



# **Analysis of responses to our consultation on regulating apprenticeship end-point assessments**



July 2018

Ofqual/18/6402/1

## **Contents**

Contents .....	2
1. Executive summary .....	3
2. Introduction .....	4
The consultation on regulating apprenticeship end-point assessments .....	4
3. Who responded? .....	6
4. Approach to analysis .....	7
5. Views expressed – consultation response outcomes .....	8
Appendix A: list of organisational consultation respondents .....	30

## **1. Executive summary**

Our consultation on regulating apprenticeship end-point assessments took place between 26 February and 4 May 2018. The consultation questions were available to either complete online or to download. A copy is available at <https://www.gov.uk/government/consultations/regulating-apprenticeship-end-point-assessments>.

There were 39 responses to the consultation. Of these responses, 37 were in a form that matched or broadly followed the layout of the online consultation. Two responses were written submissions, which were not included in the quantitative data analysis, but were considered within the qualitative sections. Of those responses that gave their respondent type, 3 were from individuals and 34 were from organisations.

In addition, we held 3 consultation events where awarding organisations provided feedback.

## **2. Introduction**

### **The consultation on regulating apprenticeship end-point assessments**

Our consultation was about the rules and guidance we intend to implement to make sure we can perform our external quality assurance role effectively. We want to make sure that end-point assessment organisations develop and deliver valid end-point assessments and that where they do not, we can take action to correct this. In doing this, we also want to make sure that our approach does not impose unnecessary regulatory burden on end-point assessment organisations and that we give clear guidance to help them understand how to meet our requirements.

To do this, we must ensure that we have the appropriate rules in place, and guidance to help end-point assessment organisations understand these rules. In the main, we will regulate end-point assessments against our existing rules, the General Conditions of Recognition. However, because there are some differences between end-point assessments and other qualifications, we proposed to remove some unnecessary rules, and make a small number of other end-point assessment specific changes. We have summarised these below.

We proposed to remove the following as they are either not relevant to end-point assessments or not within the remit of end-point assessment organisations:

- E1 – Qualifications having an objective and support
- E7 – Total Qualification Time and E8 – Credit
- I3 – The design and content of certificates and I4 – Issuing certificates and replacement certificates

To help end-point assessment organisations understand how our General Conditions should be understood in relation to end-point assessments we proposed to put in place end-point assessment specific guidance for the following areas:

- A4 – Conflicts of Interest
- C2 – Arrangements with Centres
- D1 – Fitness for purpose of qualifications; E4 – Ensuring an assessment is fit for purpose and can be delivered; G1 – Setting the assessment
- D3 – Reviewing approach
- E2 – Requirements on qualification titling
- E3 – Publication of a qualification specification
- H1 – Marking the assessment and H2 – Moderation where an assessment is marked by a Centre

- H6 – Issuing results

To make sure our rules are appropriate, we proposed to disapply the following Conditions and replace them with bespoke versions:

- B3 – Notification to Ofqual of certain events
- E9 – Qualification and Component levels

We also proposed some new Conditions to reflect features that are specific to end-point assessments and to provide clarity to end-point assessment organisations about our requirements. We describe these below:

- a Condition to allow us to require materials for the purpose of our technical evaluation. This will allow us to review the validity of end-point assessments and require changes where appropriate.
- a Condition requiring end-point assessment organisations to comply with assessment plans
- a Condition to require end-point assessment organisations to ensure gateway requirements have been met before delivering end-point assessments

### **3. Who responded?**

We received 39 responses to our consultation. There were 37 responses to the consultation questions and 2 written submissions that did not fit the format of the consultation<sup>1</sup>. We do not include the two written submissions in the detailed breakdown of responses in section 4, as those responses did not answer the consultation questions we set out, but all responses were considered as part of our analysis.

Of those responses that gave their respondent type, 3 were from individuals and 34 were from organisations. All the responses were from individuals or organisations based in England or Wales.

**Table 1: Breakdown of consultation responses**

<b>Personal / organisation response</b>	<b>Respondent type</b>	<b>Number</b>
Personal	Individual	3
Organisation	Awarding body or exam board	18
Organisation	Other representative or interest group	12
Organisation	Private training provider	3
Organisation	Employer	1

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<sup>1</sup> These two responses are not included in the quantitative analysis that follows. See section 4 on our approach to analysis.

## **4. Approach to analysis**

The consultation included 28 questions and was published on our website. Respondents could choose to respond using an online form, by email or by posting their answers to the consultation questions to us.

This was a consultation on the views of those who wished to participate and, while we tried to ensure that as many respondents as possible had the opportunity to reply, it cannot be considered as a representative sample of any specific group.

We present the responses to the consultation questions in the order in which they were asked.

For some of the questions, respondents could indicate the extent to which they agreed with our proposals, using a 5-point scale (Strongly agree, Agree, Neither agree nor disagree, Disagree and Strongly disagree), as well as providing free-form narrative comments on our proposals. For others, respondents were asked to provide comments on our proposals.

Not all respondents expressed a preference using the 5-point scale, with some only providing a comment. Likewise, not all respondents who expressed a preference on the scale provided a comment and, of those who did, not all comments were relevant to the question.

During the analysis phase we reviewed every response to each question, and also the two responses that did not follow the format of the consultation (though these responses are not included in the figures which set out the number of responses received to each question).

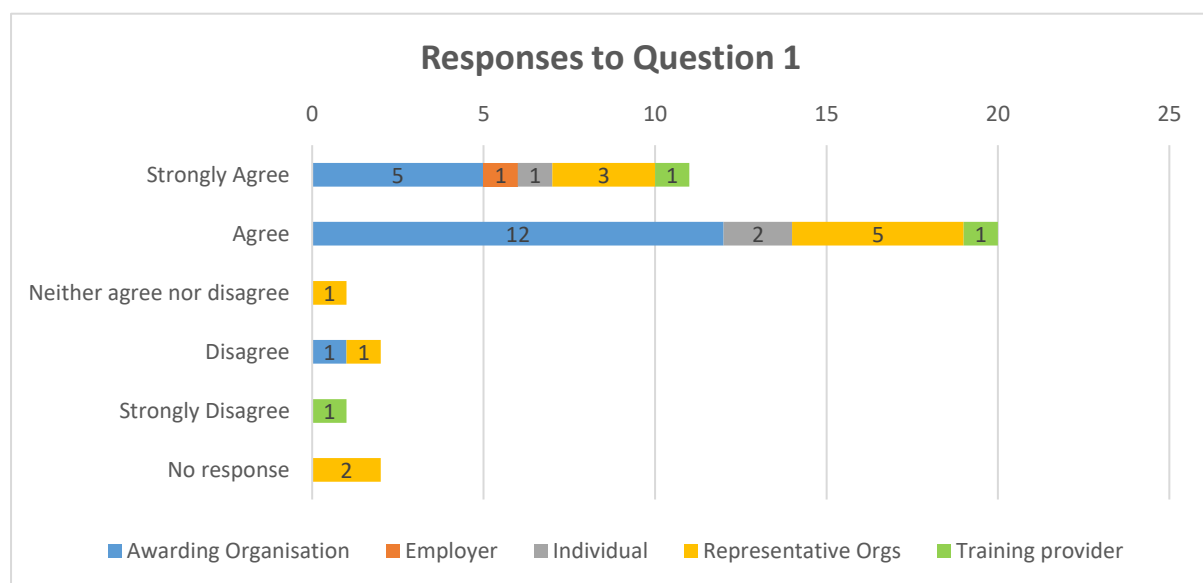
## 5. Views expressed – consultation response outcomes

In this section, we report the views, in broad terms, of respondents to the consultation.

Appendix A lists the organisations who responded to the consultation.

**Question 1 – To what extent do you agree or disagree with our proposal to provide end-point assessment specific guidance in relation to conflicts of interest covering the areas set out?**

Responses from those who responded to this question were as follows:



There were 31 responses to this question either agreeing or strongly agreeing with our proposal. This included 17 awarding organisations, 8 representative organisations, 3 individuals, 2 training providers and 1 employer. One awarding organisation, 1 representative organisation and 1 training provider disagreed or strongly disagreed.

Respondents who supported our proposal stated that the guidance would help provide clarity and assist and in developing their internal processes in managing conflicts of interest:

*“We also welcome the recognition that due to the nature of some occupational areas where a conflict of interest cannot be avoided, for example because assessment by an employer is required under the assessment plan, the end point assessment organisation should ensure that the end-point assessment remains fit for purpose.”*

*“The proposed guidance provides clarity on how Ofqual expects awarding organisations to manage conflicts of interest. It complements the Education and Skills Funding Agency’s (ESFA) and Institute for Apprenticeships’ (IfA) requirements for managing conflicts of interest and does not prove burdensome.”*

