual does not regulate qualifications in the Republic of Ireland.

²³ Entry level 3 is mapped to the descriptions of language proficiency at B1 on the CEFR.

organisations thought that the emphasis on malpractice risked damaging the image of current ESOL qualifications and that of the providers offering them.

Most participants from providers offering ESOL qualifications felt that the safeguards the awarding organisations and the providers themselves had put in place were robust.²⁴ These included both photographic identification at enrolment and before assessments and also arrangements for internal verification and moderation. Some further education (FE) and adult and community learning (ACL) providers felt that the risk of malpractice was minimised by the ‘policing’ of these measures by awarding organisations, by their own internal processes and by the demands from funders and Ofsted. One group of FE and ACL providers suggested that ensuring that all providers, whether state or privately funded, be subject to the same checks and balances would reduce instances of malpractice. The suggestion seemed to be that, if these were in place, the proposal for a new qualification would be superfluous – the checks and balances would ensure against malpractice, which these providers saw as the main driver for the new proposed qualification. One mixed stakeholder group felt that the consultation should be widened to include a debate about the desirability of ESOL and English as an additional language (EAL) qualifications being made available to pre-16 learners (this is referred to later in the report in discussion of question 26).

4.1.2 The market and demand for a new qualification – ESOL for Life in the UK

4.1.2.1 Focus group responses

The majority of participants in the consultation event groups discussed the potential demand and market for the new proposed qualification. Discussion revolved round two issues: what demand there was for a separate qualification among those seeking entry, settlement or citizenship in the UK; and how providers would practically manage an offer that might include ESOL SfL, ESOL International and an ESOL Life in the UK qualification. An

²⁴ These are safeguards put in place by individual organisations; although participants spoke of these relating to the demands of Ofsted, awarding organisations and funding agencies, no specific mention was made of Ofqual regulations.

overwhelming majority of participants questioned were sceptical about the need for a new qualification.

The majority of providers at the events said that few learners requested evidence of language competence for the purposes of entry, settlement and citizenship in the UK: between 1 per cent and 10 per cent only of ESOL learners each year requested letters from providers – although no one could produce accurate figures. The estimate of this percentage range was based on the comments made by several groups of participants across the events, with the actual figure depending on the geographical location of the provider and the size of their ESOL programme.

Most providers at the events felt that there would be too few learners requesting the course to make the new qualification viable. There was some speculation among providers about whether the new qualification would be funded – this would have a significant bearing on their ability to offer the courses. Some providers thought that learners wanting to take the new qualification would be integrated into the current ESOL SfL courses, although some providers said that any significant difference in course content would be difficult to manage.

A majority of participants thought that the learner demand for evidence of ability and/or success in qualifications currently demanded by the Home Office/UKBA could be met through existing provision and believed that their own existing security arrangements for assessments were sufficient for these purposes.

Several participants questioned whether the new qualification would be available outside the UK for those seeking entry from abroad. Was this, they suggested, where Ofqual anticipated an increased demand?

4.1.3 The name for the proposed new qualification – ESOL for Life in the UK

Support for the proposed title of the new qualification appears strong in the responses to the questionnaire, and provoked much debate in the focus groups at the consultation events. The numbers agreeing or strongly agreeing with the title need to be treated with some caution, however, and read in conjunction with the comments from the free-text responses to the questionnaire.

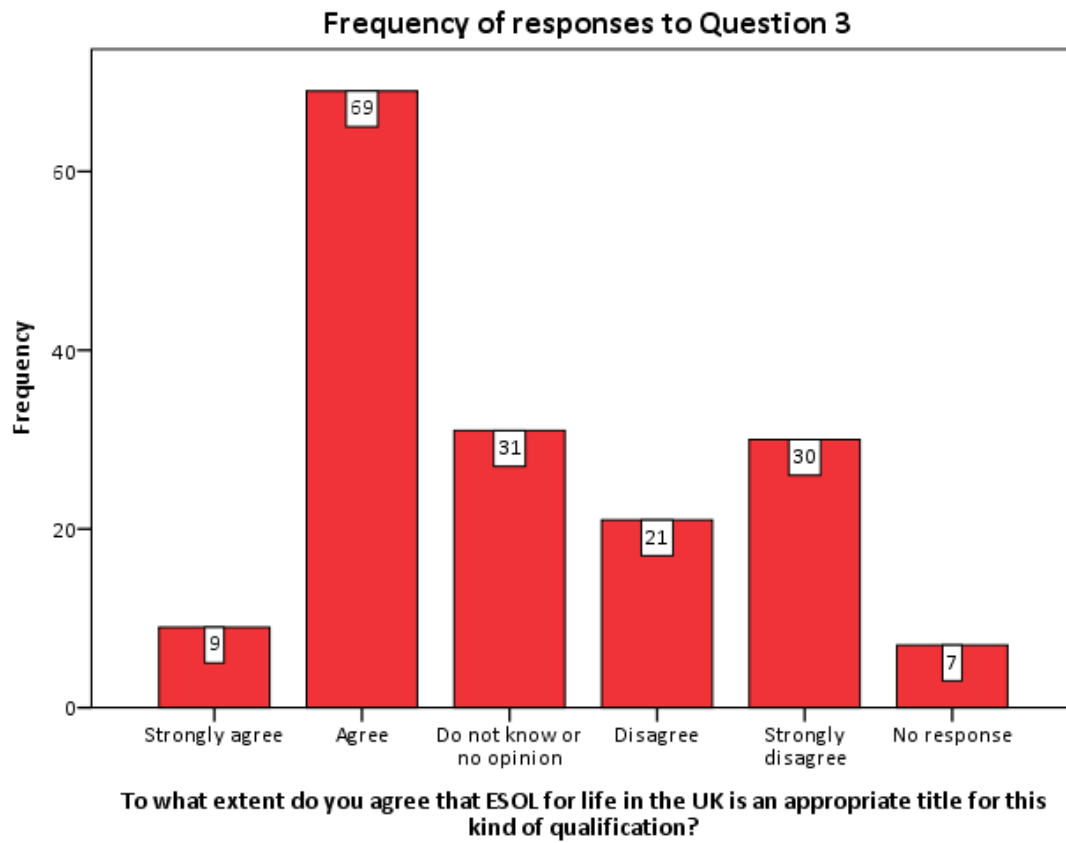


Figure 3: Response to consultation question 3

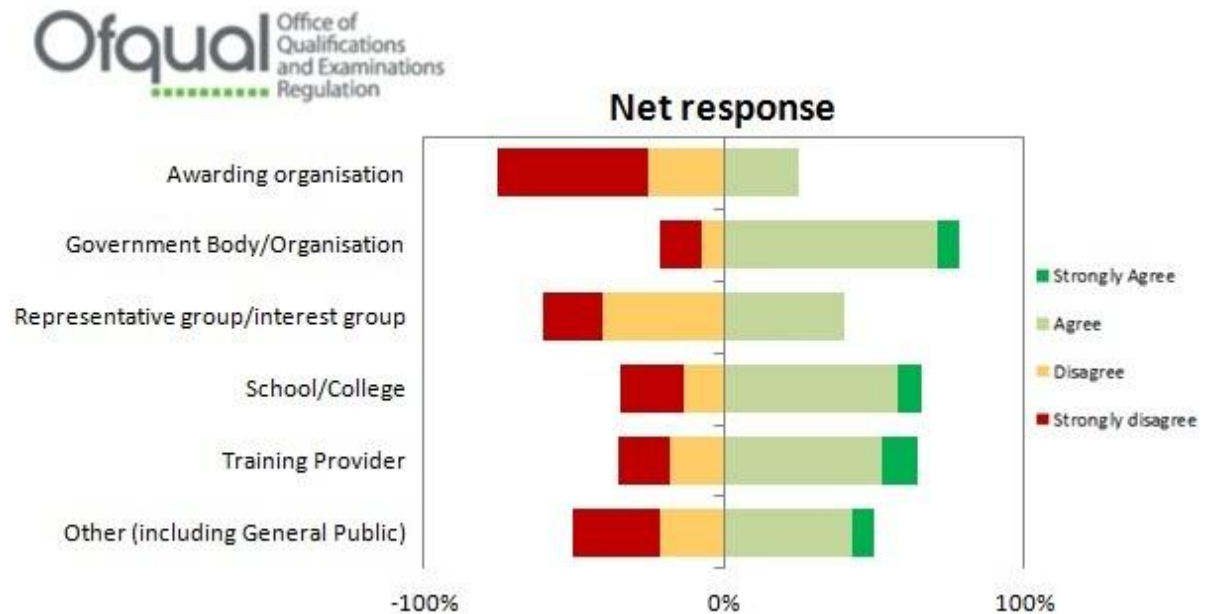


Figure 4: Response by stakeholder to consultation question 3 (%)

4.1.3.1 Questionnaire responses

A majority of responses to the questionnaire showed support for the title for the new qualification, when compared with the number who strongly disagreed or disagreed with the proposed title (78: 51). On further analysis, however, a slightly different picture emerges. Of those who strongly agreed or agreed, a handful did not agree with the need for a new qualification, and a few offered alternative titles despite agreeing with the suggested title. A significant number (31) of respondents purported to have no opinion or not to know; nevertheless, nearly one-third of them made comments to the broad effect that they did not want the new qualification at all. Of the 51 who disagreed or strongly disagreed, all but 5 made comments, and 13 of those comments also indicated that they did not want the new qualification at all. The rest of the comments focused on the confusion between the new proposed title and ESOL SfL and the Life in the UK test titles, particularly for learners. The two alternative titles offered by respondents were ‘ESOL for UK Living’ and ‘ESOL for Work and Life in the UK’.

4.1.3.2 Focus group responses

At the consultation events, the consensus among those offering an opinion on the name of the new qualification was that the title should reflect its purpose more clearly. Other comments included the following:

- The title needed to state clearly, for learners' benefit, that the qualification is specifically for entry, settlement or citizenship purposes
- The title is too close to the 'Life in the UK' title of the 'citizenship' test, and could be confusing
- One group, mainly consisting of representative groups, pointed out that the proposed title might not meet the regulatory requirements for qualifications in the other three nations in the UK, and that this has the potential to cause confusion

There were discussions around possible titles for the qualification, but stakeholders found it difficult to come up with a title that was descriptive without being unwieldy.

4.1.4 The levels proposed for the ESOL for Life in the UK qualification and mapping to the Common European Framework of Reference for Languages (CEFR)

The CEFR is a series of descriptions of abilities that can be applied to any language. These descriptors can be used to set clear targets for achievements within language learning, to help define language proficiency levels, and to interpret language qualifications. It plays a central role in language and education policy and has become accepted as a way of benchmarking language ability not only within Europe but also across the world.

The CEFR describes language ability on a scale of levels from A1 for beginners to C2 for those who have mastered a language, making it easy for anyone involved in language teaching and testing (learners, teachers, teacher trainers, etc.) to see the level of different qualifications. It also means that employers and educational institutions can easily compare qualifications and see how they relate to examinations they already know in their own country.²⁵

²⁵ Council of Europe http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

Figure 5 shows a majority of questionnaire respondents in favour of having the ESOL for Life in the UK qualification mapped against the Common European Framework of Reference for Languages (CEFR). A significant number of those offering comments both for and against question 5, however, felt that it should also be mapped to the Adult ESOL core curriculum. Almost the same number of respondents said they had no opinion – but in fact many of these then offered comments, evenly divided between agreement and disagreement.

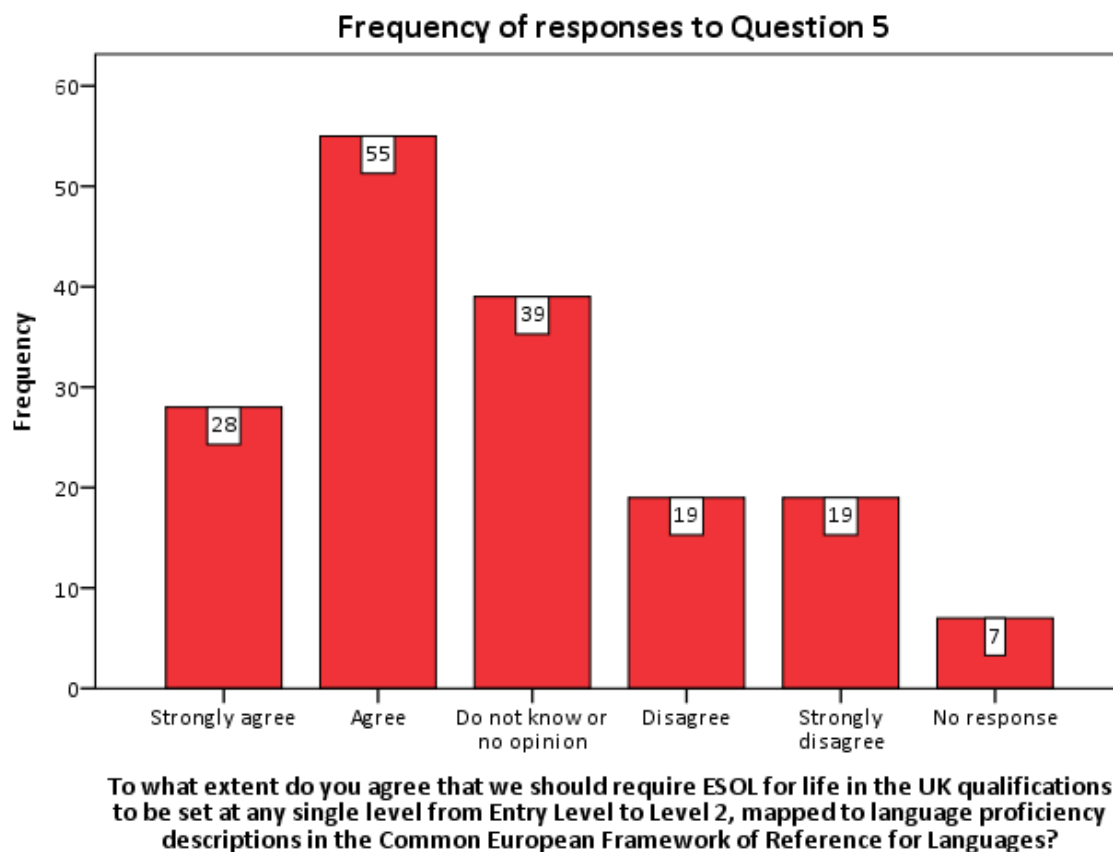


Figure 5: Response to consultation question 5

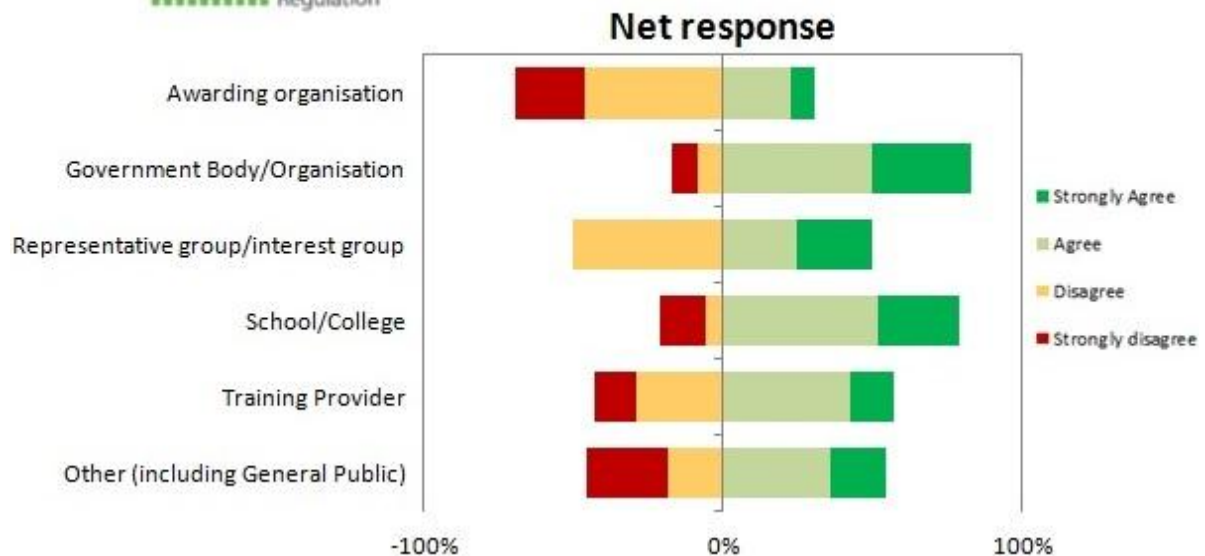


Figure 6: Response by stakeholder to consultation question 5 (%)²⁶

4.1.4.1 Questionnaire responses

The majority of respondents to the questionnaire showed support for mapping the qualification to the CEFR and clearly indicating the areas covered. Figure 6 shows that awarding organisations were the only group of stakeholders for which there was much stronger disagreement than agreement. The majority of respondents who disagreed or strongly disagreed (35 out of 38) offered comments. Nine awarding organisations (out of a total of 15 who completed the questionnaire) felt that the ESOL core curriculum was more appropriate for the new proposed qualification, as it is more detailed. One awarding organisation commented that there were contradictions between the CEFR and the ESOL core curriculum which would make it almost impossible to set assessments. The schools and colleges (12) voiced concerns about the appropriateness of the CEFR for vulnerable learners, with one stating that the CEFR assumes learners are literate in their first language, and

²⁶ Private training providers *all* agree or strongly agree – ACL organisations categorising themselves as ‘training provider’ gave the negative responses.

another saying that it would be difficult for learners with learning difficulties to access a qualification based on the CEFR.

Once again, although 39 respondents said they had no opinion or did not know, 32 of them made free-text responses that cover the range of comments from other respondents who agreed or disagreed with the question.

4.1.5 The ESOL for Life in the UK qualification should clearly indicate the areas covered

There is a degree of conflation between questions 5, 7 and 9 in comments offered in the questionnaire and in the responses from the focus group participants at the consultation events, with participants in some instances comparing, or remarking on, the Adult ESOL core curriculum and the CEFR. Responses have been logged under the question that gave rise to the comments.

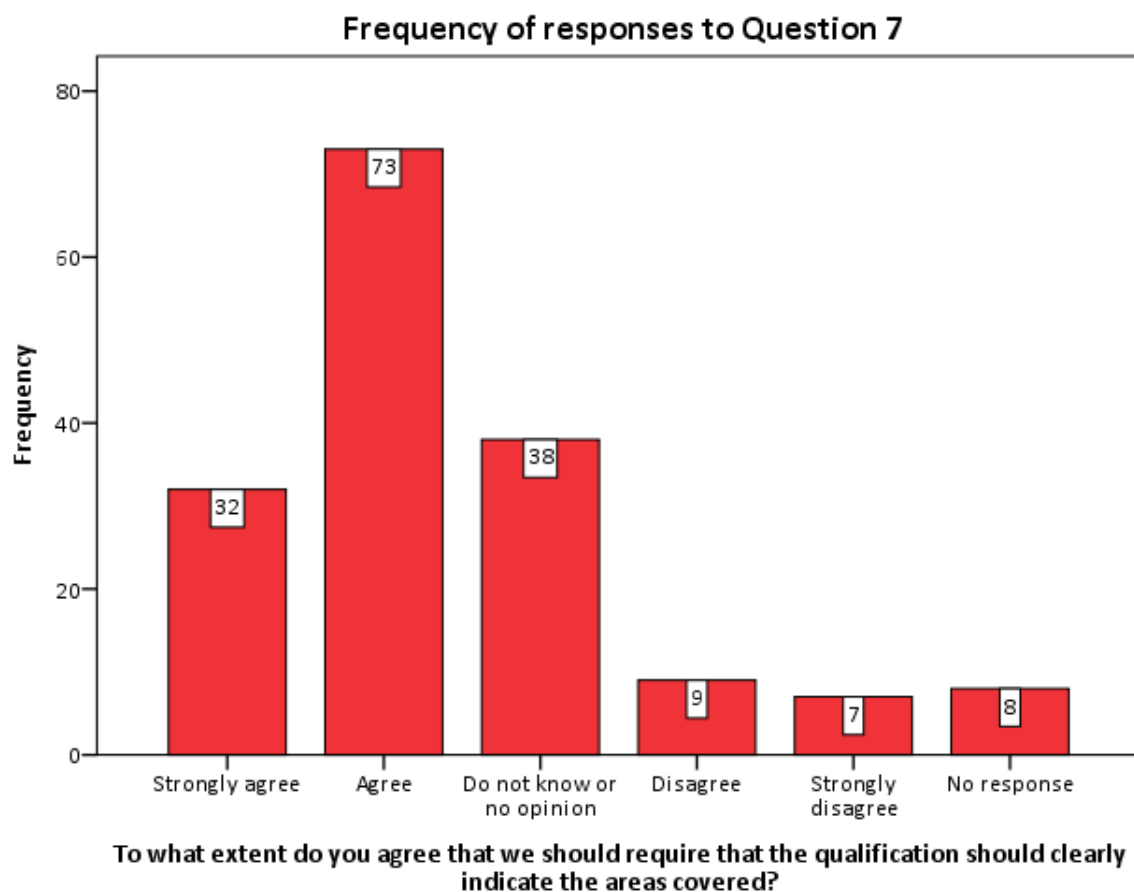


Figure 7: Response to consultation question 7

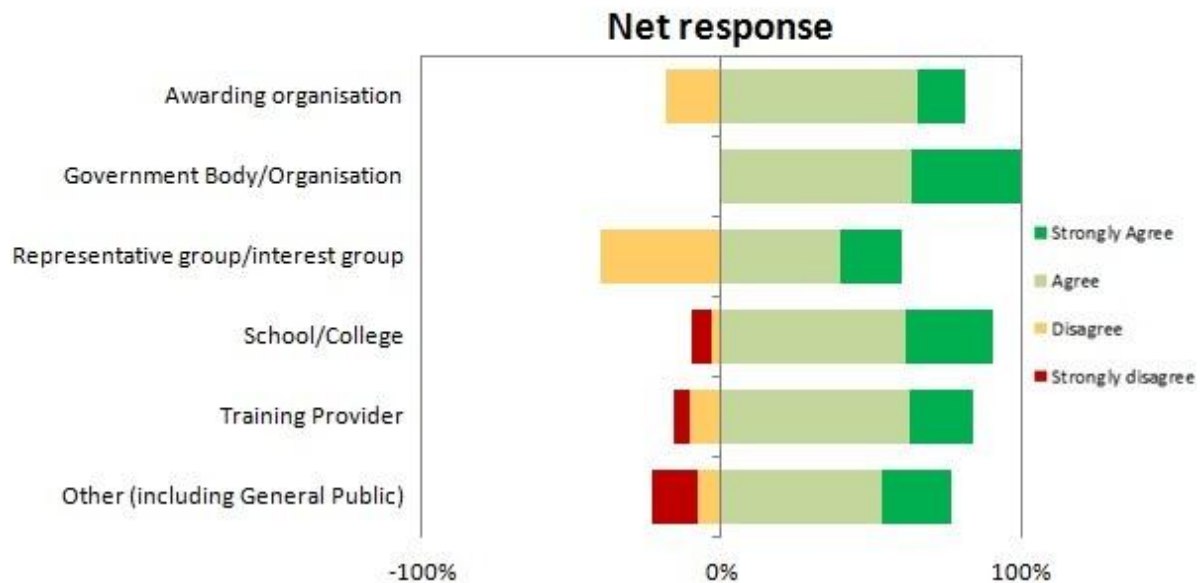


Figure 8: Response by stakeholder to consultation question 7 (%)²⁷

4.1.5.1 Questionnaire responses

There was strong support from all stakeholder groups (see Figures 7 and 8) for ESOL Life in the UK to indicate the areas covered in relation to:

- the demand of the CEFR common reference levels
- how contextualised activities, as appropriate to the learner group, relate to the four CEFR domains (public, personal, educational and occupational)
- communicative and linguistic competences
- coverage of production and interaction (for speaking mode)

Just over one-third of those agreeing commented further on question 7. Of these, some expressed a few reservations about the CEFR. Several awarding organisations were concerned about both the practicalities of using the CEFR and also its appropriateness for

²⁷ Private training providers *all* agree or strongly agree – ACL organisations categorising themselves as ‘training provider’ gave the negative responses.

ESOL learners. A handful of schools and colleges felt that the communicative and linguistic competences should be a priority for the new qualification; a few other respondents thought that the context of the qualification should relate specifically to the UK and the needs of UK learners.

Those who disagreed or strongly disagreed with the question and who commented felt the CEFR to be an inappropriate framework on which to base the new qualification; a few believed that the ESOL core curriculum and current provision were fit for purpose. Of the 38 who said they had no opinion or did not know, 22 made comments that reflect the comments of those who agreed and disagreed with the question.

4.1.5.2 Focus group responses

Not all focus groups at the consultation events discussed the levels of the proposed new qualification – this was particularly the case with those who expressed doubts about the need or desirability for the qualification. Where groups did comment, it was often in connection with the perceived purpose of the new qualification.

Several groups across a broad range of stakeholders pointed out that there was little point in a qualification at all levels if the Home Office/UKBA English language requirements for UK entry, settlement or citizenship are set at E3. This led some to suggest that it would be better not to have a regulated qualification but to put an assessment in place at this level with no requirement for guided learning hours. Those seeking provision at a lower or higher level could follow the ESOL Sfl or ESOL International qualifications.

Although it was understood that it was outside the remit of this Ofqual consultation, one group of representative organisations felt it important to say that they considered E3 was too high a requirement for many learners and that E2 was more appropriate, for the following reasons:

- The requirement at ESOL E3 is significantly more difficult than E3 in literacy, because more formal grammar is included in ESOL
- The step from E2 to E3 is a big one
- Setting the bar at E3 will disproportionately disadvantage women, particularly those with little or no literacy in their first language

Most participants felt it was important that the proposed new qualification should map to the CEFR, although they raised the following points:

- The ESOL core curriculum and the CEFR do not align perfectly. Any mapping would need to be detailed and mismatches made clear
- The level of detail in the ESOL core curriculum is not replicated in the CEFR
- One group of FE and private providers felt that mapping across more than one framework can only ever be indicative and it must be made clear which is the design standard and which is mapping for information

One group saw the mapping to the CEFR in addition to the ESOL core curriculum as a positive and necessary step to aid mobility within Europe (e.g. from Northern Ireland to the Republic of Ireland). A group of FE providers felt that any new qualification must be able to record a spiky profile (i.e. a learner's differing level in reading, writing, speaking and listening).

4.1.6 The relationship of the Adult ESOL core curriculum to ESOL for Life in the UK

A large majority of respondents to the questionnaire supported the requirement to demonstrate a clear relationship between the new qualification and the ESOL Adult core curriculum, reflecting too the comments offered in question 5 (Figures 9 and 10).

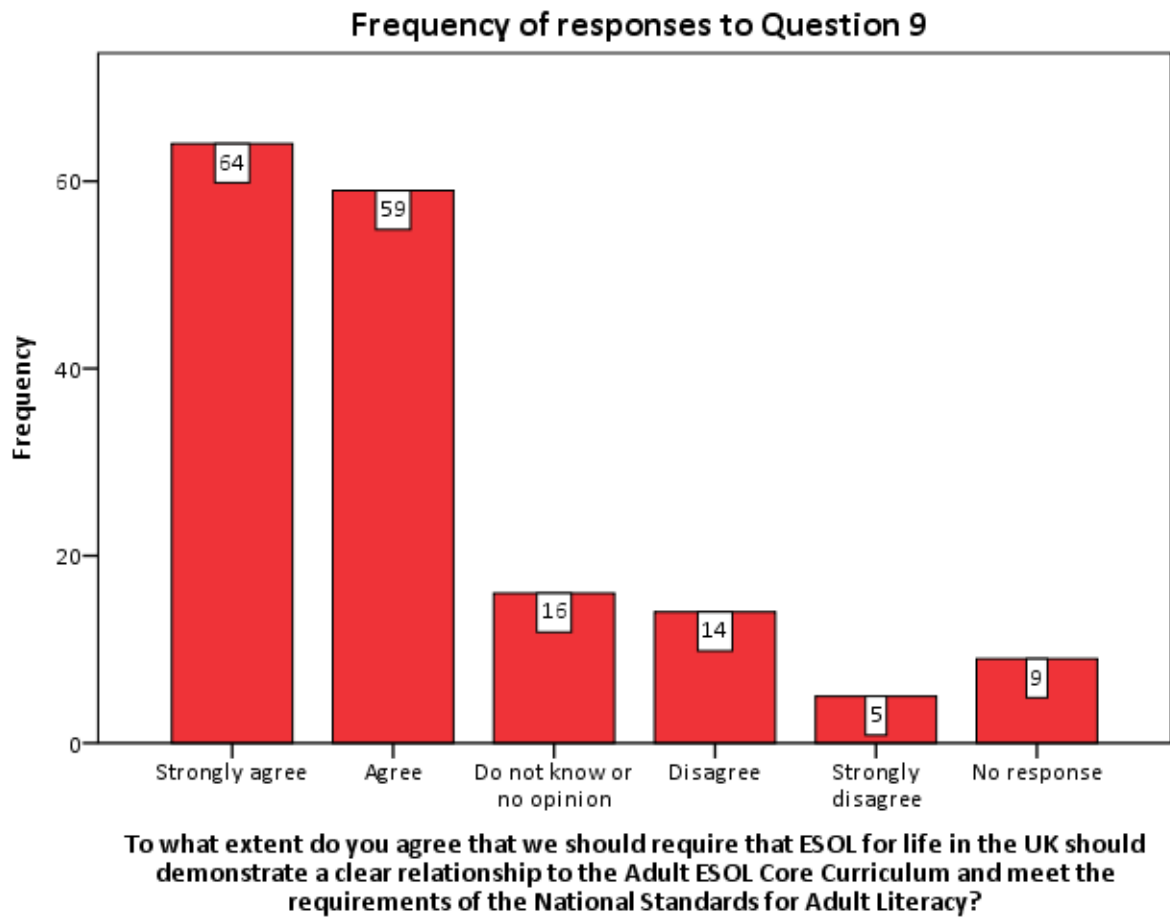


Figure 9: Response to consultation question 9

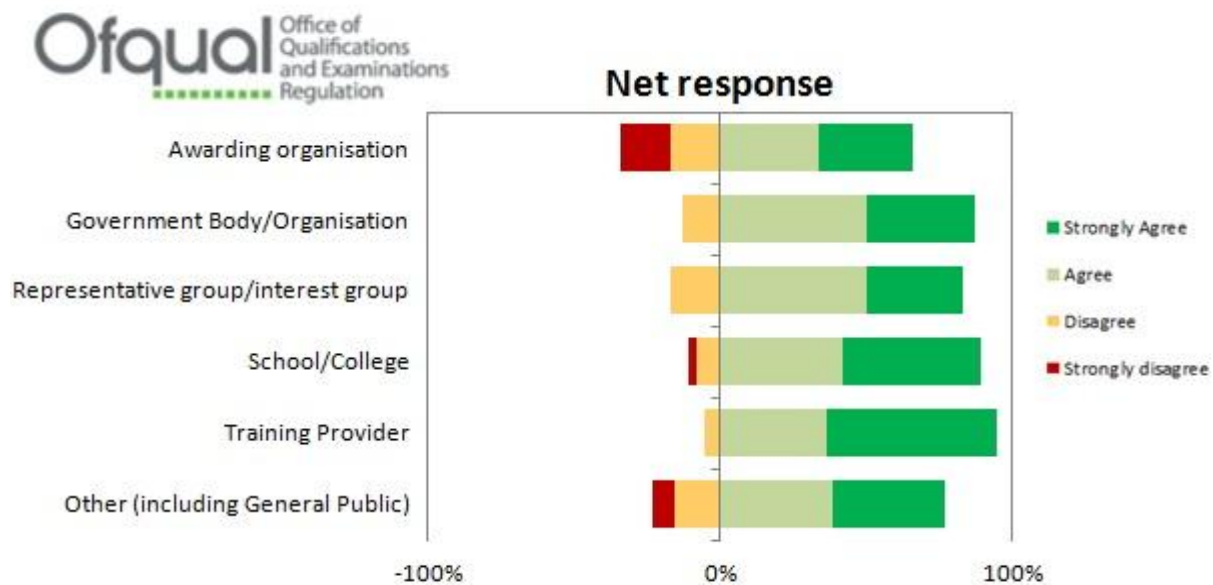


Figure 10: Response by stakeholder to consultation question 9 (%)

4.1.6.1 Questionnaire responses

In terms of the questionnaire, 66 of the 123 respondents agreeing with question 9 believed that ESOL for Life in the UK should demonstrate a clear relationship with the Adult ESOL core curriculum.

Of those who disagreed (19), four awarding organisations wanted the qualification mapped solely to the CEFR; the other comments were more about the need to review the core curriculum and to separate ESOL from literacy than about a desire to use the CEFR exclusively.

4.1.6.2 Focus group responses

There was little agreement on the need for a new qualification among those responding at the consultation events; with that caveat, however, the majority of participants agreed that, if the new proposed qualification is developed, it should be clearly related to the ESOL core curriculum and, by default, to the National Standards for Adult Literacy. It is worth restating here concerns raised earlier by participants about mapping one qualification to both the ESOL core curriculum and the CEFR where there is not a perfect alignment between the two and the level of detail differs between the two frameworks.

4.1.7 The requirement for 60 guided learning hours for ESOL for Life in the UK qualification

Guided learning hours should reflect the average time required to bring the knowledge and skills level of an average learner from the previous level of attainment to the target level – i.e. to move from success at Level 1 to preparedness for assessment at Level 2. Some learners may take less time; others may need more.

Results were relatively evenly spread across those who agreed and those who disagreed with the assignment of a minimum of 60 guided learning hours to the new qualification. In both the questionnaire and the focus groups at the consultation events, participants offered strong views on this question.