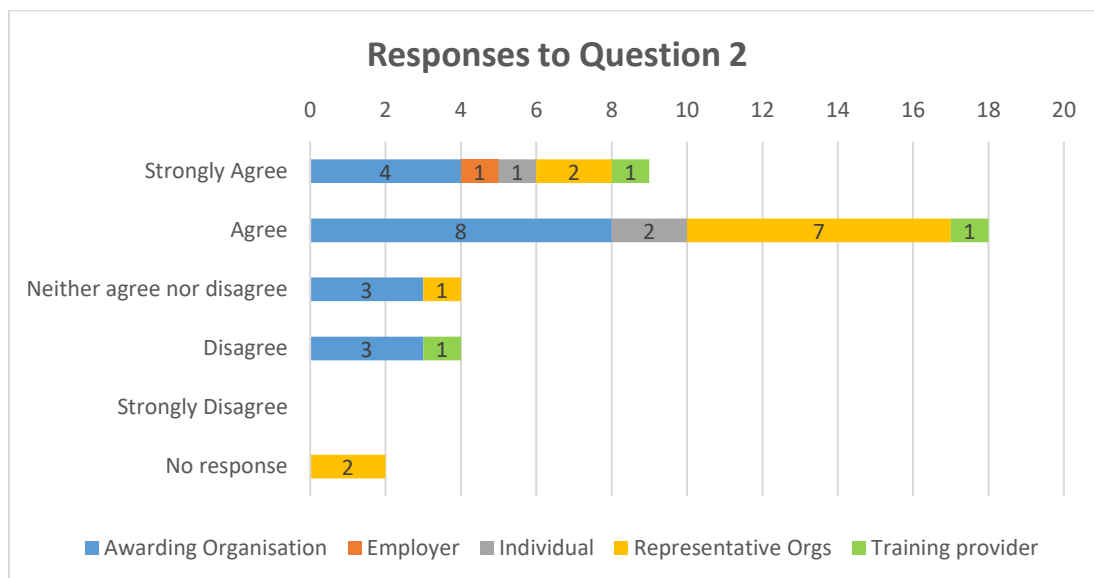


Respondents who disagreed (1 awarding organisation, 1 representative organisation and 1 training provider) raised concerns about how Ofqual’s approach would interact with the various bodies involved in apprenticeships, such as representative bodies, employers and third party assessors. Further guidance was requested on how these should be addressed.

*“Appreciate that Ofqual are used to setting one standard across the board but don’t think this is a reality in the apprenticeship market so suggest more flexibility is needed.”*

**Question 2 – To what extent do you agree or disagree with our proposal to apply an end-point assessment specific version of Condition B3<sup>2</sup>, covering the areas set out?**

Responses from those who responded to this question were as follows:



There were 27 responses to this question either agreeing or strongly agreeing with our proposal. This included 12 awarding organisations, 9 representative organisations, 3 individuals, 2 training provider and 1 employer. Three awarding organisations and 1 training provider disagreed or strongly disagreed.

Whilst broadly supporting the proposal some concerns were raised by respondents:

- this would represent duplication for end-point assessment organisations and therefore unnecessary administrative cost and burden as they would be required to notify multiple agencies of the same issue, such as a review of the assessment plan (7 awarding organisations; 6 representative organisations and 1 training provider)
- they were unsure how to deal with aspects of the proposed Condition, such as how it would interact with the requirements to conform to the assessment plan

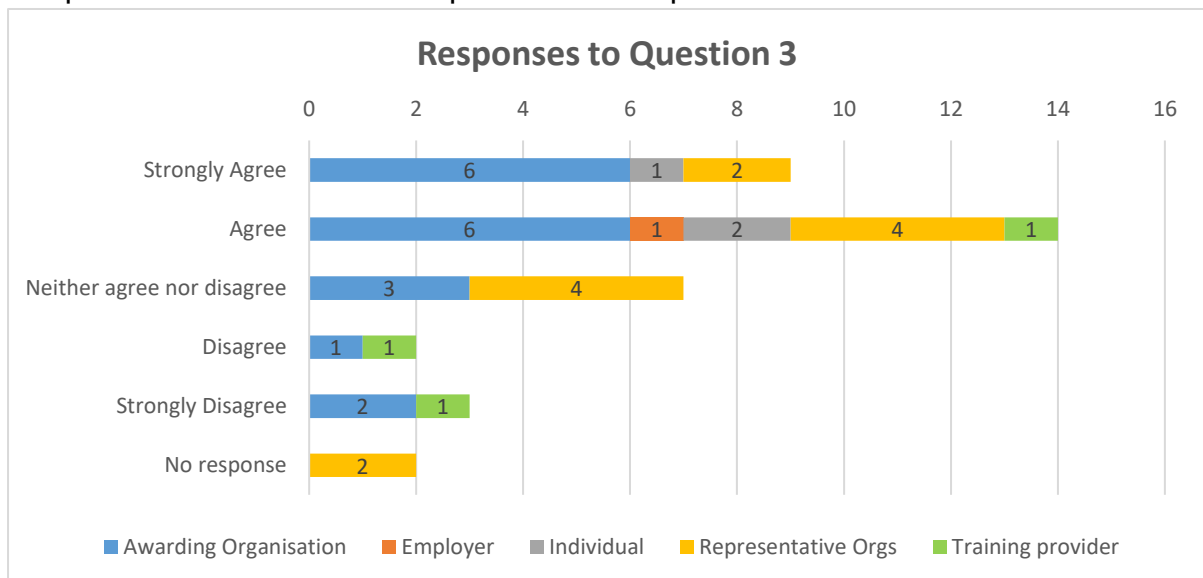
<sup>2</sup> Condition B3 – Notification to Ofqual of certain events

where this presented the potential for an Adverse Effect (6 awarding organisations; 2 representative organisations and 1 training provider)

- Ofqual’s regulations could conflict with those set by other organisations such as the Institute or ESFA (6 awarding organisations and 1 representative organisation)
- they would be required to inform Ofqual of issues where they have no ability to mitigate the issue, such as where the assessment plan could lead to an Adverse Effect (5 awarding organisations and 2 representative organisations)
- the proposed Condition EPA3.4 was unnecessary (3 awarding organisations and 1 representative organisations)

**Question 3 – To what extent do you agree or disagree with our proposal to put in place end-point assessment specific guidance setting out when Condition C2<sup>3</sup> will, and will not, apply to end-point assessments?**

Responses from those who responded to this question were as follows:



There were 23 responses to this question either agreeing or strongly agreeing with our proposal. This included 12 awarding organisations, 6 representative organisations, 3 individuals, 1 training provider and 1 employer. Three awarding organisations and 2 training providers disagreed or strongly disagreed.

Of those respondents who agreed with the proposal, and provided a comment, there was a request for further guidance (7 awarding organisations; 4 representative organisations and 1 employer), especially in relation to where parties such as centre employees and employer staff are considered to be delivering part of the end-point assessment on behalf of the end-point assessment organisation.

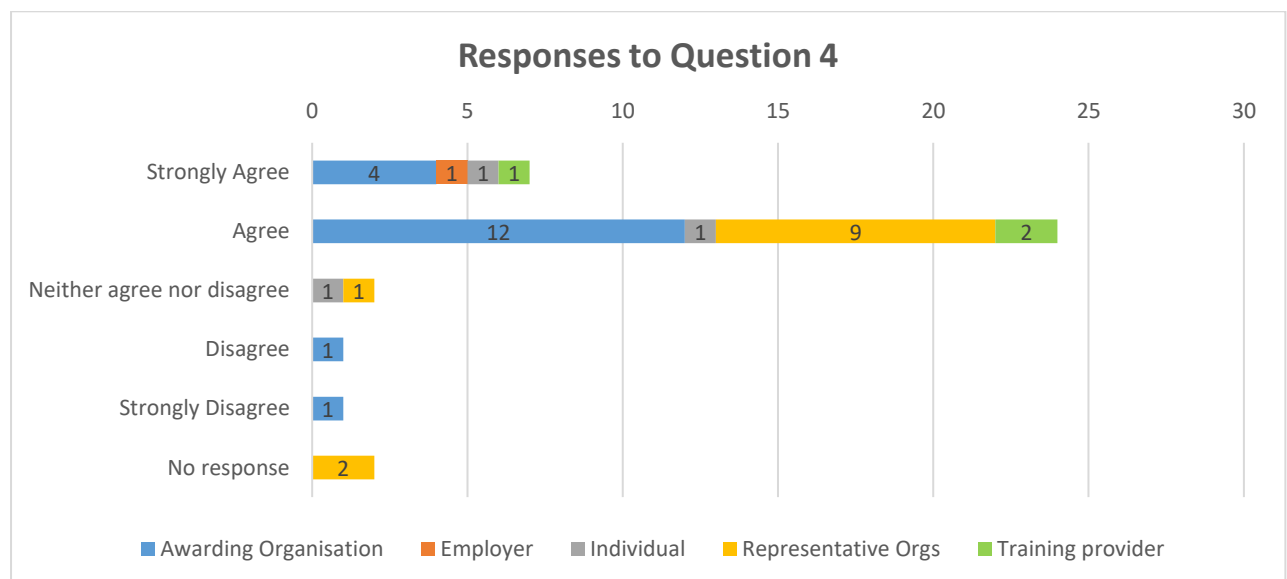
<sup>3</sup> Condition C2 – Arrangements with Centres

Of the respondents who did not agree with the proposal, and provided a comment, comments included:

- concerns about whether the requirements for centre agreements and monitoring would be too onerous and restrict entry by new end-point assessments organisations wishing to offer end-point assessments against an apprenticeship standard (2 awarding organisations and 1 training provider)
- suggestions that disapplying the current Condition and replacing it with an end-point assessment specific Condition might be a more suitable approach (2 awarding organisations)
- suggestions that Ofqual's assumptions were not correct and that centres will be more prevalent than expected (1 representative organisation and 1 training provider)

**Question 4 – To what extent do you agree or disagree with our proposal to put in place end-point assessment specific guidance setting out the need, as part of keeping its qualifications under review, to have regard to the Institute’s reviews and feedback?**

Responses from those who responded to this question were as follows:



There were 31 responses to this question either agreeing or strongly agreeing with our proposal. This included 16 awarding organisations, 9 representative organisations, 2 individuals, 3 training providers and 1 employer. Two awarding organisations disagreed or strongly disagreed.

Of those respondents who agreed with the proposal, and provided a comment, many agreed with the proposal to provide end-point assessment specific guidance, they also noted:

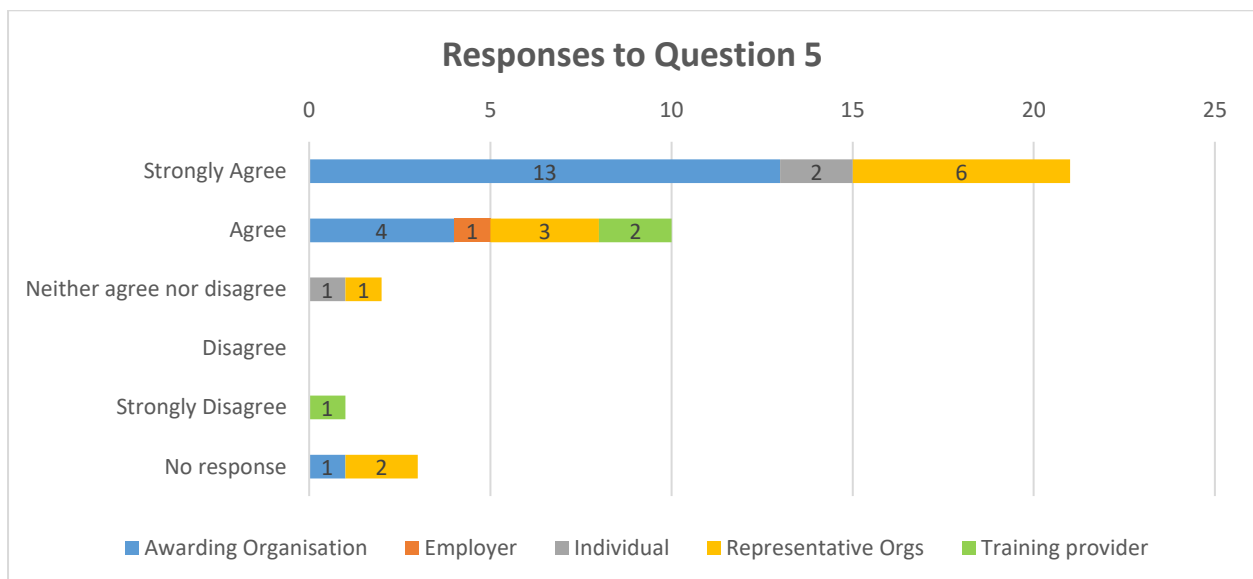
- their dependency on the Institute for the relevant information (4 awarding organisations)

- that in addition to the guidance, there would need to be liaison between Ofqual and the Institute to ensure that end-point assessment organisations were not working between two conflicting sets of requirements (6 awarding organisations; 3 representative organisations and 1 training provider)
- further end-point assessment specific guidance would be required, especially in relation to how end-point assessment organisations should avoid duplication between Ofqual and the Institute and how end-point assessment organisations should manage the review process (7 awarding organisations and 2 representative organisations)

The respondents who disagreed with the proposal, and provided a comment, felt that this was better managed directly between the Institute and Ofqual and that including this requirement would add unnecessary burden to end-point assessment organisations (1 awarding organisation and 1 representative organisation).

**Question 5 – To what extent do you agree or disagree with our proposal to disapply Condition E1<sup>4</sup> in respect of end-point assessments?**

Responses from those who responded to this question were as follows:



There were 31 responses to this question either agreeing or strongly agreeing with our proposal. This included 17 awarding organisations, 9 representative organisations, 2 individuals, 2 training providers and 1 employer. One training provider strongly disagreed.

Of those respondents who agreed with the proposal and provided a comment, most thought this was a sensible approach. Respondents commented that Ofqual requiring there to be an objective and support for end-point assessments is not necessary as the objective will be set by the apprenticeship standard, approved by

<sup>4</sup> Condition E1 – Qualifications having an objective and support

the Institute, and developed by a group of employers indicating that they have support.

*“We agree this seems a reasonable approach to take. The EPAO [end-point assessment organisation] will not determine the objective itself, this will already be set out in the apprenticeship standard which has been fully approved by the IfA.”*

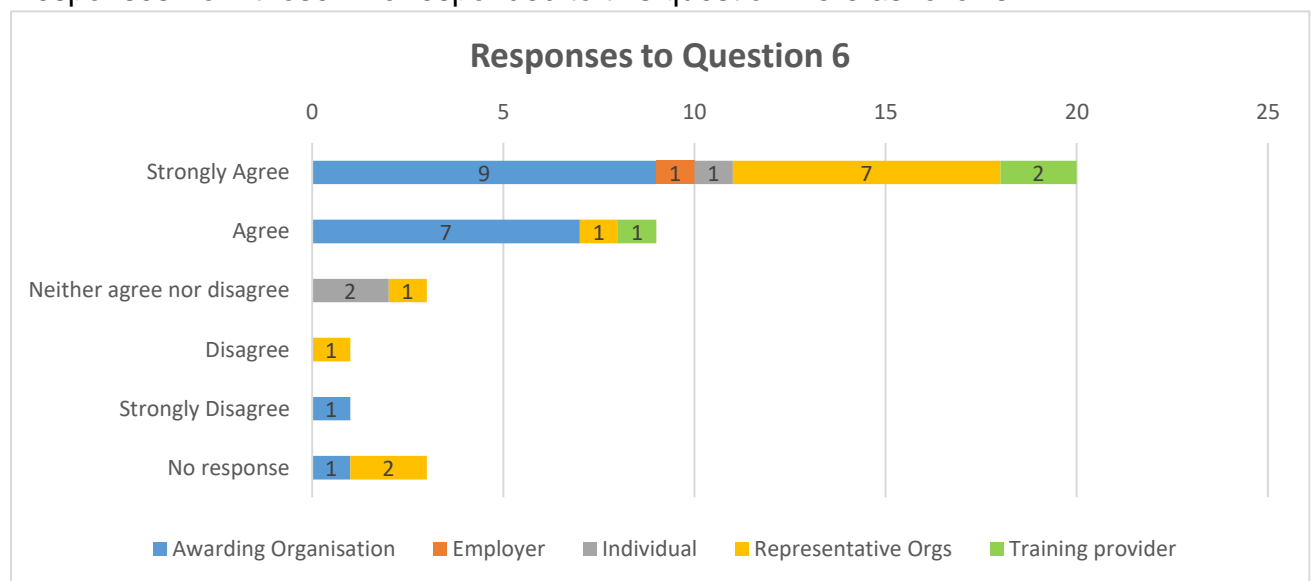
One respondent (representative organisation) stated that Ofqual should keep the disapplication under review in respect of quality assurance over time.

*“Although we agree with the proposal to disapply this Condition in respect of end-point assessments, Ofqual must review how the disapplication is working in terms of quality assurance, over time.”*

The respondent (training provider) who disagreed commented on wider end-point assessment policy rather than specifically in relation to this question.

**Question 6 – To what extent do you agree or disagree with our proposal to set a Condition requiring compliance with assessment plans?**

Responses from those who responded to this question were as follows:



There were 29 responses to this question either agreeing or strongly agreeing with our proposal. This included 16 awarding organisations, 8 representative organisations, 1 individual, 3 training providers and 1 employer. One awarding organisation and 1 representative organisation disagreed or strongly disagreed.

Of those respondents who agreed with the proposal, and provided a comment, 4 awarding organisations and 3 representative organisations noted that this would support consistency across apprenticeship standards.

Respondents also noted:

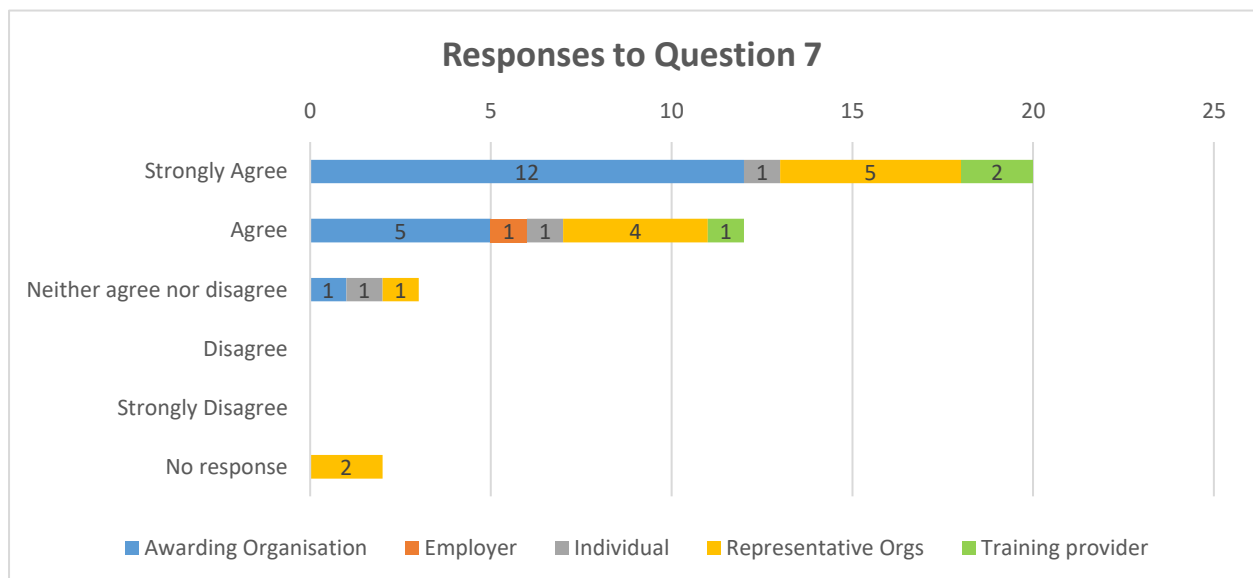
- the need for Ofqual and the Institute to work together in approving the assessment plans to ensure that end-point assessment organisations are not caught between conflicting regulations

- that further guidance in relation to assessment plans would be helpful, especially where the plans lack detail, or conflict with other areas of compliance

Of the respondents who disagreed with the proposal, and provided a comment, concerns were expressed in relation to the extent of Ofqual's external quality assurance responsibilities (1 awarding organisation) and how this would interact with other regulatory bodies (1 representative organisation).