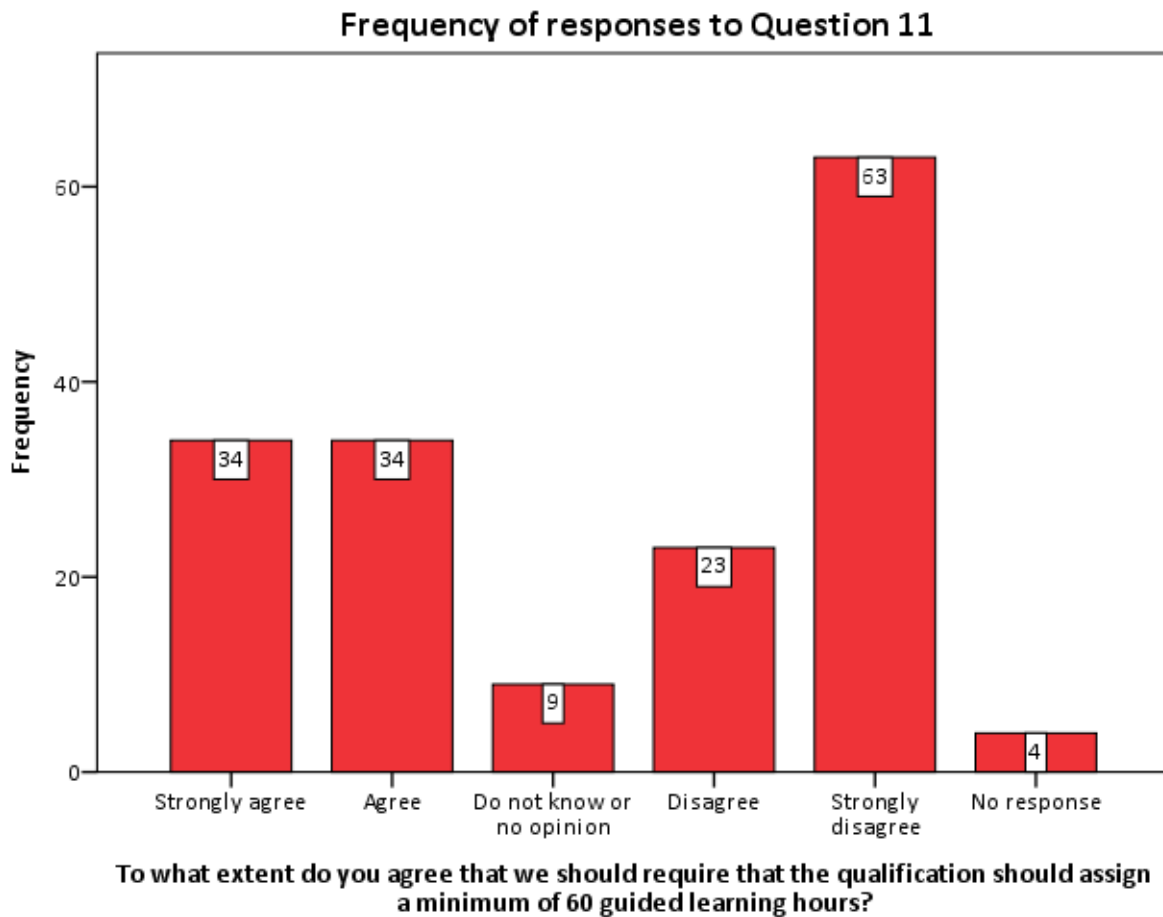


Figure 11: Response to consultation question 11

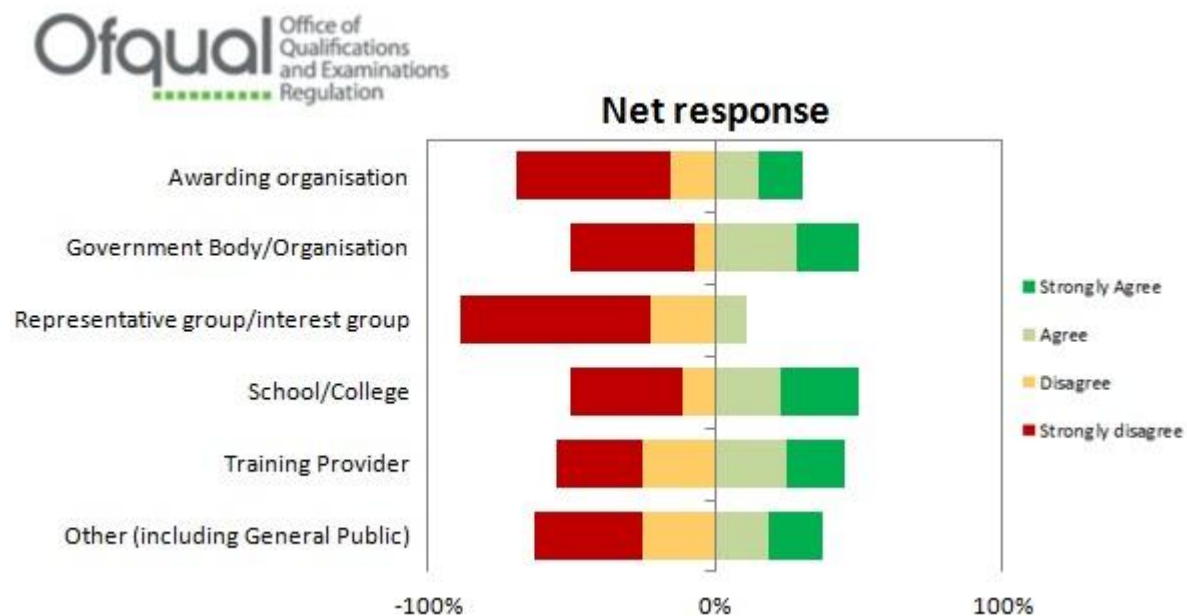


Figure 12: Response by stakeholder to consultation question 11 (%)

4.1.7.1 Questionnaire responses

There was no consensus from respondents to the questionnaire (Figures 11 and 12) on the question of 60 guided learning hours. Although 68 respondents agreed with the requirement for a minimum of 60 guided learning hours, the majority of the 35 free-text comments made said that 60 guided learning hours is not adequate for teaching ESOL, particularly at the lower levels. Only the three awarding organisations thought stipulating a minimum was useful for planning purposes.

Of the 86 who disagreed, nearly all made comments, and these broadly shared the concerns of the focus group participants (see next section), namely:

- fears about stipulating a minimum that risks becoming a maximum
- the inadequacy of 60 hours to teach ESOL
- confusion about what the qualification will comprise and what 60 guided learning hours will therefore cover
- concerns about future plans for government funding of ESOL SfL qualifications

One FE provider encapsulated the concerns expressed by respondents to the questionnaire:

I do not consider that Ofqual should be setting even minimum numbers of guided learning hours. In the current context of drastic reductions to resources to the providers of ESOL programmes, it is likely that, if such a minimum is assigned, then that will become the amount of guided learning hours that will be so assigned, regardless of education and learning factors or the types of learners who may take these programmes. As this consultation is not concerned with funding, this part of the proposal is completely redundant. Furthermore, 60 hours is an insufficient amount of time to enable a learner to progress and achieve at a higher level; it would solely provide a framework for an existing level of skills to be assessed and for learners to be coached towards that assessment.

4.1.7.2 Focus group responses

Comments from participants in the consultation event groups largely centred on the appropriateness of stipulating a number of guided learning hours, and how adequate this would be for individuals learning English.

Several groups across the range of stakeholders questioned the need to have guided learning hours for a qualification that is essentially a test to demonstrate a level of English for entry, settlement or citizenship in the UK. Some learners would require little tuition; others would require more than 60 hours. Several mixed groups that included providers of ESOL pointed out that a minimum number of guided learning hours is unhelpful as it can be interpreted (for funding purposes) as a maximum number of hours a course needs to run, rather than a minimum, and it fails to acknowledge that many learners will need more than the minimum number of hours stipulated to progress.

One mixed group felt that, if the guided learning hour requirement was retained, it would be even more important to ensure that the new qualification and the existing ESOL SfL programme work well together, because in practical terms learners would have to learn alongside one another – the demand for ESOL for Life in the UK would be unlikely to be high enough to fund separate courses for both the new qualification and the ESOL SfL courses.

The majority of participants felt that 60 guided learning hours for the proposed ESOL for Life in the UK qualification would not be adequate for learners at entry level, particularly those who are not literate in their first languages.

4.1.8 The requirement for 100 per cent external assessment for ESOL Life in the UK qualification

Although the responses to the questionnaire suggest a majority in favour of 100 per cent external assessment, these results should be read within the context of comments offered by respondents and the views of the focus group participants, particularly on the desirability of external assessment across all levels and skill areas (Figures 13 and 14).

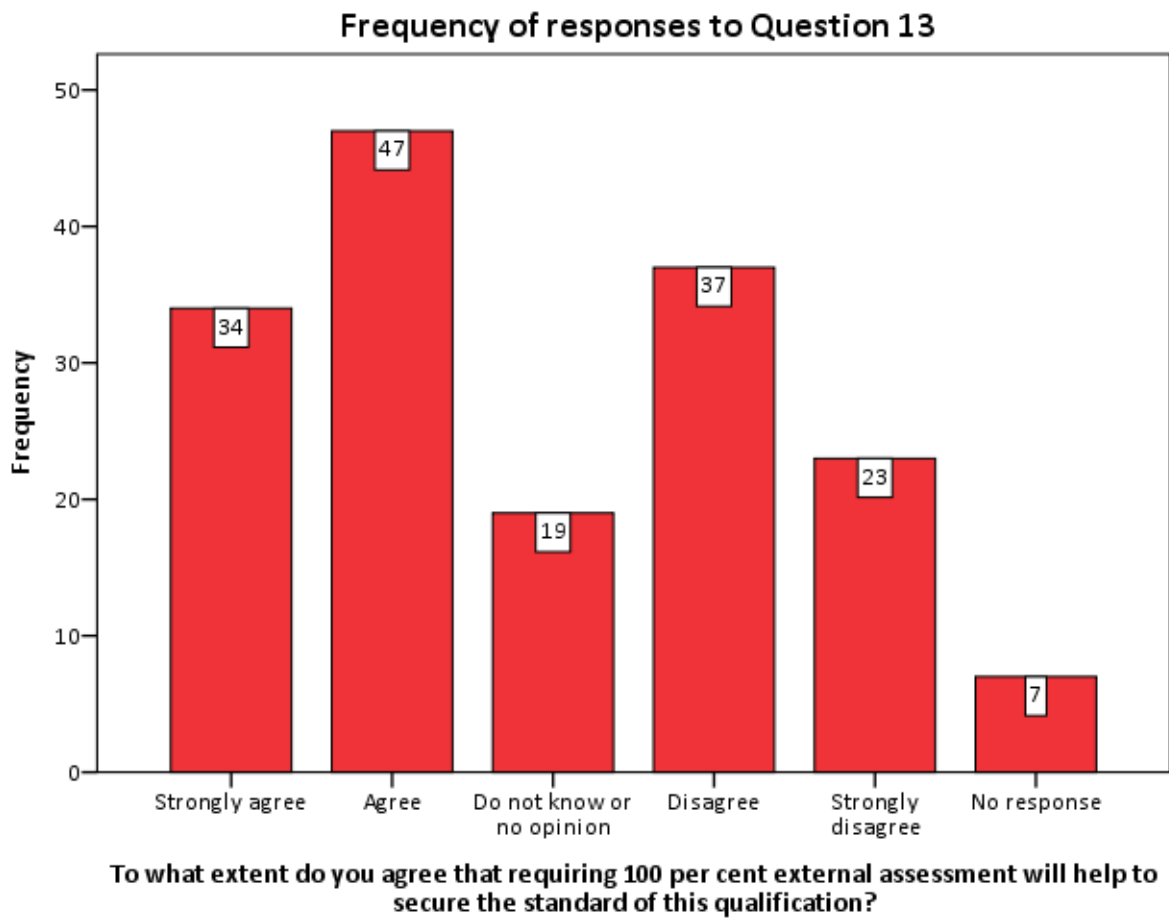


Figure 13: Response to consultation question 13

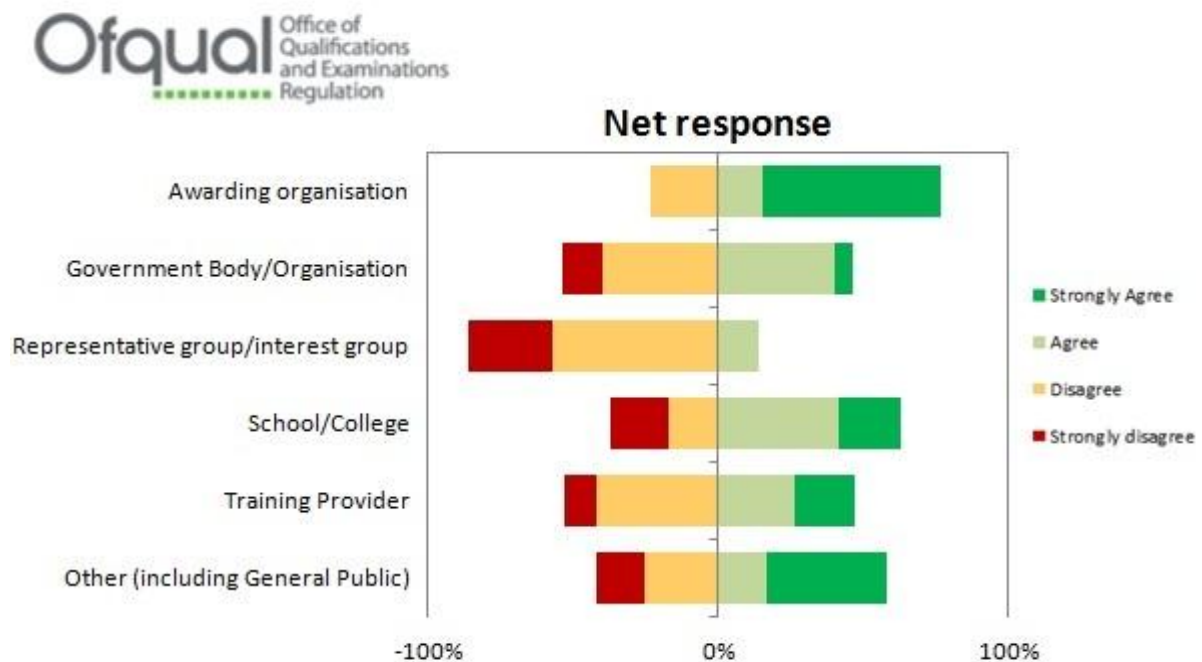


Figure 14: Response by stakeholder to consultation question 13 (%)

4.1.8.1 Questionnaire responses

Just over half of those who agreed with 100 per cent external assessment made a wide range of comments, with no particular pattern of response.

Of the 60 who disagreed with 100 per cent assessment, nearly all made comments focusing on:

- their perception that this would be inconsistent with Ofqual General Conditions that entry level qualifications can be up to 50% internally assessed (the requirement is actually for 50% minimum external assessment in the Ofqual Criteria for Entry-level Qualifications)
- the disadvantage of external assessment to vulnerable and less confident learners
- the fact that internal assessment can be (and is, in many cases, according to respondents) as robust as external assessment

Of the 19 who said they had no opinion or did not know, more than half offered comments that mirror those made by those who agree or disagree.

4.1.8.2 Focus group responses

The proposal for 100 per cent external assessment for the new ESOL Life in the UK qualifications provoked long debate in the consultation events around Proposals 1 and 3. Discussions centred on the desirability of external assessment for all learners, and whether 100 per cent external assessment would reduce instances of malpractice. A majority of participants questioned whether 100 per cent external assessment would reduce malpractice. Several groups felt unable to comment in detail because they had too little information about the malpractice that had taken place.

A majority of participants, particularly those from providers, were concerned about the appropriateness of external assessment at all levels. Several pointed out that at E1 and E2 learners are assessed on familiar topics and interaction with people whom they know – which is difficult to achieve in an external assessment. Also, it was thought not possible to assess learners externally on short courses because of the time it takes to enter learners for assessment, even when they are ‘on demand’ (e.g. courses commissioned by agencies such as Job Centre Plus). Several participants suggested that perhaps external assessment could be for E3 and above.

It was suggested by some focus group participants that 100 per cent external assessment would disadvantage vulnerable learners, such as women and spouses, who do better in an assessment situation that is familiar to them in terms of both the location and also the person assessing. This is particularly true for entry level learners and chimes with the ESOL core curriculum, which states that learners should be able to do certain things in a familiar situation.

One mixed group was in favour of external assessment at all levels. Another group of mainly representative organisations, though not in favour of the new proposal, suggested that any external assessment introduced for the new qualification should also apply to the ESOL SfL qualification, so as to avoid confusion. Two groups – one mainly FE providers, the other mixed – were concerned about the cost implications of introducing 100 per cent external assessment. Several groups echoed the comment from one group, mainly representative organisations, that there needs to be a more exact definition of what will be meant by 100 per cent external assessment in practice before a judgement can be made. Respondents

asked, for example, whether speaking and listening would have to be assessed by an external examiner actually present at the assessment (as is the case with some awarding organisations now) or whether audio/video recordings would be made by the internal assessor and sent to an external assessor. Concern was expressed at the cost implications of the former procedure by some participants.

4.1.9 The extent to which verification of original, valid, officially issued photographic identification will maintain the security of the ESOL Life in the UK qualification

There was strong support for the use of identification at assessment from questionnaire respondents (Figures 15 and 16) and also among focus group participants. This question provoked a lively debate with most stakeholders, however, who felt that there were already firm safeguards, which awarding organisations, Ofsted and the Skills Funding Agency (for example) insisted on but which providers also regarded as good practice. The fact that this question focused on the use of photographic evidence also prompted some debate on how robust this evidence was in terms of malpractice in general.

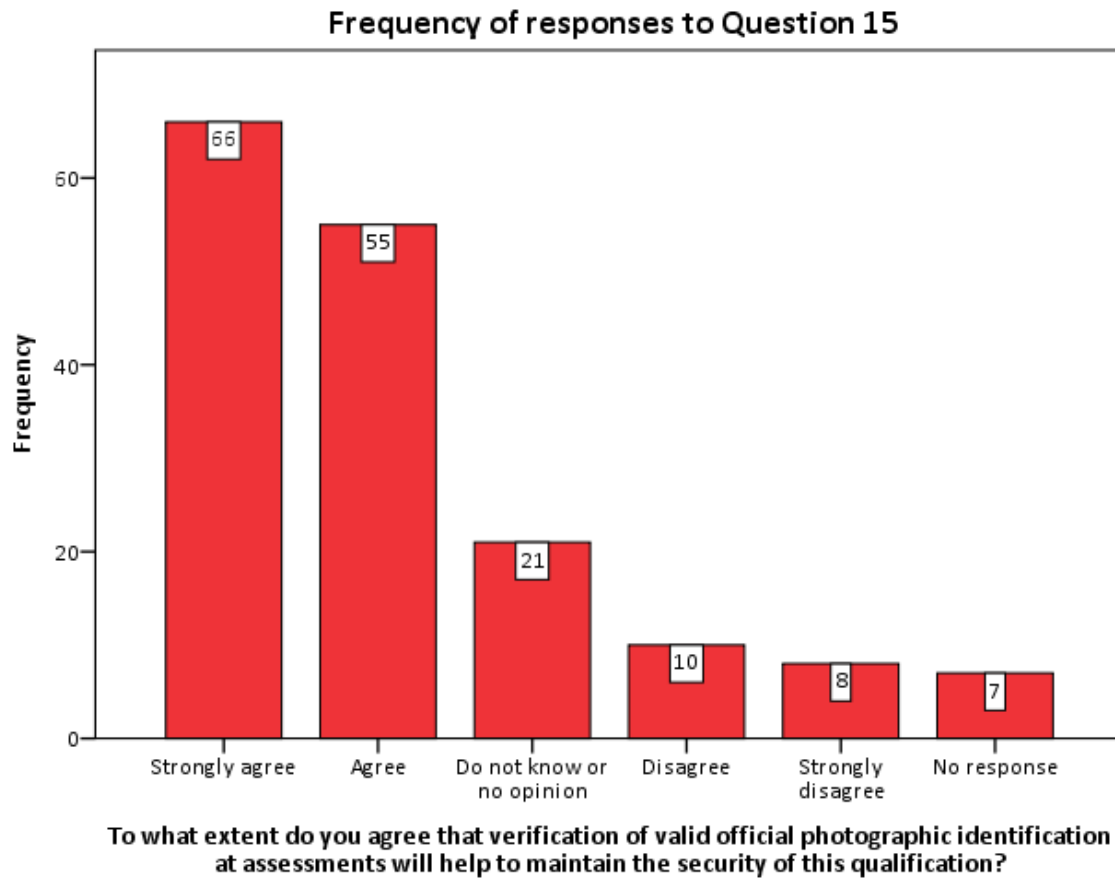


Figure 15: Response to consultation question 15

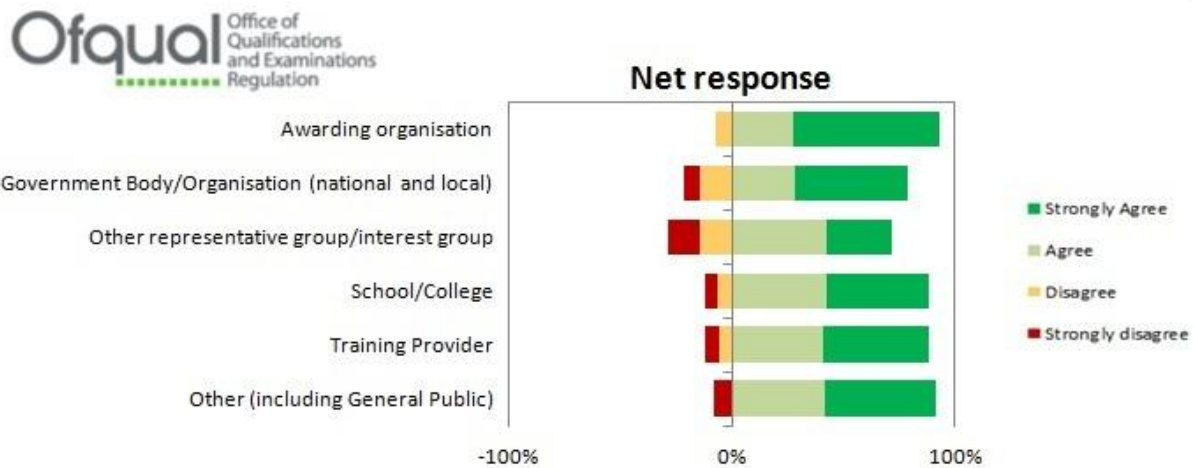


Figure 16: Response by stakeholder to consultation question 15 (%)

4.1.9.1 Questionnaire responses

There was strong support for question 15, but a number of respondents to the questionnaire (nearly half) offered comments:

- One awarding organisation counselled against total reliance on photographic evidence, as this cannot prevent deliberate fraud. The same awarding organisation reminded us that videoing has strong cultural connotations for some groups of learners
- Another awarding organisation recommended that Ofqual make it clear what is meant by verification of photographic evidence and that it use, as a minimum, Home Office/UKBA recommendations for meeting current specifications for online verification, that is, where photographic evidence is validated through an online verification process rather than accepted at face value
- Two other stakeholders pointed out the difficulties of photographic ID for those wearing the veil or hijab

Those who disagreed with the need for photo identification (75 per cent of whom offered comments) did so mainly on the grounds that internal assessment means that teachers know their learners already.

4.1.9.2 Focus group responses

It was difficult for participants in the consultation event groups to understand *how* malpractice had taken place, given the safeguards most of the participating providers and awarding organisations had introduced, which include photographic evidence at enrolment and assessment. There were a number of participants, particularly from FE and ACL providers, who felt that good practice in their organisations was being discounted and that they were being penalised for others' malpractice.

4.1.10 Timing and funding of the new qualification

4.1.10.1 Focus group responses

Many groups questioned the proposed timing for the new proposed qualification. Awarding organisations were concerned that the limited time available to develop a new qualification could result in further problems and unintended consequences. Some participants pointed

out that the uncertainties around funding, combined with the introduction of a new qualification, made planning difficult (their planning year begins in January). Providers made the point that ‘11th hour’ decisions around new proposals and changes to existing provision may cause considerable damage in terms of staff layoffs and cuts in provision. Participants in the focus group at the consultation events understood that the ESOL Sfl qualifications would continue, but they doubted whether there would be sufficient demand from students to make it financially feasible for providers to offer both the ESOL Sfl and the ESOL for Life in the UK qualifications.

Although participants in the consultation event groups recognised that funding was outside Ofqual’s remit, many felt that the consultation could not be considered in isolation from funding matters. Many pointed out that the consultation was taking place at a time when there was little clarity on the future of ESOL Sfl funding. One mixed group felt that the introduction of a new qualification could not help but influence future funding models. A group of FE providers asked whether one ESOL course would be funded but the other not.

4.2 Proposal 1 summary points

4.2.1 Questionnaire responses

- There is significant opposition to Proposal 1, fairly evenly spread across all stakeholder groups. Issues included whether there is a need or a market for such a qualification, and the desirability of a qualification that appears to be serving a political rather than an educational requirement.
- Those respondents to the questionnaire who supported a new qualification gave as their reason for doing so the benefit of rationalising qualifications and providing a rigour for qualifications required for entry, settlement or citizenship.
- Although this was outside the remit of Ofqual and the consultation, many respondents to the questionnaire would prefer a review of existing provision to the introduction of a new qualification – this review should include the various frameworks and curricula, to bring them up to date and to improve consistency. This view was echoed by focus group participants.
- There is support for mapping to the Common European Framework of Reference for Languages (CEFR) – but also to the ESOL core curriculum. A significant number of

respondents noted, however, that there is a lack of consistency across the two frameworks; these respondents had reservations about whether it is possible for one qualification to be mapped across both frameworks as they now stand. Some respondents felt that there *should* be greater consistency across the two frameworks. This view was echoed by focus group participants.

- There were concerns from many that the *minimum* 60 guided learning hours would be insufficient for progression for most ESOL learners, especially at entry level, and that funding mechanisms might interpret the *minimum* number as the *required* number of hours of learning for funding purposes. Focus group participants also voiced these concerns.
- There was overall support for external assessment, but also a significant minority against it, who believed that it could disadvantage some vulnerable learners
- There was strong support for use of photographic ID but some counselled against total reliance on this as evidence of identity, while others pointed out that this may be difficult for some groups (e.g. those wearing the veil or hijab).

4.2.2 Focus group responses

At the consultation events, a number of focus groups discussed Proposals 1 and 3 together and there is therefore some duplication of feedback across the two proposals. Any findings that apply to both proposals have been included in this section on Proposal 1.

It should be noted that a significant number of participants at the consultation events pointed out that they were being asked to make judgements regarding Proposals 1, 2 and 3 at a time of uncertainty around the future of ESOL SfL qualifications and funding. Some participants in the focus groups talked about the future of ESOL SfL qualifications in the light of the functional skills qualifications that some colleges and ACL providers now offer learners of literacy and numeracy in place of the SfL qualifications. Some participants were concerned that ESOL learners might also be moved to the functional skills qualifications, particularly if the funding arrangements for ESOL worsened.

- The current suite of ESOL SfL qualifications and ESOL International qualifications was considered to provide a range of appropriate qualifications for the purposes of entry, settlement and citizenship.

- Many focus group participants were unsure how the new proposed qualification would eliminate or at least minimise malpractice. Participants were unclear about the scale and type of malpractice that had occurred and therefore felt unable to say whether a new qualification was a reasonable and proportionate response. Most participants from providers offering ESOL qualifications felt that the safeguards the awarding organisations and the providers themselves had put in place were robust.²⁸ The risk of malpractice was minimised by the ‘policing’ of these measures by awarding organisations, by their own internal processes and by the demands from funders and Ofsted.
- Most providers at the consultation events felt that there would be too few learners requesting the course to make the new qualification viable. There was some speculation among providers about whether the new qualification would be funded – this would have a significant bearing on their ability to offer the courses.
- A broad range of stakeholders suggested that, if the purpose of the new qualification was simply to assess English language at a particular level, then it may be more appropriate to develop an English language test alongside the current Life in the UK test.
- There was support for the need for clear information about what is covered in the new qualification.
- Concern was expressed about 100 per cent external assessment for all levels of the qualifications, with some saying that this might disadvantage some vulnerable learners who do better in an assessment situation that is familiar to them in terms of both the location and also the person assessing.
- There was support for the use of original, valid, officially issued photographic ID, which the majority of participants felt was already in place for all assessment within their organisation, and not just for ESOL provision, either because it was a

²⁸ Although these providers believed that they had put robust safeguards in place, such measures are not currently a regulatory requirement for ESOL SfL, ESOL International or ESOL for Work qualifications.

requirement of the awarding organisation or because the provider themselves had put these measures in place

- There were concerns that the proposed timescale for the development and implementation of the new qualifications was too tight.

4.3 Proposal 2 – ESOL International

4.3.1 Introduction of regulations for ESOL International qualifications based on existing regulations

The consensus in the responses to the questionnaire was clearly in favour of introducing new regulations for ESOL International qualifications (Figures 17 and 18). The large number of those offering no opinion or saying they did not know is reflected in their comments, which expressed lack of experience in this area of provision.

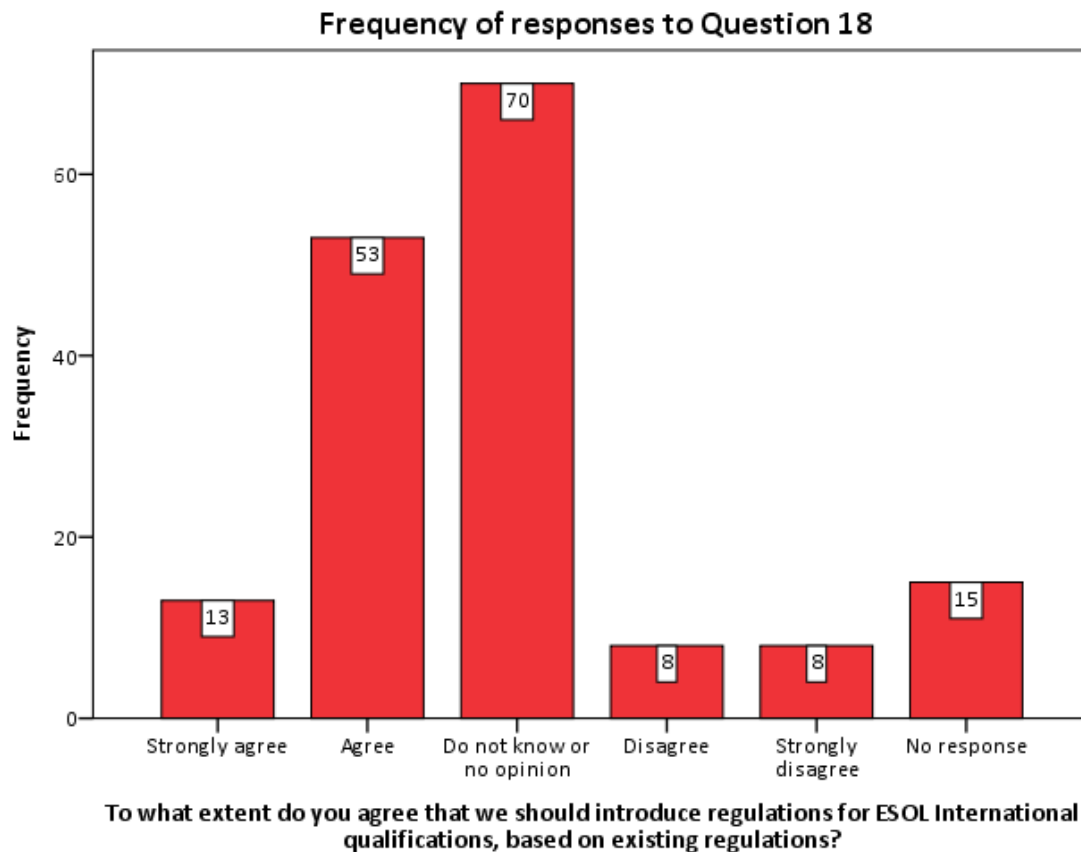


Figure 17: Response to consultation question 18

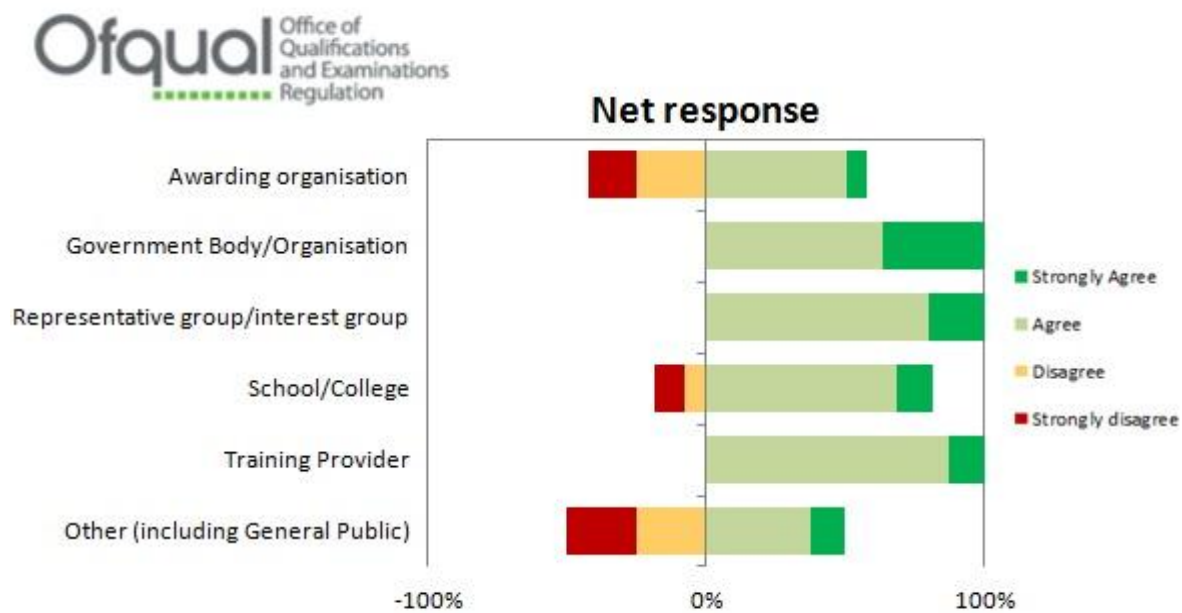


Figure 18: Response by stakeholder to consultation question 18 (%)

4.3.1.1 Questionnaire responses

The majority of questionnaire respondents who expressed a view agreed with the proposal for a change to regulations for ESOL International qualifications based on the existing regulations. Almost half of all responses to the questionnaire recorded a ‘do not know’ or ‘no opinion’ response (70). Of these, one-third offered a comment but mostly to say that they had no experience of ESOL International qualifications and therefore felt unable to comment.