**Question 7 – To what extent do you agree or disagree with our proposal to put in place an end-point assessment specific Condition on the completion of gateway requirements?**

Responses from those who responded to this question were as follows:



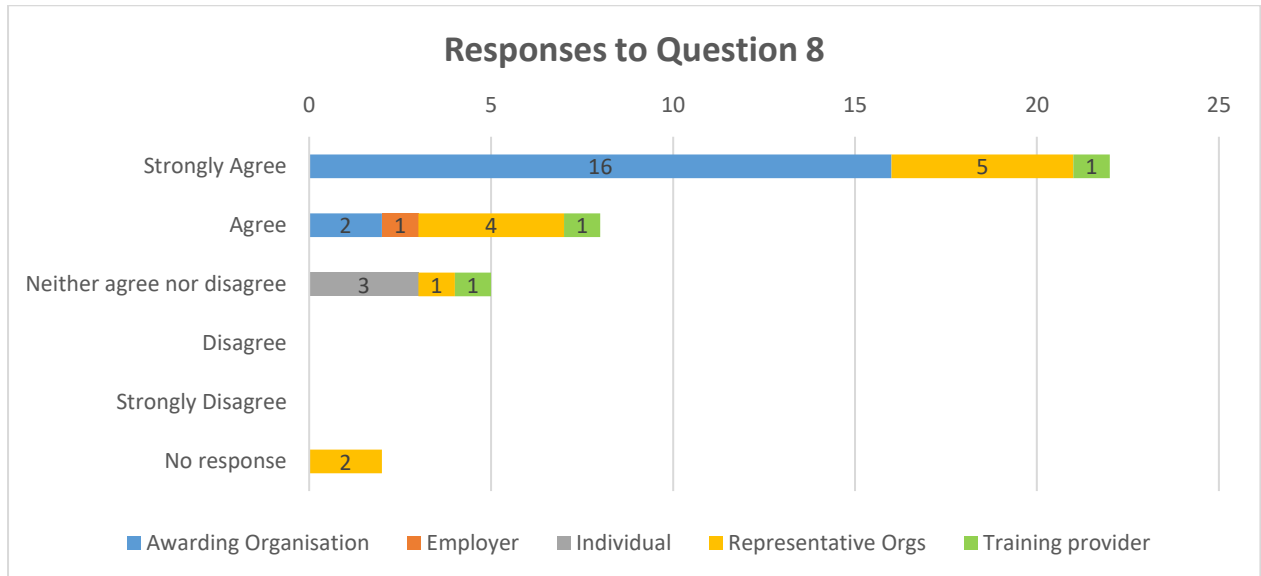
There were 32 responses to this question either agreeing or strongly agreeing with our proposal. This included 17 awarding organisations, 9 representative organisations, 2 individuals, 3 training provider and 1 employer. No respondents disagreed with the proposal.

Of those respondents who agreed with the proposal, and provided a comment, 4 awarding organisations and 2 representative organisations noted that they would like further guidance to support end-point assessment organisations, particularly in relation to how this would work in practice and indicators of best practice in this area.

*“We support the proposal to introduce a Condition that requires an EPAO [end-point assessment organisation] to take all reasonable steps to ensure the gateway is reached prior to the delivery of an EPA [end-point assessment], however further guidance is required regarding what evidence an EPAO should retain and make available to Ofqual that an apprentice has met the gateway requirements.”*

**Question 8 – To what extent do you agree or disagree with our proposal to disapply Condition E7<sup>5</sup> in respect of end-point assessments?**

Responses from those who responded to this question were as follows:



There were 30 responses to this question either agreeing or strongly agreeing with our proposal. This included 18 awarding organisations, 9 representative organisations, 2 training providers and 1 employer. No respondents disagreed.

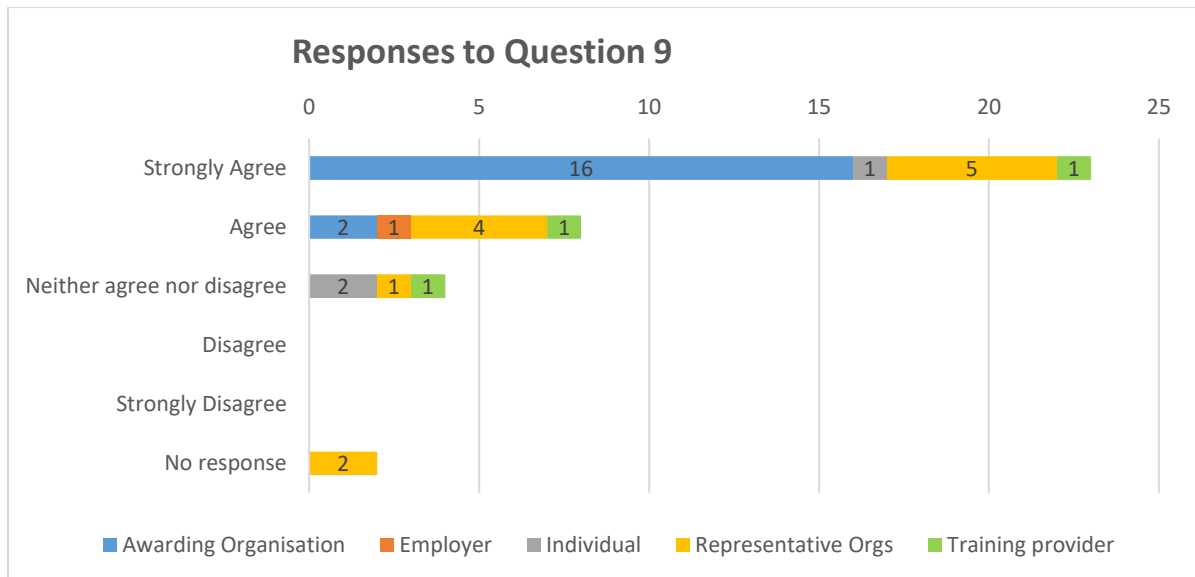
All respondents who commented were supportive of this approach. Eight awarding organisations and 5 representative organisations noted that it would not be possible to apply Total Qualification Time (TQT) to end-point assessments.

**Question 9 – To what extent do you agree or disagree with our proposal to disapply Condition E8<sup>6</sup> in respect of end-point assessments?**

Responses from those who responded to this question were as follows:

<sup>5</sup> Condition E7 – Total Qualification Time

<sup>6</sup> Condition E8 – Credit

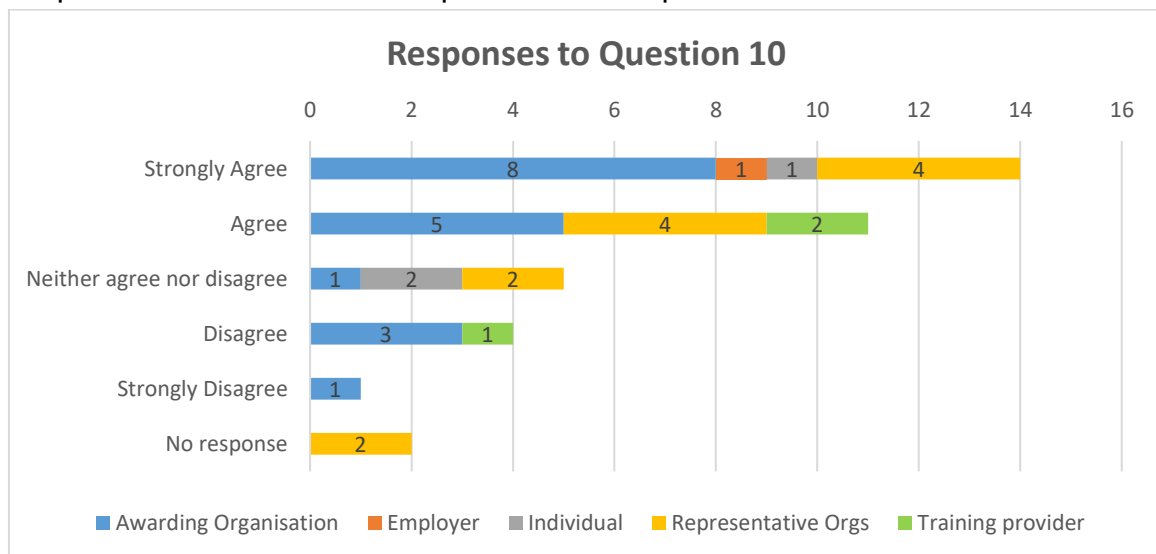


There were 31 responses to this question either agreeing or strongly agreeing with our proposal. This included 18 awarding organisations, 9 representative organisations, 1 individual, 2 training providers and 1 employer. No respondents disagreed.

All respondents who commented were supportive of this approach. Three awarding organisations and 3 representative organisations noted that, since credit values are calculated from TQT it would not be possible to apply them to end-point assessments.