4.3.2 Retention of the ESOL International title

There was little disagreement in the responses to the questionnaire with the proposal to retain the ESOL International title (Figures 19 and 20). As in question 18, the large number of responses offering ‘no opinion’ or ‘don’t know’ reflected respondents’ lack of experience of this area of provision. There was less consensus in the responses from focus group participants at the consultation events.

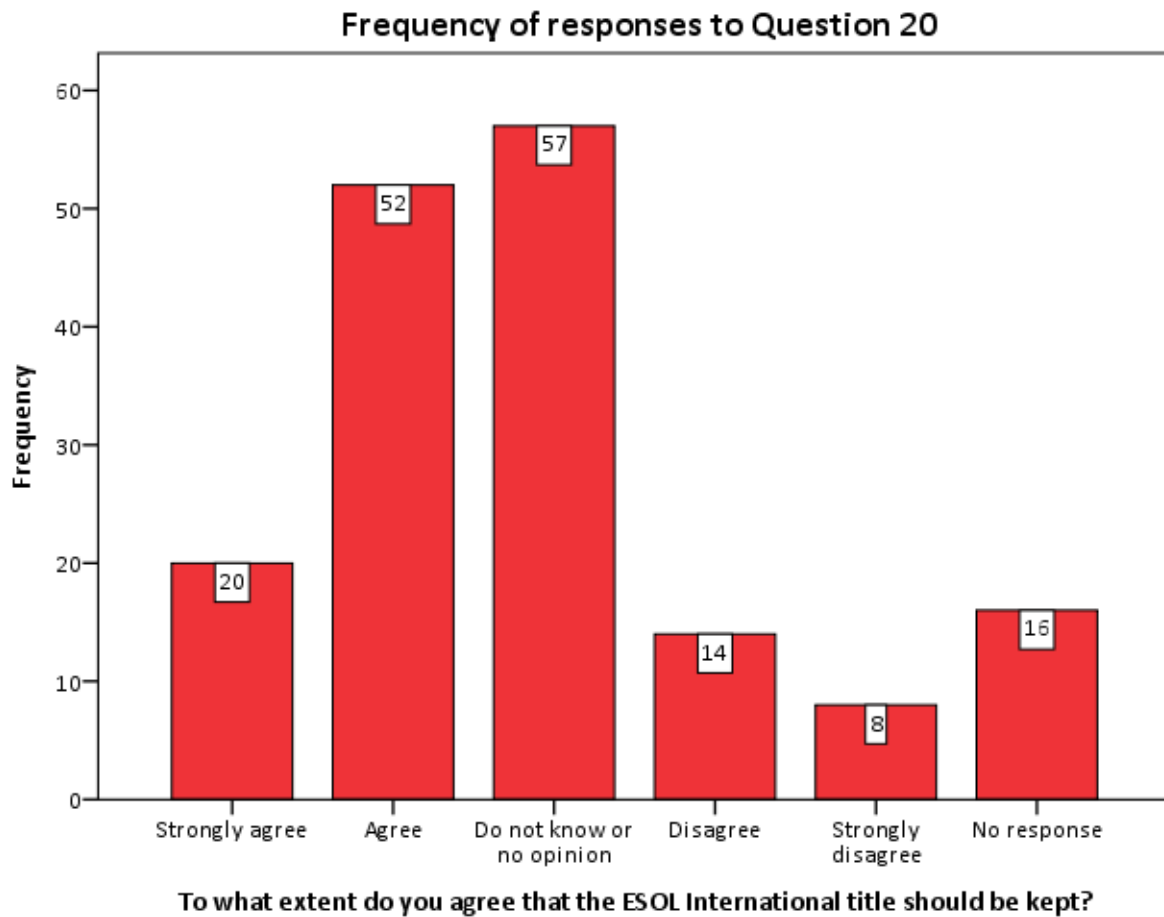


Figure 19: Response to consultation question 20

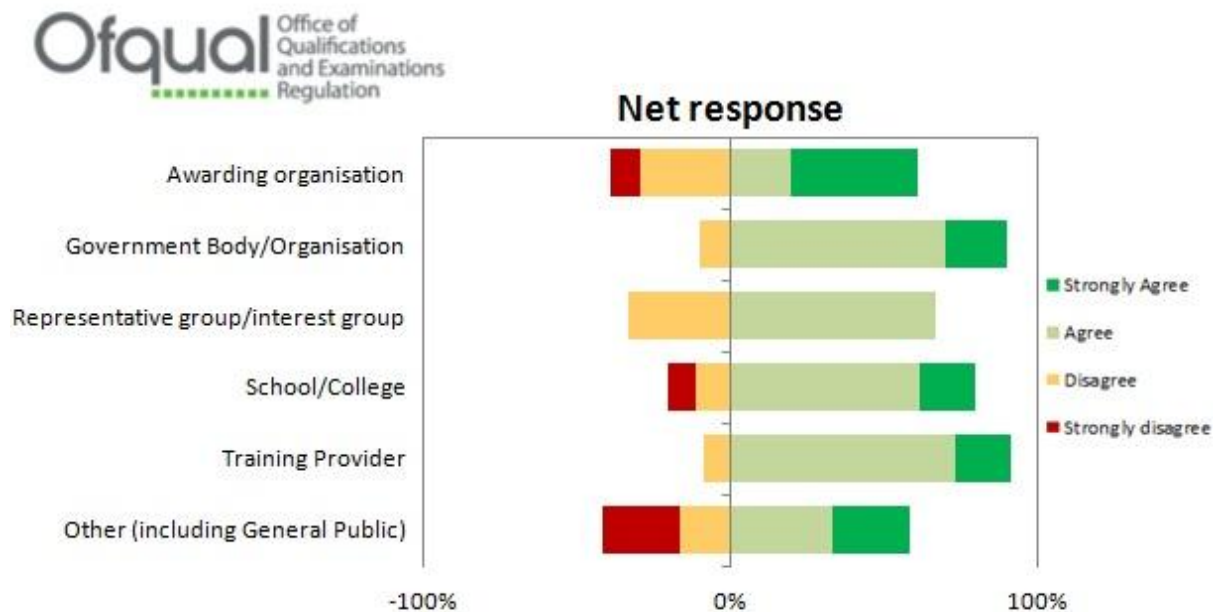


Figure 20: Response by stakeholder to consultation question 20 (%)

4.3.2.1 Questionnaire responses

Just over three-quarters of the questionnaire respondents who expressed a view wanted to keep the ESOL International title. There was a large 'do not know' or 'no opinion' response to this question. Two out of every five school/college representatives, two-thirds of training providers and nearly half of those who categorised themselves as a government body/organisation recorded 'do not know' or 'no opinion'. The majority of comments made confirmed that they had no opinion because they did not offer ESOL International qualifications. One college representative, however, felt that having ESOL in the title confuses the picture for providers and learners, who associate ESOL with SfL. One training provider did not like the title but acknowledged that it is now well recognised in the English language training community.

4.3.2.2 Focus group responses

Over half the groups at the consultation events felt that the titling of ESOL International is confusing. Many of the participants in these groups called for a return to English as a Foreign Language (EFL) to make clear the distinction between provision for international learners and provision for those who wish to settle, or who are settled, in the UK. One group of FE and ACL providers suggested using the term 'international students' for those not proposing to live or settle in the UK. This group, with another group of FE and ACL providers, thought that overseas learners do not recognise or understand the term ESOL. Half the participants in another group of FE and ACL providers thought that the term 'international' creates an inequality in that it is regarded as the route to business and academic study,²⁹ whereas SfL is seen to be for those following a vocational route.

²⁹ ESOL International qualifications are recognised both by employers internationally and also by academic institutions. Participants were making the point that, although the SfL qualification is accepted by some employers and academic institutions, it is nonetheless perceived as a less-demanding course of study than the ESOL International qualification.

4.3.3 The levels proposed for ESOL International and mapping to the CEFR

There was positive consensus among both respondents to the questionnaire and focus group participants on the suggested levels for ESOL International qualifications and on mapping them to the CEFR.

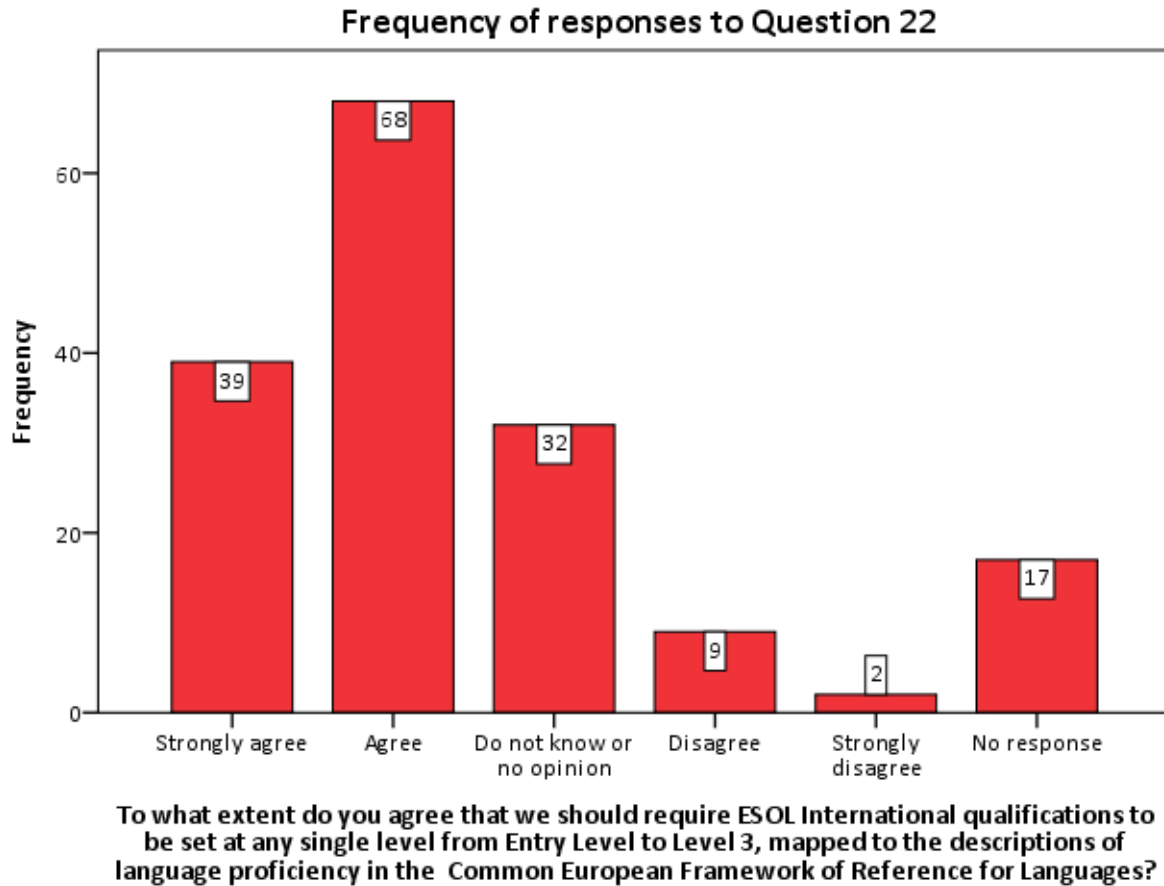


Figure 21: Response to consultation question 22

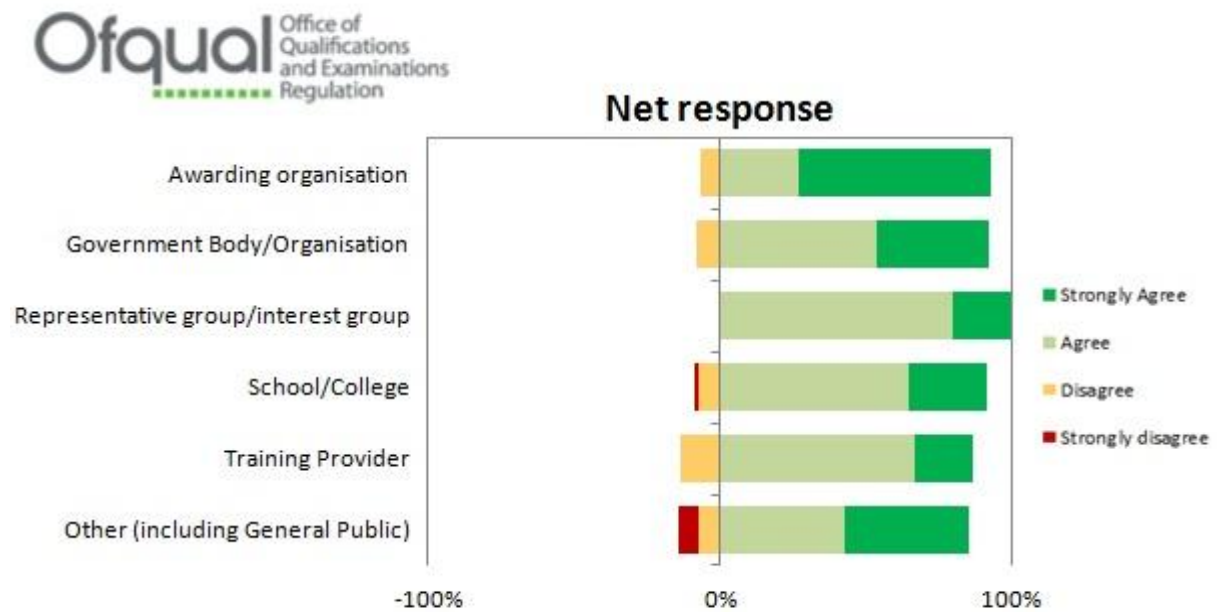


Figure 22: Response by stakeholder to consultation question 22 (%)

4.3.3.1 Questionnaire responses

The charts show strong support from all stakeholder groups responding to the questionnaire for the proposal to set ESOL International qualifications at any single level from E1 to L2, and to map these to the CEFR (Figures 21 and 22).

4.3.3.2 Focus group responses

Most consultation event participants who commented were happy with the levels proposed for ESOL International qualifications. There were calls from two groups of FE and ACL providers to add a Level 3 to the SfL qualifications for those who wanted to progress with their English but not through ESOL International qualifications, which are not always appropriate for those who wish to enter, settle or apply for citizenship in the UK.

There was consensus that the CEFR should be the main framework on which to base ESOL International qualifications. There was a call from some participants to map ESOL SfL to the CEFR, too, although it was noted that the two frameworks do not match (see previous comments summarised in section 4.1.5.2).

4.3.4 ESOL International qualifications should indicate the areas covered

Figures 23 and 24 show strong support from respondents to the questionnaire for the ESOL International qualifications to clearly indicate the areas covered in relation to:

- the demand of the CEFR common reference levels
- how contextualised activities, as appropriate to the learner group, relate to the four CEFR domains (public, personal, educational and occupational)
- communicative and linguistic competences
- coverage of production and interaction (for speaking mode)

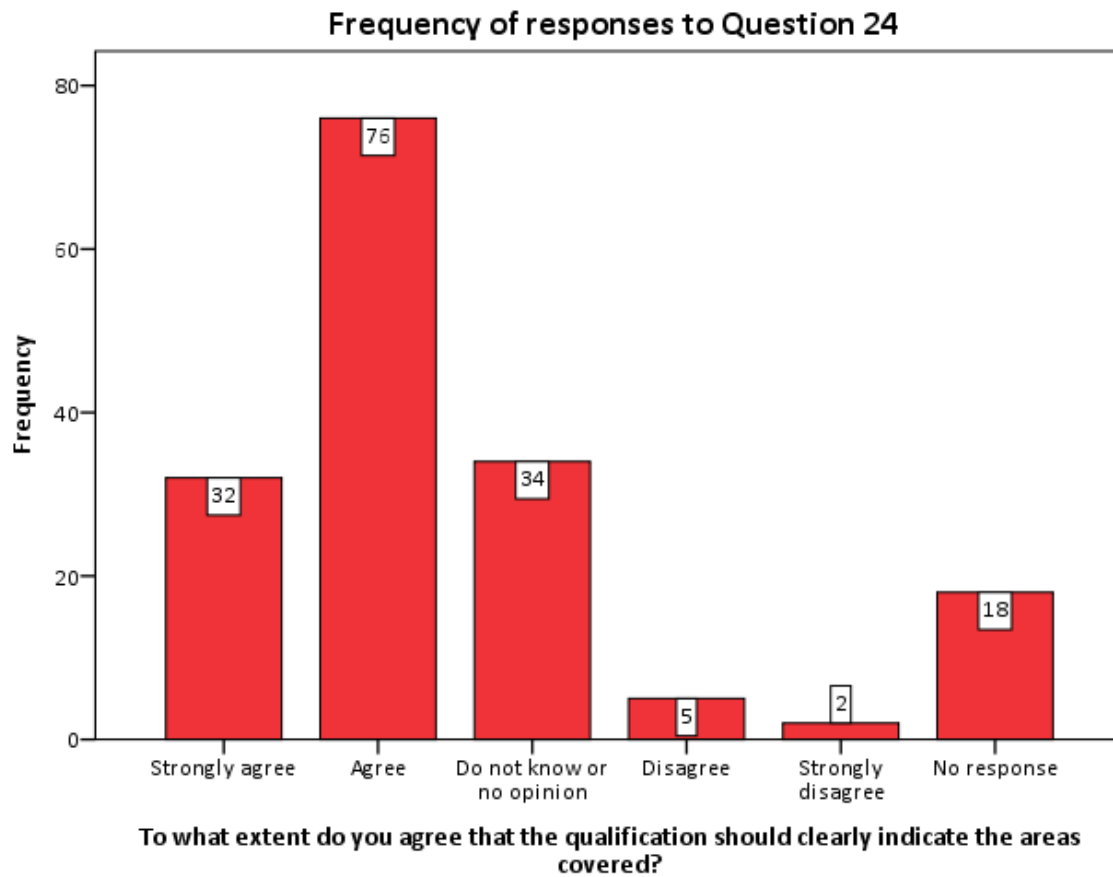


Figure 23: Response to consultation question 24

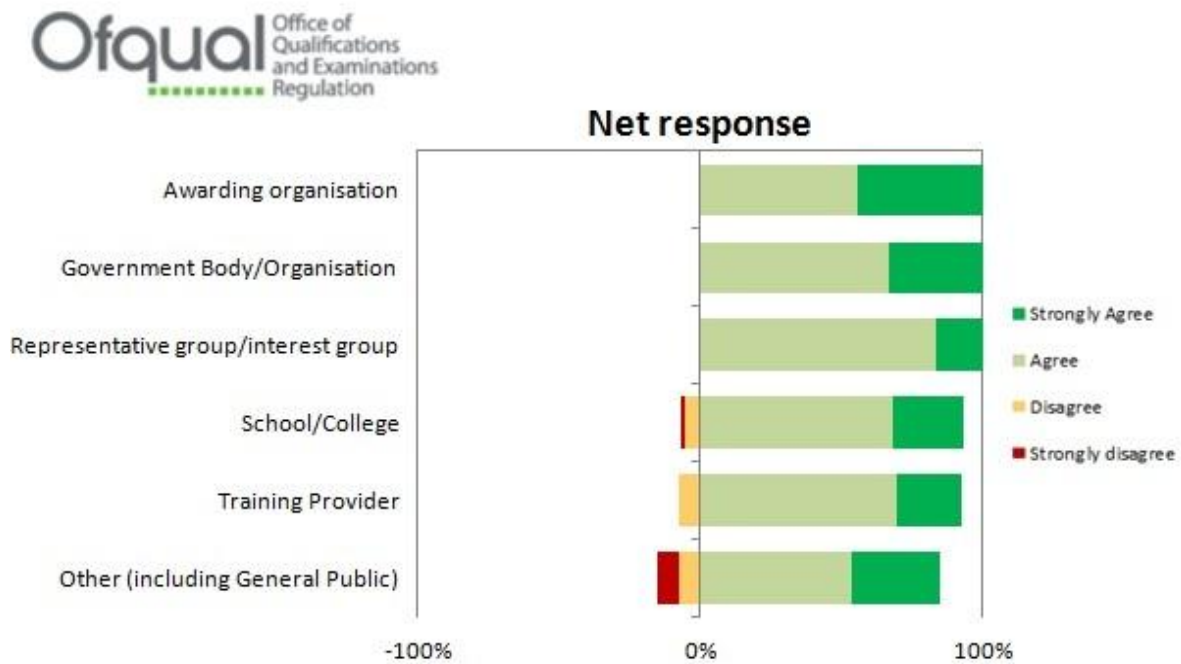


Figure 24: Response by stakeholder to consultation question 24 (%)

4.3.4.1 Questionnaire responses

There was agreement that the ESOL International qualifications should clearly indicate the areas covered. Two awarding organisations suggested that the CEFR level(s) be included in a learner’s certificate.

4.3.5 The requirement that the ESOL International qualification reflect the needs of adult learners and are not designed specifically for pre-16 learners

At first glance it would seem that there is an overwhelming majority in favour of question 26. Further analysis shows, however, that respondents had interpreted the question differently, and these quantitative results should be read in the context of the free-text comments offered and of the responses from the focus group participants at the consultation events.

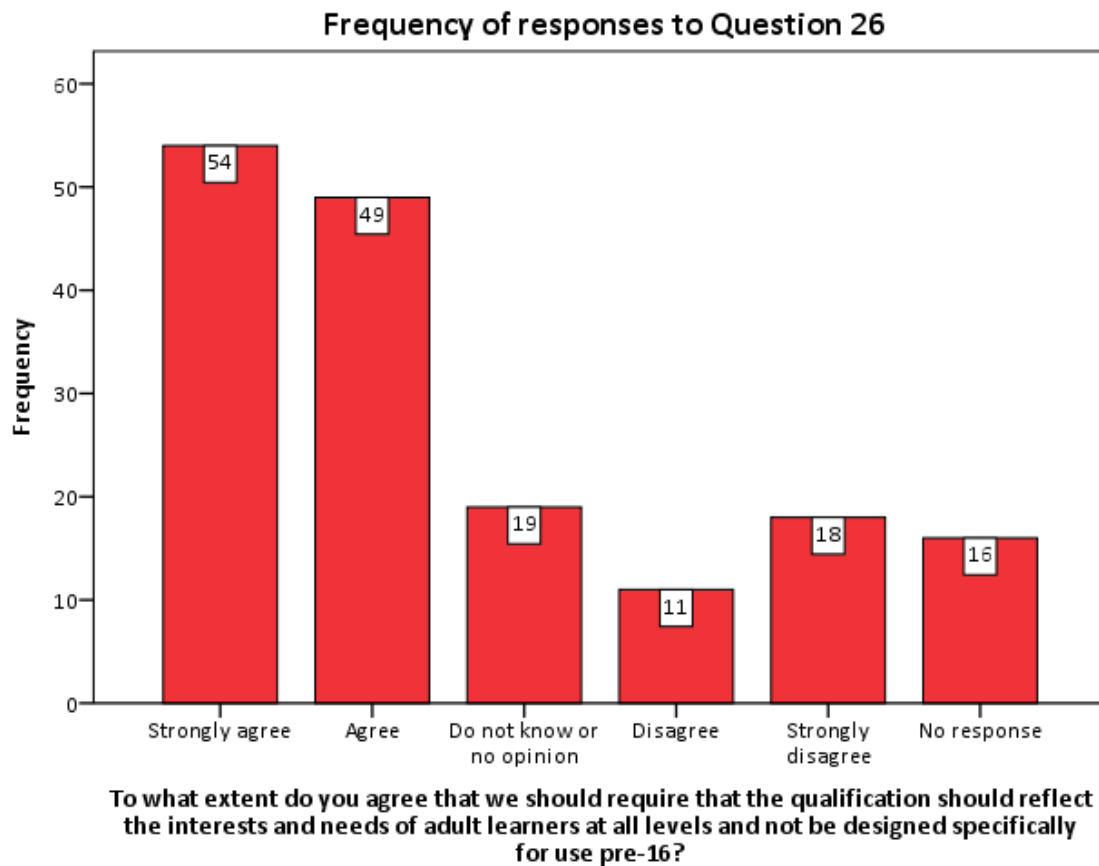


Figure 25: Response to consultation question 26

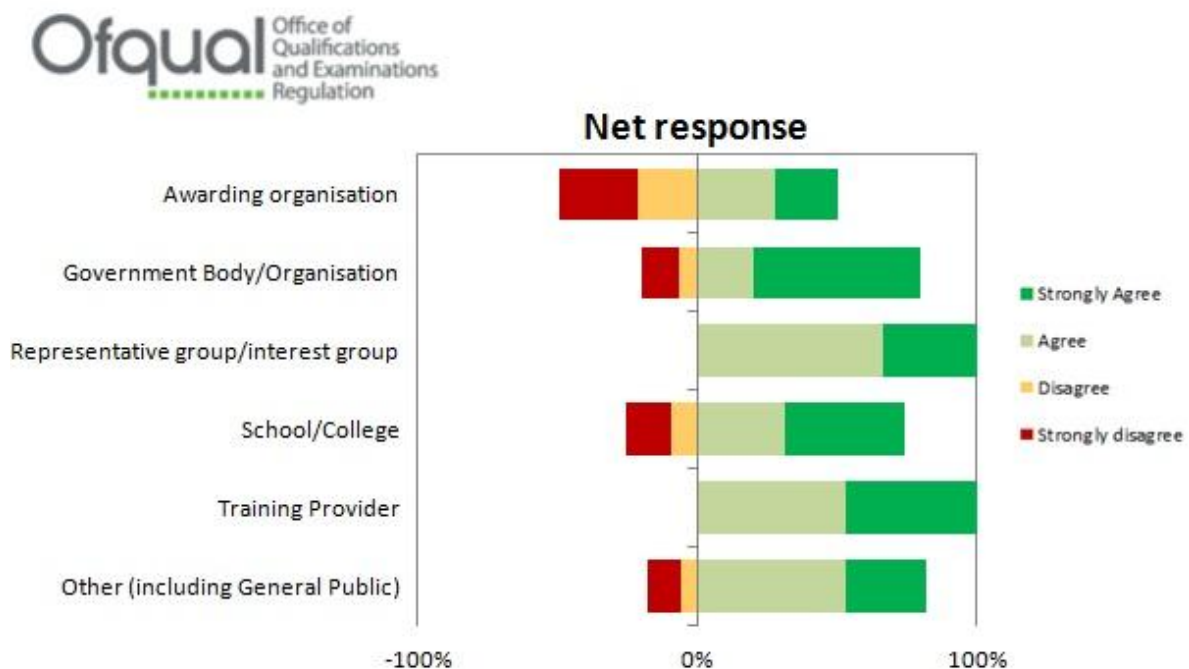


Figure 26: Response by stakeholder to consultation question 26 (%)

4.3.5.1 Questionnaire responses

Many respondents to the questionnaire interpreted question 26 differently, so what looks like a majority view in favour of the question requires further analysis of the comments.³⁰ Of the schools and colleges that strongly agreed or agreed with the question, the same proportion were clear that there should be separate qualifications for pre-16 and post-16 learners as felt that the qualifications should be available to both pre-16 and post-16 learners. Of the 42 respondents from other stakeholder groups who strongly agreed or agreed, nearly a third commented that the qualifications should be available to all ages. Over half of those who disagreed with this question commented (17 out of 29), feeling that the qualifications were increasingly used in schools and with young people and should therefore take into account the needs of pre-16 learners. Given that nearly half the respondents who strongly agreed or agreed made comments, and that 17 of these wanted the qualifications to be all-age, the quantitative results should be treated with some caution, as other respondents may also have misinterpreted the question.

4.3.5.2 Focus group responses

A number of participants mistakenly believed that Ofqual proposed to restrict ESOL International qualifications to post-16 learners, and there were some discussions about the value of the ESOL International qualification for pre-16 learners.³¹

4.3.6 The requirement for ESOL International to be based on the requirements of the Adult ESOL core curriculum and National Standards for Adult Literacy

As in some previous questions, the results for question 28 need to be read in the context of the free-text comments offered and of the responses from focus group participants at the

³⁰ There appears to have been a different interpretation of the restrictions Ofqual proposed for pre-16 students. The statement on page 12 of the consultation says that ESOL International qualifications should ‘reflect the interests and needs of adult learners at all levels *and must not be designed for use pre-16*’ (our italics). Some respondents interpreted this to mean that it should not be available to pre-16 students.

³¹ There appears to have been a different interpretation of the restrictions Ofqual proposed for pre-16 students. The statement on page 12 of the consultation says that ESOL International qualifications should ‘reflect the interests and needs of adult learners at all levels *and must not be designed for use pre-16*’ (our italics). Participants interpreted this to mean that it should not be available to pre-16 students.

consultation events (Figures 27 and 28). The comparatively large number of respondents offering ‘no opinion’ or ‘don’t know’ cite a lack of experience in this area of provision in their comments.

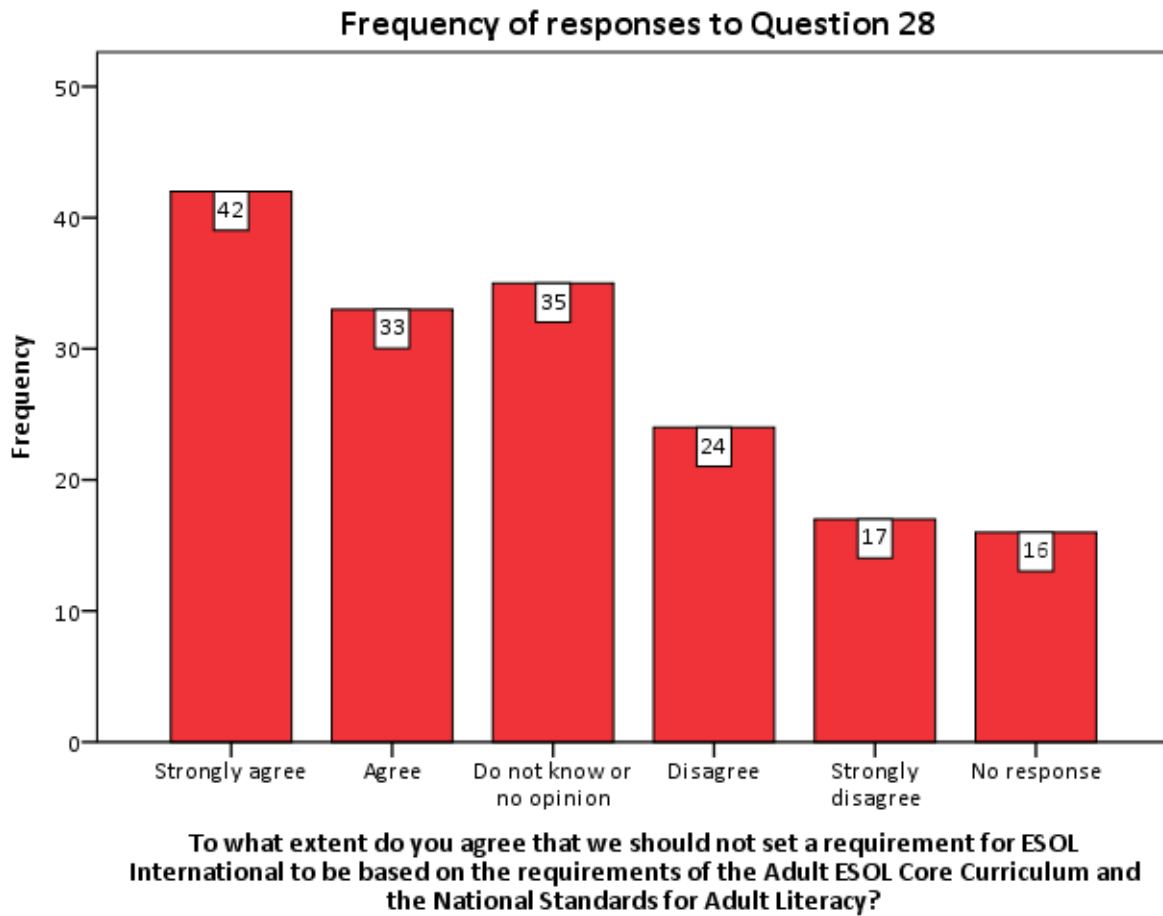


Figure 27: Response to consultation question 28

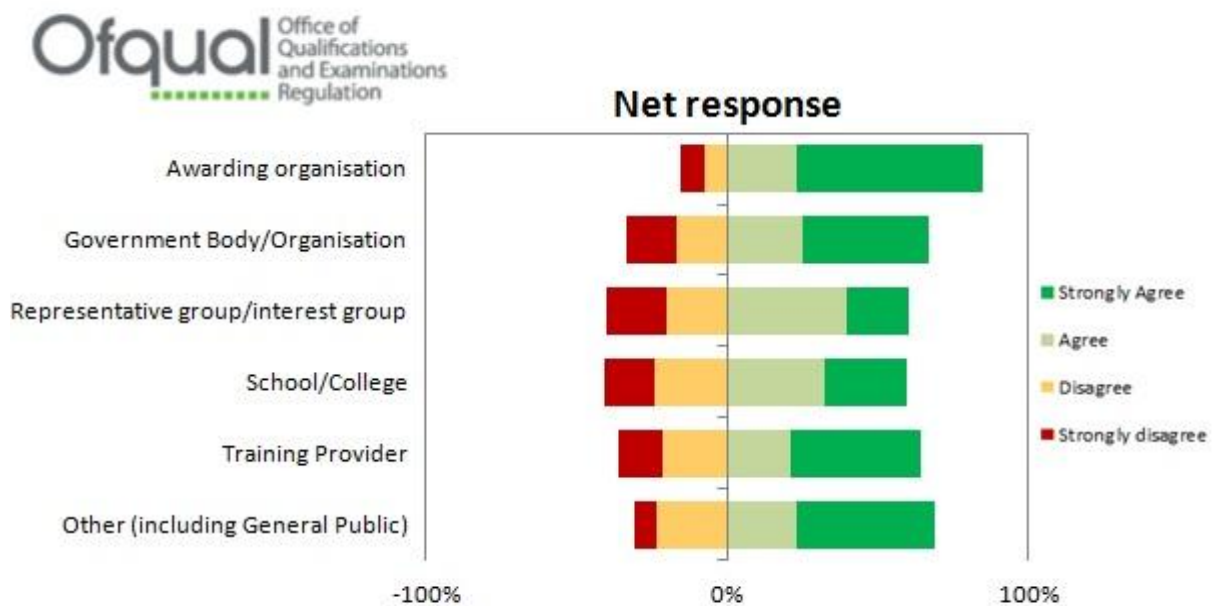


Figure 28: Response by stakeholder to consultation question 28 (%)

4.3.6.1 Questionnaire responses

Those respondents who disagreed and commented on the questionnaire (24 out of 41) want to include the core curriculum because they like the level of detail (but acknowledge that it does not go up to L3). From some of the comments across the responses, it is clear that the question caused some confusion – one or two responses actually point this out; others acknowledge that they do not have the knowledge or experience to answer the question.