**Question 10 – To what extent do you agree or disagree with our proposal to put in place end-point assessment specific guidance about the titling of end-point assessments?**

Responses from those who responded to this question were as follows:



There were 25 responses to this question either agreeing or strongly agreeing with our proposal. This included 13 awarding organisations, 8 representative



organisations, 1 individual, 2 training providers and 1 employer. Four awarding organisations and 1 training provider disagreed or strongly disagreed.

Of those respondents who agreed with the proposal, comments included:

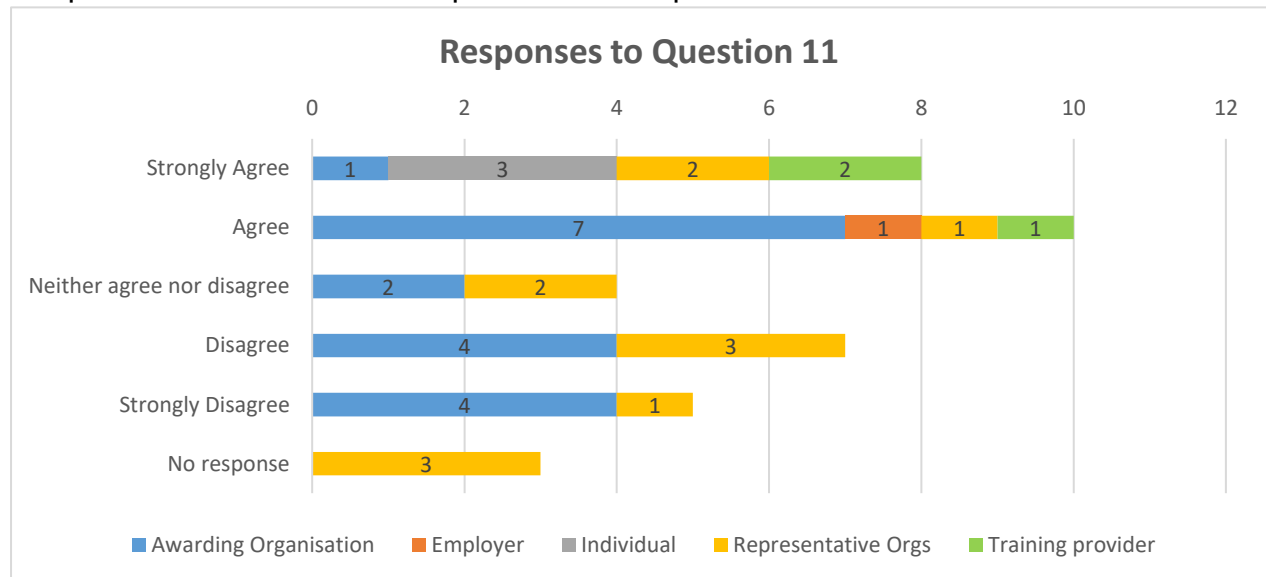
- that this would enhance consistency across the standards which would help learners and employers (4 awarding organisations and 2 representative organisations)
- reference to the importance of aligning with the Institute’s titling requirements (2 awarding organisations and 1 employer)

Of the respondents who disagreed with the proposal and provided a comment:

- two awarding organisations thought that the existing Condition should be disapplied, one suggesting that it be replaced by an end-point assessment specific Condition to enhance clarity of requirements and the other suggesting that existing requirements from the Institute provided sufficient criteria for managing titling of end-point assessments
- two other awarding organisations did not think additional guidance was required

**Question 11 – To what extent do you agree or disagree with our proposal to continue to require end-point assessment organisations to publish specifications for end-point assessments?**

Responses from those who responded to this question were as follows:



There were 18 responses to this question either agreeing or strongly agreeing with our proposal. This included 8 awarding organisations, 3 representative organisations, 3 individuals, 3 training providers and 1 employer. Eight awarding organisations and 4 representative organisations disagreed or strongly disagreed.

Of those respondents who agreed with the proposal, comments included:

- that the proposal would be beneficial for learners and employers, allowing for greater clarity (2 awarding organisations; 3 representative organisations and 1 training provider)
- that it would be useful to have further guidance on what should be in specifications and for whom it should be published (2 awarding organisations)
- potential issues of information being duplicated incorrectly when creating a specification from other documents, such as the assessment plan (2 awarding organisations and 1 representative organisation)
- concern about the proprietary information being disclosed through specifications and the contingent commercial effects of this (1 awarding organisation)

Of the respondents who disagreed with the proposal and provided a comment, issues raised included:

- the duplication of existing information is burdensome and could confuse learners and employers (1 awarding organisation and 2 representative organisations)
- concerns about the commercial impacts of having to release proprietary information (4 awarding organisations)
- concern that releasing too much information will facilitate some employers to fabricate an apprenticeship course without end-point assessment organisation oversight (3 awarding organisations)
- that the production of this specification would lead to interpretation of the assessment plan by end-point assessment organisations and inconsistent application (2 awarding organisations and 2 representative organisations)

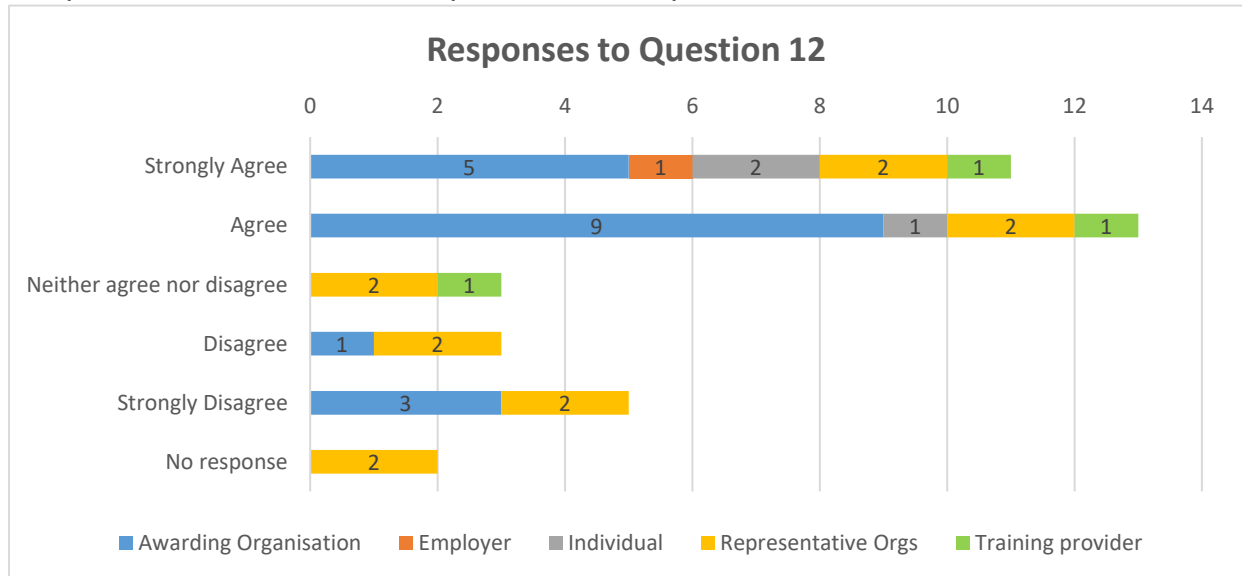
Six awarding organisations and 1 representative organisation raised questions about what would need to be in a specification, who would need to be able to access them, or how end-point assessment organisations would need to publish them.

**Question 12 – To what extent do you agree or disagree with our proposal to produce end-point assessment specific guidance setting out how Condition E3<sup>7</sup> applies in respect of end-point assessments?**

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<sup>7</sup> Condition E3 – Publication of a qualification specification

Responses from those who responded to this question were as follows:



There were 24 responses to this question either agreeing or strongly agreeing with our proposal. This included 14 awarding organisations, 4 representative organisations, 3 individuals, 2 training providers and 1 employer. Four awarding organisations and 4 representative organisations disagreed or strongly disagreed.

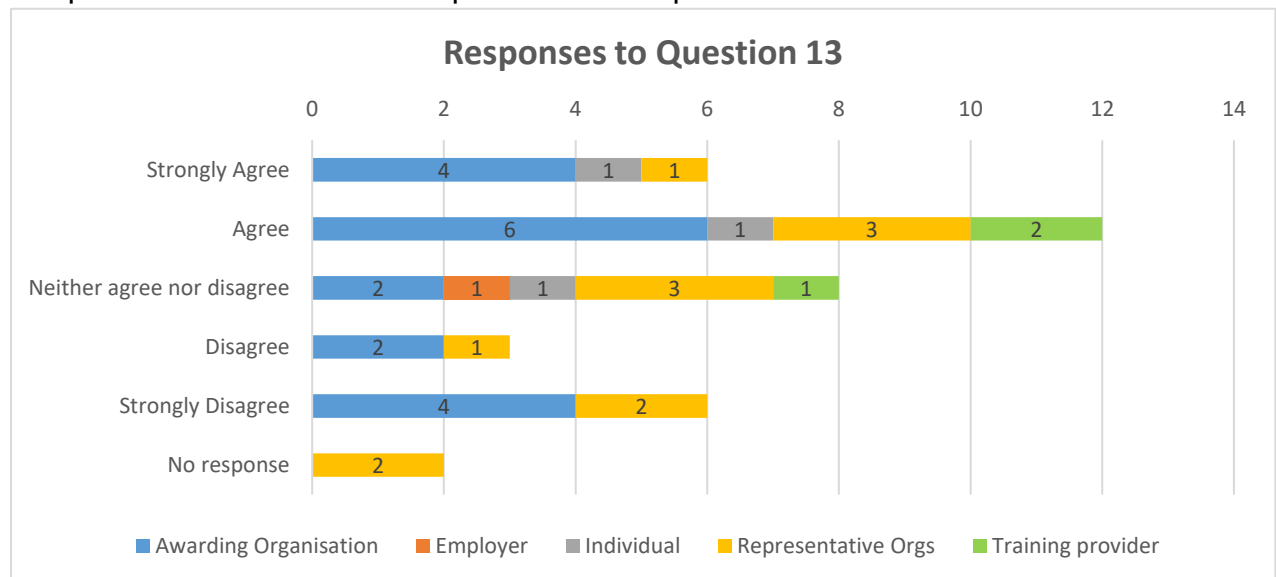
Of those respondents who agreed with the proposal and provided a comment, many noted the need for further information on what a specification needs to contain, for example:

- a consistent structure, including headings or categories and the extent of the required detail (2 awarding organisations and 1 representative organisation)
- that it should only refer to the end-point assessment and not any other qualifications involved in the apprenticeship (1 awarding organisation)
- the need to avoid duplication in the provision of information by end-point assessment organisations to regulatory bodies (1 awarding organisation)
- how and whether it should be published in the public domain, or tracked (1 awarding organisation)

Of the respondents who disagreed with the proposal and provided a comment, most disagreed in principle with being required to produce a specification at all and therefore, with the need for guidance relating to this, repeating similar comments made in response to the previous question.

**Question 13 – To what extent do you agree or disagree with our proposal to no longer suspend Conditions E3.2(l)<sup>8</sup>, E3.4(a)<sup>9</sup> and E3.4(c)<sup>10</sup>?**

Responses from those who responded to this question were as follows:



There were 18 responses to this question either agreeing or strongly agreeing with our proposal. This included 10 awarding organisations, 4 representative organisations, 2 individuals and 2 training providers. Six awarding organisations and 3 representative organisations disagreed or strongly disagreed.

Of those respondents who agreed with the proposal and provided a comment, 3 awarding organisations considered that, as they relate to TQT and credit values, they were not applicable to end-point assessments therefore it created no issues to revoke the suspension. Two awarding organisations and 1 representative organisation thought they should remain suspended to avoid confusion.

Of the respondents who did not agree with the proposal and provided a comment, 3 awarding organisations and 2 representative organisations felt that the suspension should be revoked, but that they should then be disapplied. One awarding organisation and 2 representative organisations noted that they disagreed with the whole Condition.

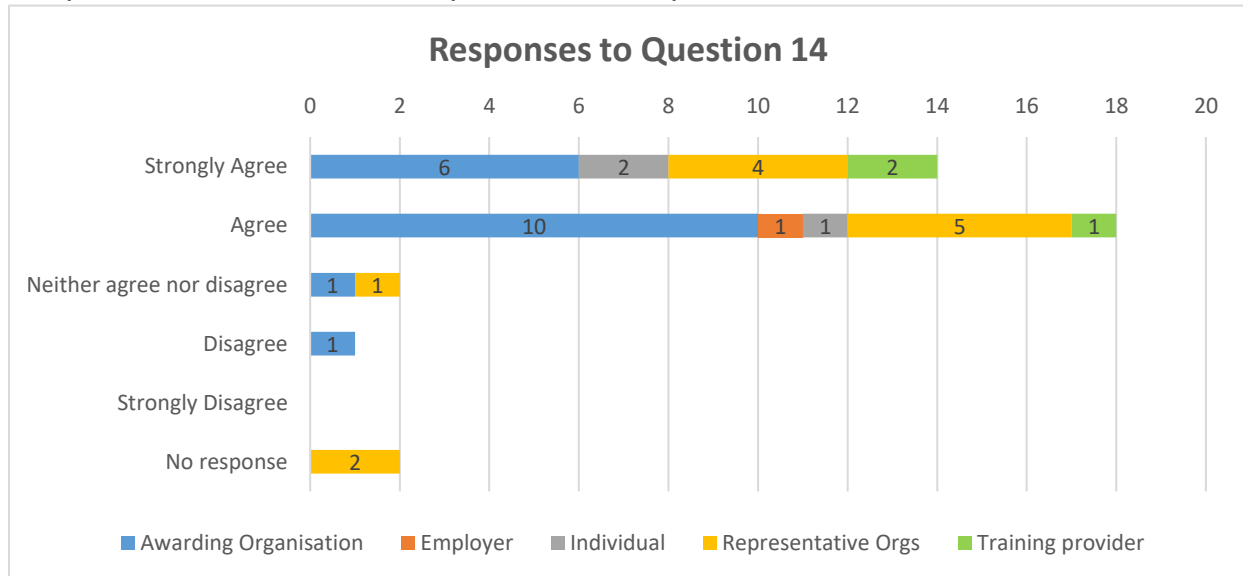
**Question 14 – To what extent do you agree or disagree with our proposal to put in place an end-point assessment specific Condition to require the level of the end-point assessment to match that of the apprenticeship standard?**

<sup>8</sup> Condition E3.2(l) – “any value for credit which it has assigned to that qualification and any Component of that qualification, and”

<sup>9</sup> Condition E3.4(a) – “the number of hours which it has assigned – for Total Qualification Time or Guided Learning”

<sup>10</sup> Condition E3.4(c) – “any value for credit which it has assigned to that qualification or any Component of that qualification.”

Responses from those who responded to this question were as follows:



There were 32 responses to this question either agreeing or strongly agreeing with our proposal. This included 16 awarding organisations, 9 representative organisations, 3 individuals, 3 training providers and 1 employer. One awarding organisations disagreed.

Of those respondents who agreed with the proposal, and provided a comment, 3 awarding organisations considered that current guidance was inconsistent and that there should be regulations to ensure consistency, especially as end-point assessment organisations did not set the levels themselves.

One awarding organisation disagreed with the proposal, suggesting an alternate provision predicated on the Institute or Trailblazer group making the level decision and end-point assessment organisations being required to comply.

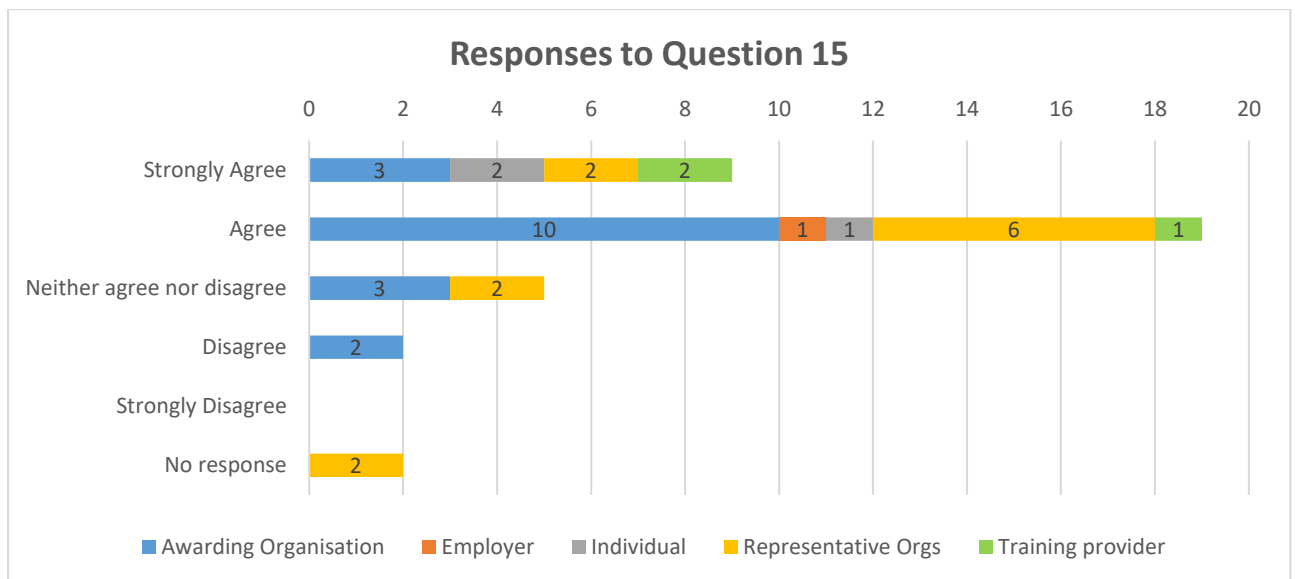
**Question 15 – To what extent do you agree or disagree with our proposal to put in place end-point assessment specific guidance setting out how an end-point assessment organisation should comply with Conditions D1<sup>11</sup>, E4<sup>12</sup> and G1<sup>13</sup> relating to ensuring assessments that are set are fit for purpose and can be delivered?**

Responses from those who responded to this question were as follows:

<sup>11</sup> Condition D1 – Fitness for purpose of qualifications

<sup>12</sup> Condition E4 – Ensuring an assessment is fit for purpose and can be delivered

<sup>13</sup> Condition G1 – Setting the assessment



There were 28 responses to this question either agreeing or strongly agreeing with our proposal. This included 13 awarding organisations, 8 representative organisations, 3 individuals, 3 training provider and 1 employer. Two awarding organisations disagreed or strongly disagreed.

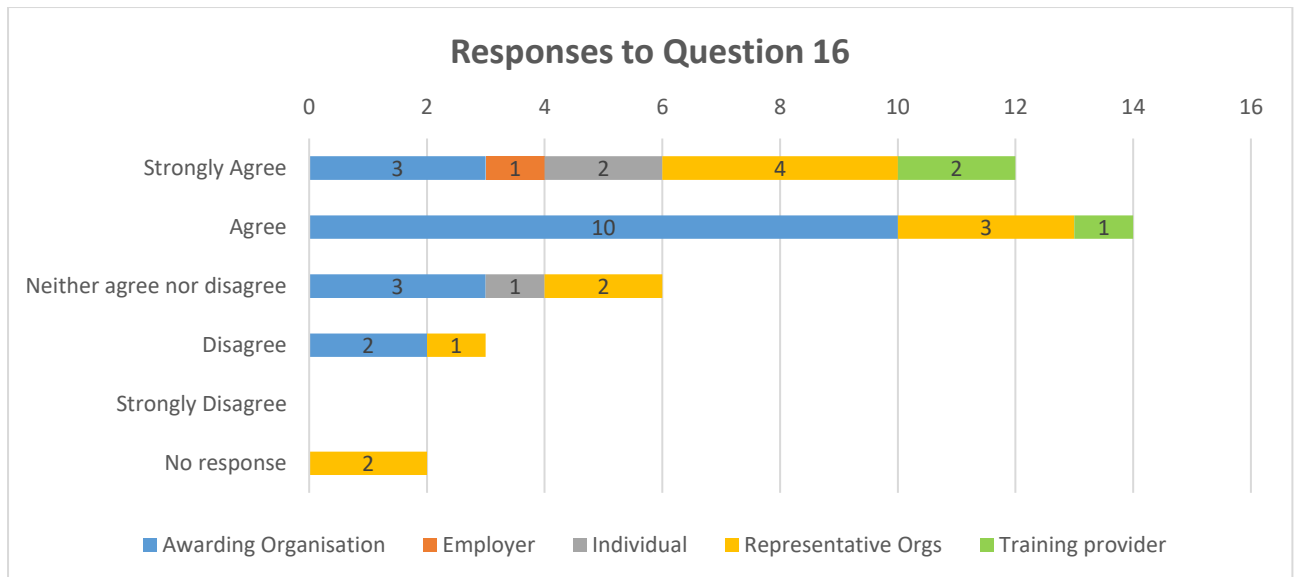
Of those respondents who agreed with the proposal, comments included:

- the guidance was helpful, pragmatic and enhanced clarity in how to comply with these Conditions (2 awarding organisations and 3 representative organisations)
- there was a need for further guidance or more clarity regarding the terminology used in the Condition (4 awarding organisations)
- the potential for conflict between Ofqual and the Institute’s requirements (2 awarding organisations and 1 representative organisation)

One awarding organisation and 2 representative organisations who did not agree with the proposal noted that that as Ofqual were approving assessment plans, it should not be the case that the end-point assessment could follow the assessment plan and not be fit for purpose.

**Question 16 – To what extent do you agree or disagree with our proposal to put in place an end-point assessment specific Condition to require end-point assessment organisations to provide materials for the purposes of Ofqual’s evaluation and to take any actions specified by Ofqual as a result?**

Responses from those who responded to this question were as follows:



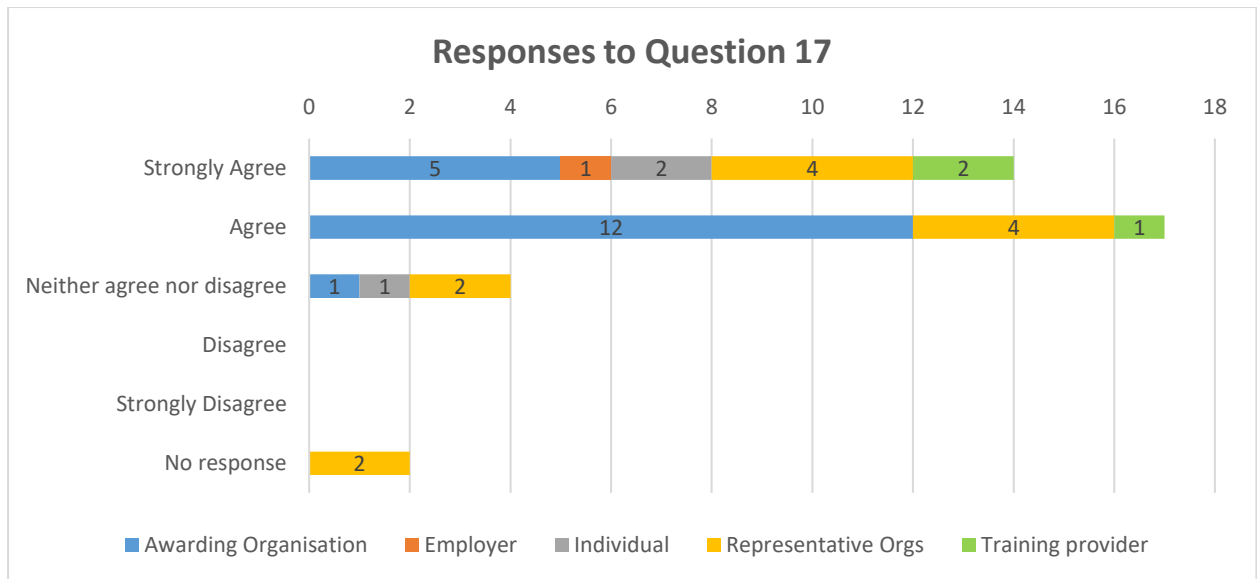
There were 26 responses to this question either agreeing or strongly agreeing with our proposal. This included 13 awarding organisations, 7 representative organisations, 2 individuals, 3 training providers and 1 employer. Two awarding organisations and 1 representative organisation disagreed or strongly disagreed.

Of those respondents who agreed with the proposal and provided a comment, 8 awarding organisations and 7 representative organisations noted that this was welcome and requested further information on how Ofqual’s technical evaluation and review process was likely to occur and what materials are likely to be required.

Three awarding organisations commented that other Conditions exist which collectively require regulated end-point assessment organisations to provide all the information covered by this Condition, and therefore an additional Condition was not required. Two awarding organisations and 1 representative organisation noted that this would represent a significant extension of regulatory burden over that of other external quality assurance bodies.

**Question 17 – To what extent do you agree or disagree with our proposal to put in place end-point assessment specific guidance setting out how an end-point assessment organisation should comply with Conditions H1 and H2 in relation to marking and moderation?**

Responses from those who responded to this question were as follows:



There were 31 responses to this question either agreeing or strongly agreeing with our proposal. This included 17 awarding organisations, 8 representative organisations, 2 individuals, 3 training providers and 1 employer. No respondents disagreed with this proposal.

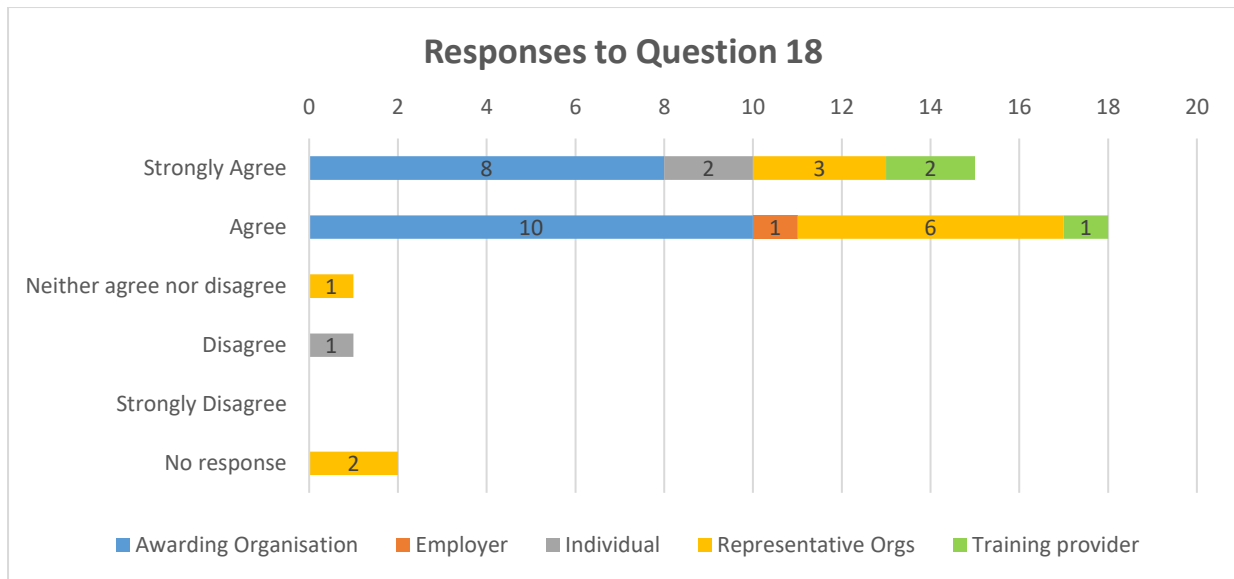
Of those respondents who agreed with the proposal:

- seven awarding organisations and 3 representative organisations requested further guidance to provide clarity, especially regarding marking arrangements, use of moderation, end-point assessment organisations' independence and the terminology used
- one representative organisation stated that marking standards should be set by the Institute

**Question 18 – To what extent do you agree or disagree with our proposal to put in place end-point assessment specific guidance for Condition H6 on issuing results for end-point assessments?**

Responses from those who responded to this question were as follows:





There were 33 responses to this question either agreeing or strongly agreeing with our proposal. This included 18 awarding organisations, 9 representative organisations, 2 individuals, 3 training providers and 1 employer. One individual disagreed.