4.3.7 The requirement for 100 per cent external assessment for ESOL International qualifications

A majority of questionnaire respondents agree with the requirement for 100 per cent external assessment, but further analysis of the comments offered by those who agreed, disagreed or had no opinion presents a more complex picture (Figures 29 and 30).

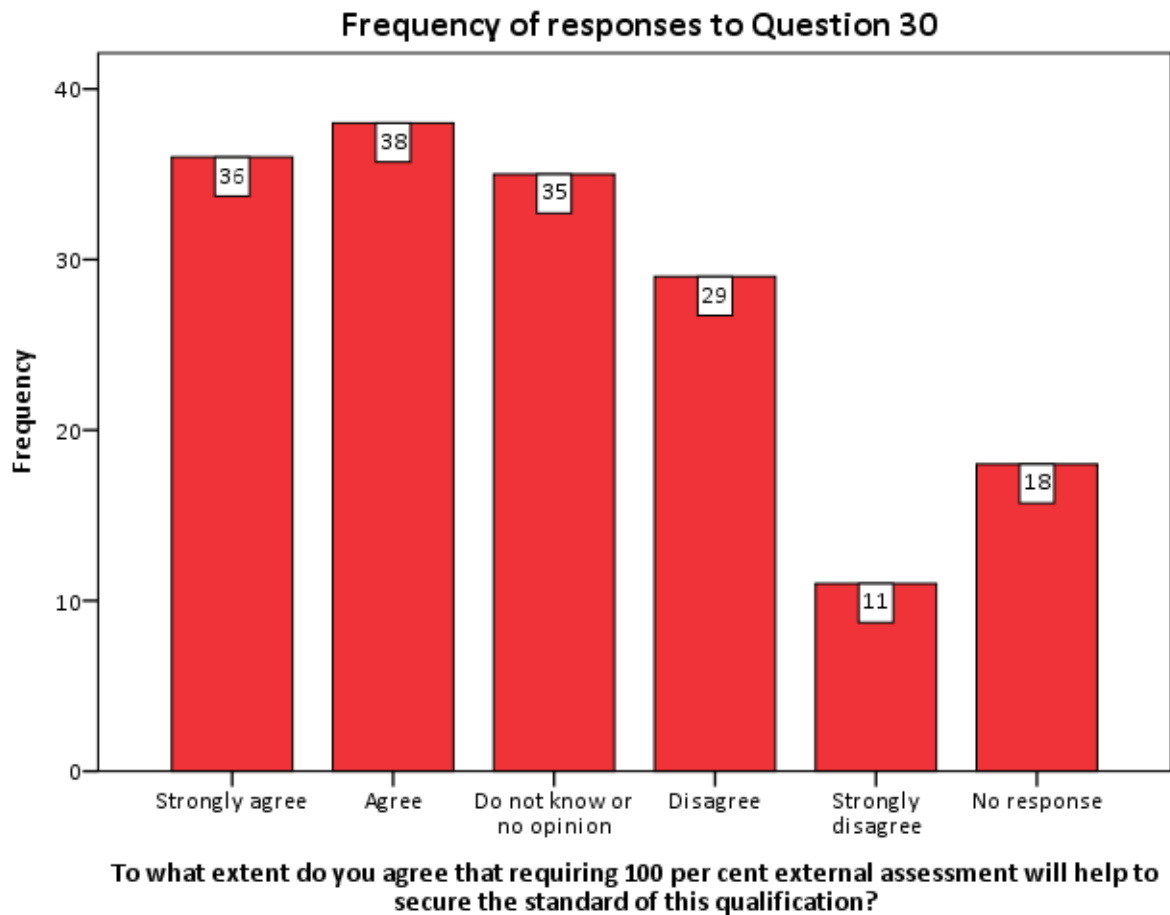


Figure 29: Response to consultation question 30

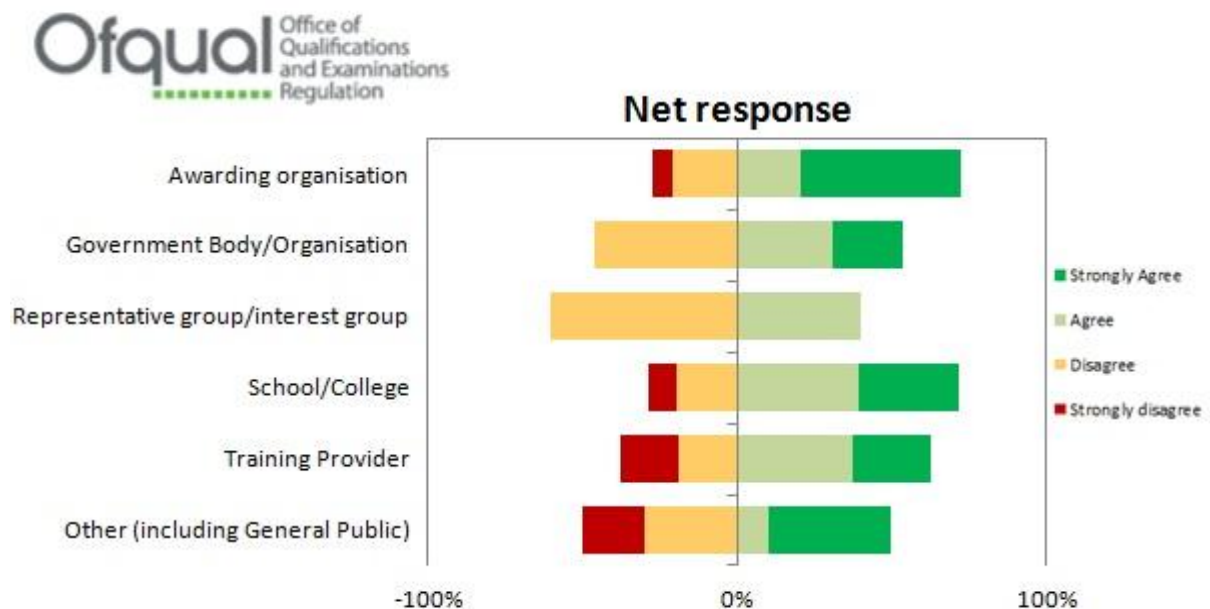


Figure 30: Response by stakeholder to consultation question 30 (%)

4.3.7.1 Questionnaire responses

At first glance it would seem that the majority of questionnaire respondents agreed that 100 per cent external assessment would help secure the standard of ESOL International qualifications. Further analysis shows, however, that the views of the school and college representatives and those of the training providers were divided on this matter. The views of government body/organisation representatives were equally polarised in that half of them agreed and the other half disagreed – more or less strongly. A large majority of awarding organisations strongly agreed, however.

Comments offered by those respondents strongly agreeing or agreeing with the need for 100 per cent external assessment centred on the need to demonstrate credibility of the qualification. Two schools and college representatives felt, however, that the term ‘external assessment’ required some clarification as to what this would mean in practice. Did this mean external assessors coming into centres to assess speaking and listening, or recorded assessments being sent to external assessors? Should all written papers be externally assessed, or externally moderated? One awarding organisation was concerned at the assertion that external assessment would necessarily ‘secure the standard’, because external assessment does not preclude malpractice.³² Another awarding organisation commented that ‘the standard can be secured in other ways ... for example, a blend of internal and external assessment supports different learning styles, work patterns and family life. Speaking is best assessed through internal assessment with robust verification.’

Where respondents disagreed with 100 per cent external assessment, they argued for a blend of internal and external assessment, claiming that this approach was more appropriate at entry levels or for speaking and listening. One or two school and college representatives also felt that 100 per cent external assessment may undermine the confidence of some learners.

³² The respondent to this question on the questionnaire interpreted setting the standard as minimising malpractice.

4.3.7.2 Focus group responses

There was little objection to 100 per cent external assessment for ESOL International qualifications among the focus group participants at the consultation events.

One group of FE and ACL providers noted that the consultation document made no mention of tightening up identity verification requirements for ESOL International, although they felt that the incidence of malpractice could be as great as, or greater than, that seen in ESOL SfL. This was said in the context of fairness and equal treatment across all ESOL qualifications rather than by way of focusing on malpractice identified as sitting within the ESOL SfL qualifications.

Although not within the remit of Ofqual, it was felt that funding ESOL International and ESOL SfL differently means that learners cannot be offered a genuine choice of appropriate qualifications.

4.4 Proposal 2 summary points

4.4.1 Questionnaire responses

There was general support for properly regulated ESOL International qualifications but in some questions it was clear from responses that many respondents had no experience of this area of ESOL work. The following points should be treated with caution.

- There was general support for properly regulated ESOL International qualifications although most felt unable to comment on whether the title should be kept or not.
- There was strong support from all stakeholder groups responding to the questionnaire for the proposal to set ESOL International qualifications at any single level from E1 to L2, and to map these to the CEFR, and for the need for clarity about what is covered. This was echoed by focus group participants.
- At first glance there appeared to be general support for restrictions to pre-16 provision but analysis of the free-text responses suggests that a majority of respondents felt that ESOL International qualifications should be available to pre-16 learners either as separate qualifications or as the same available to other learners
- There was general support for 100 per cent external assessment, but some important reservations, especially for speaking and listening.

4.4.2 Focus group responses

Not all participants in the consultation events offered ESOL International qualifications or had much knowledge of ESOL International. In the case of provider representatives, the balance lay with ESOL SfL. Even when their provider offered ESOL International, the qualification was located in another part of the organisation and representatives did not attend the events.

Participants in the Northern Ireland focus group had more knowledge about the ESOL International qualification, because whereas in England only ESOL SfL qualifications are eligible for financial support, in Northern Ireland both ESOL International and ESOL SfL are funded by the devolved administration and providers are therefore more likely to offer both qualifications.

Some groups in the consultation events were concerned that ESOL SfL and ESOL International were seen as ‘one market’ by Ofqual. It was argued that the two groups were distinct and had differing needs. The majority of participants at the consultation events focused on Proposals 1 and 3, and there is little to report from the events on this question, although these points are typical:

- Over half the focus groups thought the title of ESOL International confusing, some preferring the previous title English as a Foreign Language.
- Some focus group participants were concerned at what they perceived to be a restriction or removal of these qualifications for pre-16 learners.

4.5 Proposal 3 – ESOL SfL and ESOL for Work

4.5.1 Removal of existing regulations for ESOL SfL and ESOL for Work

The charts for questions 33 and 35 (Figures 31–34) should be treated with caution – it became clear at the consultation events that some stakeholders had misunderstood the questions and thought that the ESOL SfL qualifications were to be removed altogether. A more secure interpretation of the responses to the questionnaire and of those from participants in the focus groups at the consultation events comes from an analysis of the comments that respondents offered.

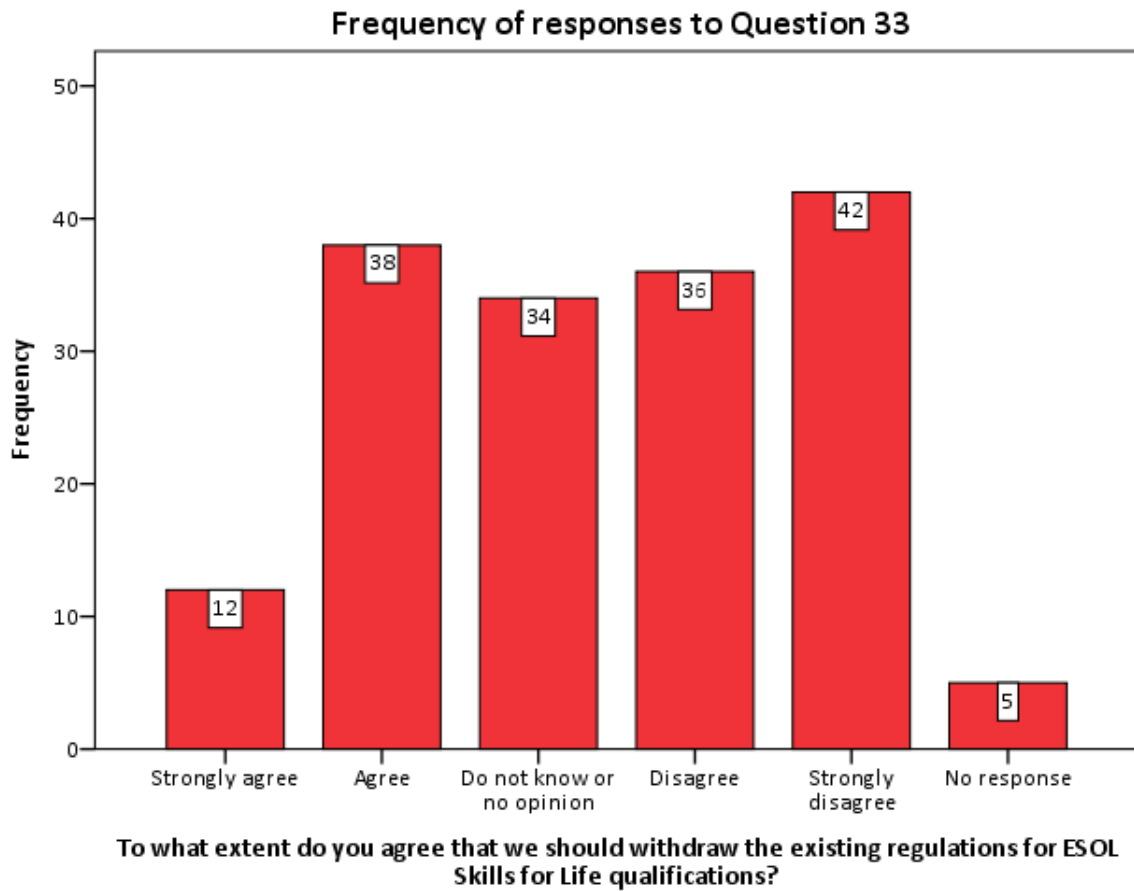


Figure 31: Response to consultation question 33

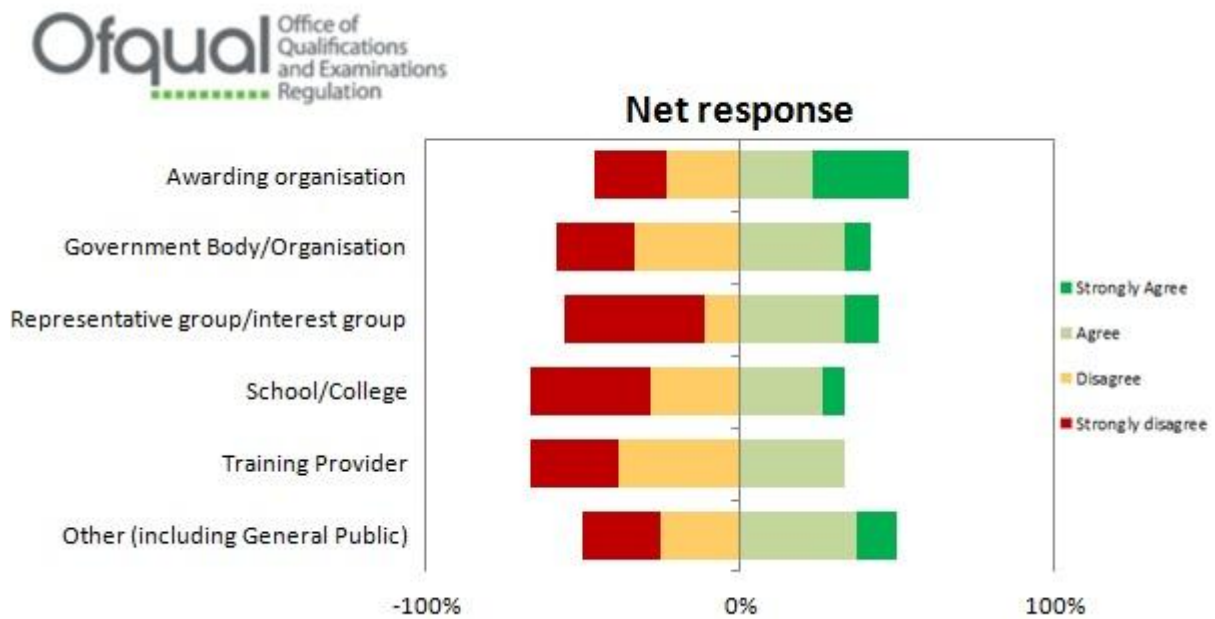


Figure 32: Response by stakeholder to consultation question 33 (%)