Of those respondents who agreed with the proposal and provided a comment, 6 awarding organisations and 6 representative organisations requested that this guidance should assist end-point assessment organisations in how they can issue results without conflicting with the ESFA’s remit to issue certificates as well as dealing with issues such as logo use.

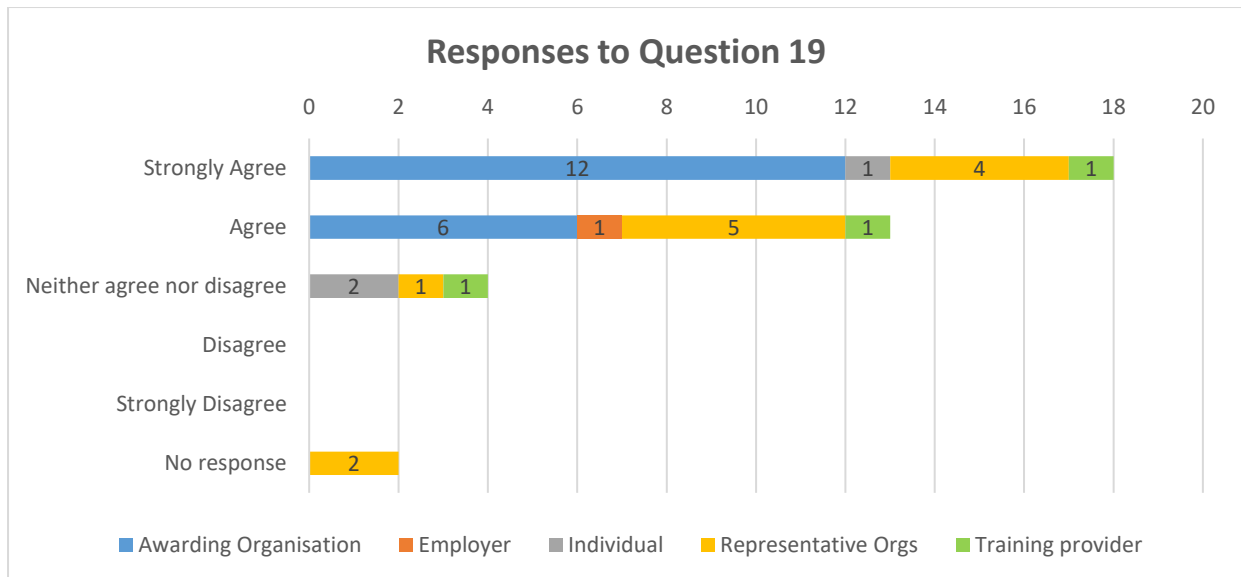
The respondent (an individual) who disagreed did not provide a comment.

**Question 19 – To what extent do you agree or disagree with our proposal to disapply Conditions I3<sup>14</sup> and I4<sup>15</sup> in respect of end-point assessments?**

Responses from those who responded to this question were as follows:

<sup>14</sup> Condition I3 – The design and content of certificates

<sup>15</sup> Condition I4 – Issuing certificates and replacement certificates



There were 31 responses to this question either agreeing or strongly agreeing with our proposal. This included 18 awarding organisations, 9 representative organisations, 1 individual, 2 training providers and 1 employer. No respondents disagreed with this proposal.

Of the respondents who agreed with the proposal and provided a comment, 3 awarding organisations and 3 representative organisations noted that as end-point assessment organisations are not permitted to issue certificates for end-point assessments it would be problematic if these Conditions were not disapplied.

**Question 20 – We have set out the ways in which our proposals could impact (positively or negatively) on learners who share a protected characteristic. Are there any potential impacts that we have not identified?**

Respondents did not identify any additional ways in which our proposals could impact on learners who share protected characteristics. Some respondents raised several general concerns:

- the impact that employer involvement in end-point assessments on learners with protected characteristics (1 training provider)
- that lack of funding within the apprenticeships programme to support reasonable adjustments at the assessment level, which has the possibility of negatively impacting learners generally (1 representative organisation)

Several respondents noted that Ofqual’s Conditions should ensure support for disadvantaged learners.

**Question 21 – Are there any additional steps we could take to mitigate any negative impact, resulting from our proposals, on learners who share a protected characteristic?**

Twenty-nine respondents did not feel that there were any additional steps Ofqual could take, further than those outlined in the consultation. One representative

organisation did suggest that Ofqual work with them to put in place a code of practice to ensure that that sufficient reasonable adjustments are in place for candidates with protected characteristics.

Two individuals offered thematic comments that some learners, not specifically those with protected characteristics, did not perform well under assessment conditions and that there needs to be positive promotion of probable outcomes to standards. No further explanation of these were submitted.

**Question 22 – Do you have any other comments on the impacts of our proposals on learners who share a protected characteristic?**

Four representative organisations noted that it would be helpful for Ofqual to collect and share data on end-point assessment results, for example relating to gender, age, BAME as well as levels of achievement (Pass, Merit, Distinction). This could then be analysed for trends to ensure that there are no negative impacts.

**Question 23 - We have not identified any ways in which our proposals will unduly increase the regulatory impact on end-point assessment organisations. Do you have any comments on this assessment?**

There were several comments provided in response to this question, themes included:

- Ofqual’s proposals will have a positive effect on the end-point assessments or no significant regulatory impact (5 awarding organisations; 6 representative organisations; 2 training providers and 1 employer)
- Ofqual’s General Conditions of Recognition represent a cost or commercial impact on end-point assessment organisations (10 awarding organisations and 3 representative organisations)
- Ofqual should adopt an external quality assurance model similar to other external quality assurance bodies such as the Institute or that there should be transition period to assist end-point assessment organisations in complying with Ofqual’s requirements (5 awarding organisations)

**Question 24 – Are there any additional steps we could take to reduce the regulatory impact of our proposals?**

Respondents’ comments included:

- requests for further information on how Ofqual’s monitoring regime will be implemented (3 awarding organisations)
- the need to avoid duplicating requirements and regulations between the different regulatory bodies involved in apprenticeships (1 awarding organisation and 3 representative organisations)

- the need to align more closely with approaches used by other external quality assurance bodies (2 awarding organisations and 1 representative organisation)
- focussing on the consistent implementation of assessment plans between end-point assessment organisations (2 awarding organisations)
- advantages of a transition period for end-point assessment organisations new to regulation (1 awarding organisation and 1 representative organisation)

**Question 25 – Are there any costs or benefits associated with our proposals which we have not identified?**

Two representative organisations noted, as a benefit, that Ofqual's experience in regulating qualifications would mean that its external quality assurance would be far more financially cost effective and offers better value for money and robustness from a quality perspective.

Four awarding organisations and 4 representative organisations noted that they had identified costs previously in their responses to other questions relating to the systems and processes required for compliance with our Conditions.

**Question 26 – We have not identified any ways in which our proposals will prevent innovation by end-point assessment organisations. Do you have any comments on this assessment?**

Nine awarding organisations, 7 representative organisations and 1 training provider noted that they could not identify any ways in which our proposals would prevent innovation.

Five awarding organisations, 4 representative organisations and 1 training provider felt that having to comply with our Conditions and guidance would prevent new end-point assessment organisations from innovating, due to either cost; restrictive regulations; or confusion about the requirements they needed to meet.

One individual noted that end-point assessments themselves will discourage innovation, although this refers to learners' innovation, rather than innovation in the design, development and implementation to the end-point assessments.

**Question 27 – Do you have any comments on our proposed end-point assessment Qualification Level Conditions?**

Four awarding organisations and 1 representative organisation expressed concerns about the terminology used in the Conditions and Guidance, such as 'qualification' and 'awarding organisation', preferring instead that these be replaced with end-point assessment specific terms such as 'end-point assessment' and 'end-point assessment organisation'.

One awarding organisation and 1 representative organisation requested further clarity on the monitoring regime Ofqual intends to implement, including audits and statements of compliance.

**Question 28 – Do you have any comments on our proposed end-point assessment Qualification Level Guidance?**

One awarding organisation, 1 representative organisation and 1 training provider commented that they felt the Guidance set out in the consultation was useful and would support robust and consistent processes. Two awarding organisations expressed a desire for positive and negative indicators within the guidance, and single respondents noted the following:

- end-point assessment organisations may struggle to provide Ofqual with adequate notice of the Institute’s reviews of the standards or assessment plans (2 representative organisations)
- the guidance would be confusing for new end-point assessment organisations, unfamiliar with Ofqual’s regulations (1 awarding organisation)
- Ofqual should co-ordinate with other external quality assurance bodies and develop a consistent body of guidance (1 awarding organisation)

## **Appendix A: list of organisational consultation respondents**

When completing the questionnaire, respondents were asked to indicate whether they were responding as an individual or on behalf of an organisation.

Below we list those organisations that submitted a non-confidential response to the consultation. We have not included a list of those responding as an individual; however all responses were given equal status in the analysis.

AoC  
APMG  
ASCL  
Babcock Assessments Limited  
British Printing Industries Federation  
Chartered ABS  
Chartered Institute of Credit Management  
Chartered Institute of Housing  
CILEX  
City & Guilds  
DSW consulting  
Energy & Utilities Independent Assessment Service  
FAB  
FindMyEPA  
FISSS  
Haddon Training ltd  
IAO  
ICQ  
Instructus  
Lantra Awards  
MP AWARDS  
National Education Union (ATL section)  
National Hairdressing Federation  
NCFE  
NET  
NOCN  
Pearson Education  
Quest Training Solutions  
Royal National Institute of Blind People (RNIB)  
SIAS  
The Institute of the Motor Industry  
UKFT  
YMCA Awards

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