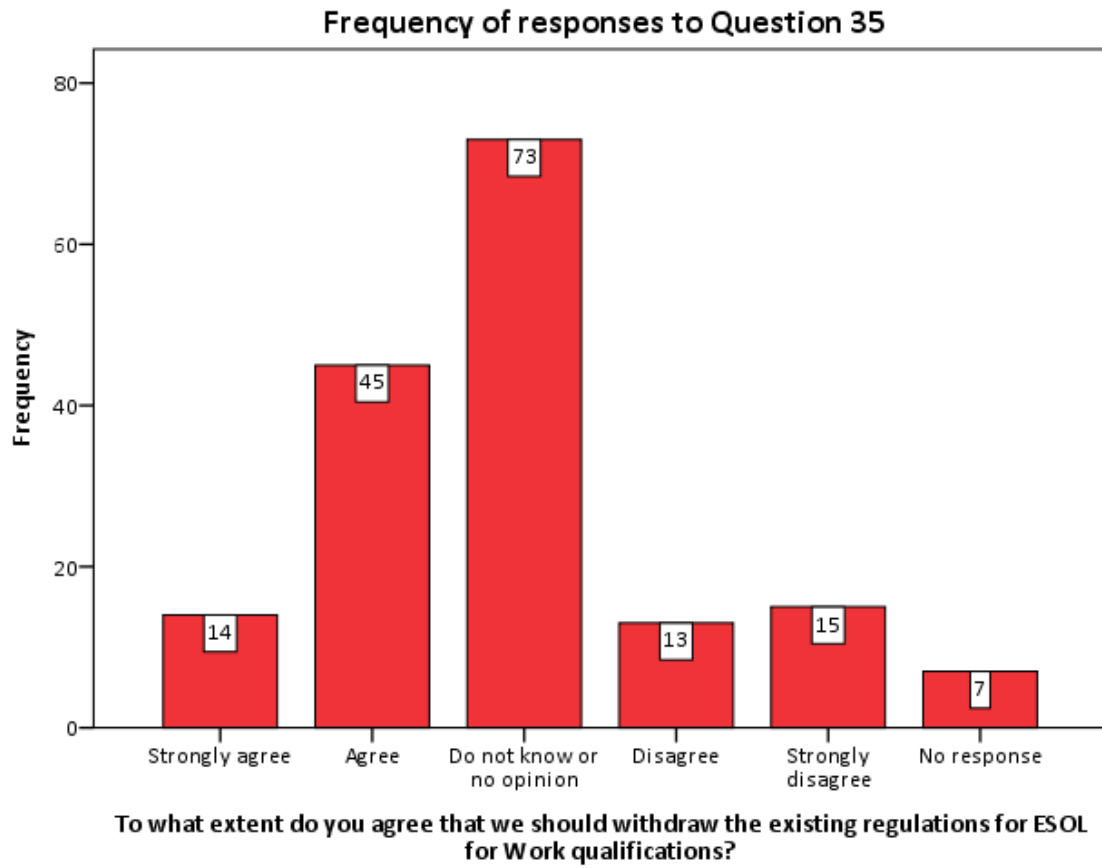


Figure 33: Response to consultation question 35

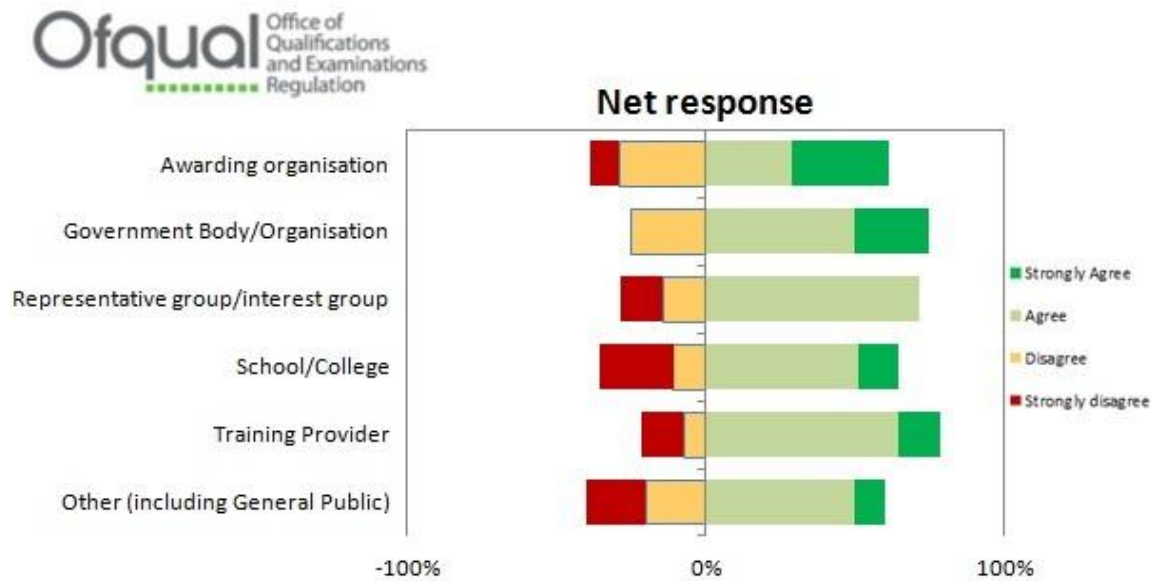


Figure 34: Response by stakeholder to consultation question 35 (%)

4.5.1.1 Questionnaire responses

The main stakeholder groups, in terms of the total number of responses to the questionnaire, were divided on this question. Half the school and college representatives disagreed or strongly disagreed, a quarter agreed, and another quarter recorded ‘do not know’ or ‘no opinion’. Awarding organisations and those that characterised themselves as ‘other (including general public)’ were also evenly divided between those who agreed and those who disagreed. Government body/organisation and training provider representatives were proportionally most negative about this proposal, in that two-thirds of respondents disagreed or strongly disagreed. Further analysis of the comments by respondents on this question indicates, however, that some questionnaire respondents misunderstood what the removal of regulations means in practice for these qualifications. It is significant that, where focus group participants had the opportunity to clarify any confusion about what removal of the regulations meant, there was less opposition to the proposal.

Setting aside comments that related to a misunderstanding of the proposal, schools and colleges expressed satisfaction with the current SfL qualifications, although some (as already mentioned) felt that they could do with updating (largely through a review of the core curriculum). Against this, three awarding organisations were reluctant to lose the

regulations because of the useful advice they included on the separation of levels, the recommended number of guided learning hours and the requirement to map the qualifications to the core curriculum.

4.5.1.2 Focus group responses

Participants disagreed with the proposed removal of the requirement for ESOL SfL and ESOL for Work to follow the ESOL core curriculum – until they were reassured that there would still be a requirement under the General Conditions of Recognition to follow an appropriate curriculum. In the case of these qualifications, the ESOL core curriculum would be the most appropriate option. There was little opposition among the consultation event participants to the removal of the existing regulations for both qualifications, providing that there were safeguards to ensure that the ESOL core curriculum was the curriculum specified within the General Conditions. The core curriculum provides a robust and useful framework for developing and assessing ESOL SfL qualifications at present.

Providers pointed out that ‘Skills for Life’ (SfL) is no longer a strategy and questioned whether the title should be changed. It was agreed that the term ESOL should be retained in order for it to remain separate from literacy or English. One group was keen that the status ESOL had gained through the SfL strategy – including National Standards and the core curriculum – should not be lost, particularly if the new qualification were to be introduced.

There were one or two calls to extend the ESOL SfL qualifications to Level 3 to enable learners to move more seamlessly from Level 2 to Level 3. One or two participants felt that ESOL Skills for Work should be extended to all levels to make it more useful as a qualification.

4.6 Proposal 3 summary points

4.6.1 Questionnaire responses

- There is a significant level of misunderstanding about Proposal 3, with many respondents to the questionnaire concerned that the removal of additional regulations meant ESOL SfL and ESOL for Work would no longer be available. (There was far greater concern over the loss of ESOL SfL than over the loss of ESOL for Work.)

- Schools and colleges expressed satisfaction with the SfL qualifications, although some commented that they needed to be updated

4.6.2 Focus group responses

- Participants in the focus groups at the consultation events presented little opposition to the removal of additional regulations for ESOL SfL and ESOL for Work once it was made clear to them what this would mean in practice
- Once participants understood what removal of regulations meant, they expressed the hope that the ESOL core curriculum would continue to be the required curriculum although some shared the questionnaire respondents' feeling that it needs to be updated

4.7 Other ESOL qualifications

The majority of responses to question 37 offered no opinion or said they did not know. Further analysis suggests that the majority of this group who commented were not sure which other ESOL qualifications existed (Figures 35 and 36).

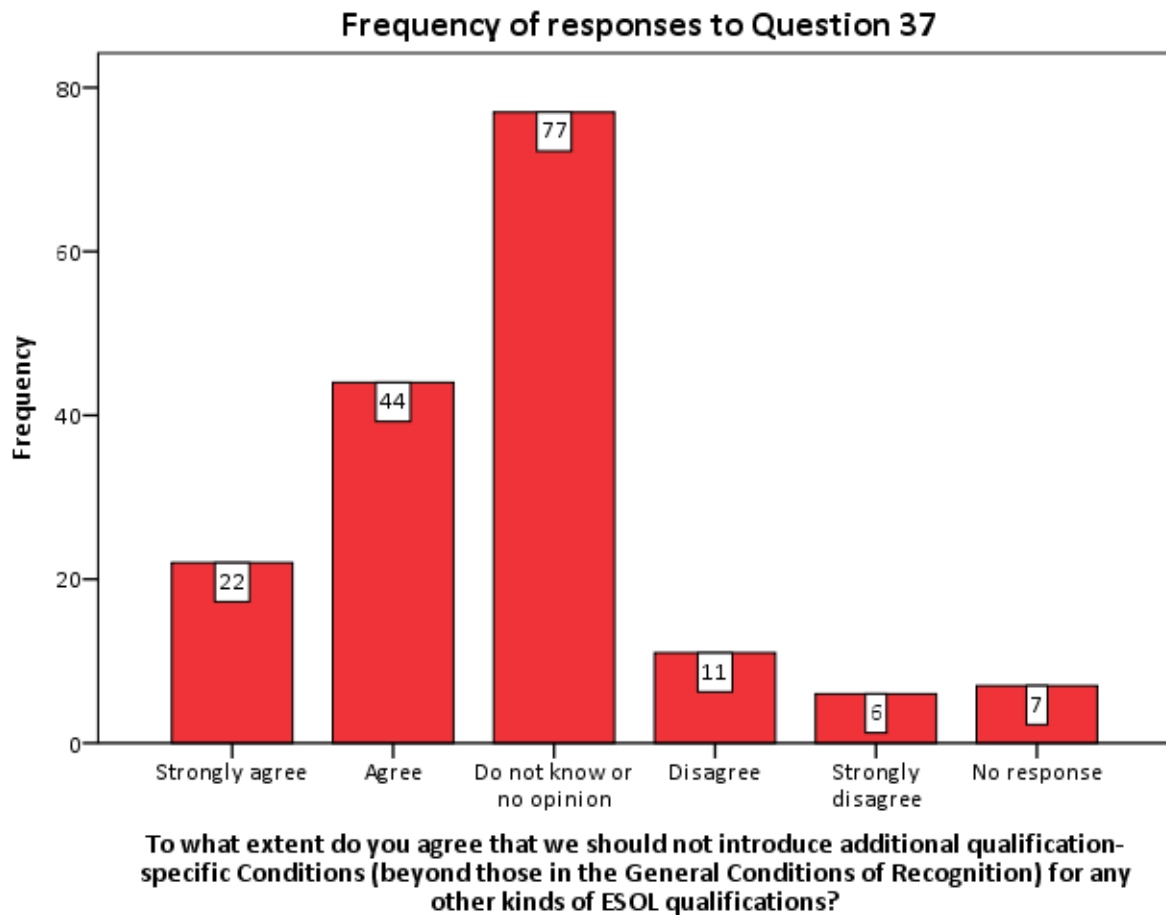


Figure 35: Response to consultation question 37

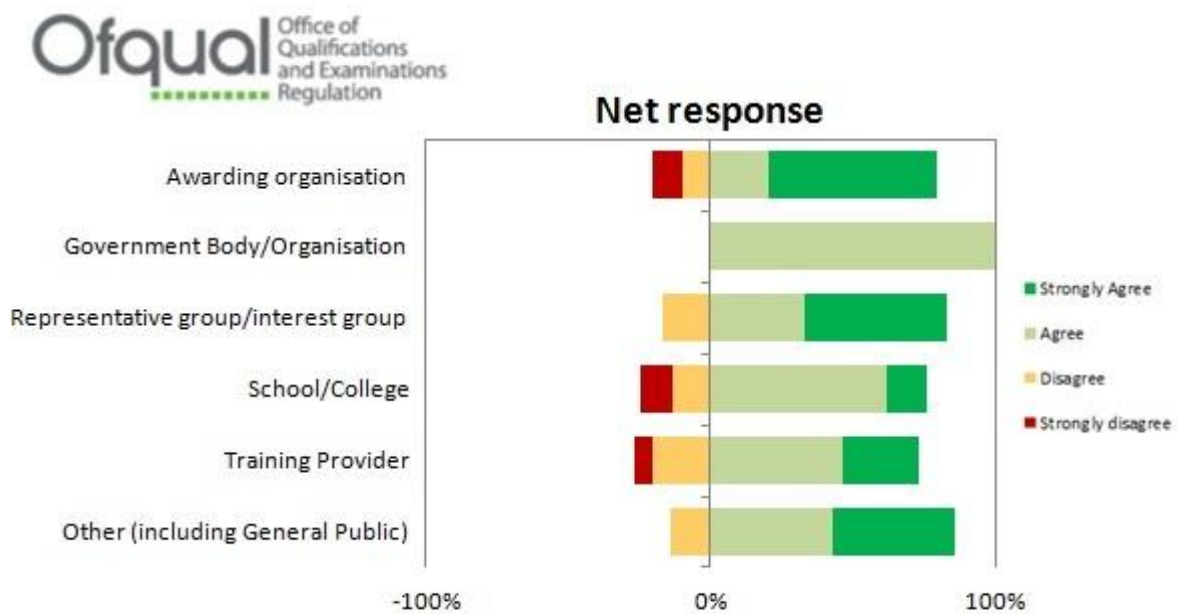


Figure 36: Response by stakeholder to consultation question 37 (%)

4.7.1.1 Questionnaire responses

As Figure 35 demonstrates, a large majority of respondents either agreed or strongly agreed or recorded a 'do not know' or 'no opinion' response. Further analysis shows that over half the school/college and government body/organisation representatives responded 'do not know' or 'no opinion'. Only awarding organisations recorded a majority 'agree' or 'strongly agree' response. Those choosing to opt for 'do not know' or 'no opinion' seem to have done so because they were not clear which other ESOL qualification existed. Where respondents agreed or strongly agreed, and commented, they mainly focused on the need to keep things simple, use general conditions wherever possible and avoid additional regulation.

4.8 Inclusion (relates to Proposal 1 and 3)

Some concerns around issues of equality of opportunity and inclusivity were raised in some focus groups at the consultation events.

One group of awarding organisations, providers and interest group representatives felt that the current ESOL Sfl qualifications *are* inclusive, in that learners enrol for different purposes. They saw singling out learners for entry, settlement and citizenship purposes as non-inclusive and felt that there was a danger that the qualification would be seen as a barrier – a political statement rather than education-led.³³ The Sfl approach of encouraging learning as a means of participation and enriching your life could be lost. It is important therefore that both the purpose of the proposed new qualification and also how it relates to ESOL International qualifications and Sfl qualifications be clearly stated, to enable providers and learners to make informed choices about which qualification is most appropriate for them.

Another mixed group felt that the narrowing of purpose of the qualification would not serve the purpose of integrating people into UK society.

Three mixed groups requested that further work be done on the equality analysis in terms of the impact of the proposals on spouses who were seeking to join their partners in the UK

³³ The qualification itself would not be a barrier but rather the requirements set by the Home Office/UKBA.

– and in terms of the educational background (or lack of educational background) of learners from some regions or cultures. One mixed group recommended that Ofqual undertake further research to ensure that the changes proposed do not have unforeseen consequences (e.g. affect state benefits). The same group requested that Ofqual explore whether the requirement placed on providers for 100% external assessment of the ESOL for Life in the UK qualification may affect access for learners – some premises may be deemed unsuitable for this kind of assessment, and small centres or centres in rural areas may not be able to offer qualifications with 100 per cent external assessment. Choice for learners may also be restricted because awarding organisations, unable to make a business case for it, may choose not to develop the new qualification.

5 Appendices

5.1 Appendix 1: ESOL consultation questionnaire responses by organisation type

Table 1: Stakeholder type and number of responses

Stakeholder type	Number of responses
Employer	1
ESOL and/or other awarding organisation (AO)	15
Government body/organisation (national and local) (GOV)	16
Higher Education Institute (HEI)	2
Other (including general public)	16
Other representative group/interest group (REP)	9
School/college	85
Training provider	23
Total	167

5.2 Appendix 2: ESOL consultation event participants by organisation type

Table 2: ESOL consultation participants by organisation type

Organisation type	Number of participants
Schools and colleges	54 ³⁴
HEI	2
AO	11
GOV	2
REP	16
OTHER	6
Private training provider	4
Total	95

³⁴ Of these 35 participants were from FE colleges and 19 from ACL.

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