

CONSULTATION

# Moderation and verification of centre assessment judgements

Consultation on awarding organisation controls for centre assessments

**ofqual**

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# Foreword

Schools, colleges and training providers (centres) play a vital role in delivering assessments to learners. In many cases, as well as delivering teaching and training, centres are responsible for running assessments and making assessment judgements on awarding organisations' behalf. This is particularly the case for many vocational and technical qualifications.

This approach gives centres flexibility in delivering qualifications, and is key in ensuring many qualifications, including short courses and roll-on/roll-off courses, are deliverable. This approach can allow for valid assessment approaches and for learners to get results quickly after taking their assessment.

It is important though, that where awarding organisations work with centres in this way, they can be sure the standards being applied by centres are as accurate and consistent as possible, and that the public can be confident in a learner's result whenever or wherever the assessment is taken. It is also important that qualifications can be delivered in ways that are manageable for centres, and that they meet the needs of those that use them.

We are working to strengthen vocational and technical qualifications. As part of this work, we are reviewing how we regulate awarding organisations' controls with centres. We have looked at how qualifications are currently delivered, and at our rules. We have found that in some circumstances, given the range of different qualifications and assessments, a more tailored approach to our rules, allowing alternative ways for awarding organisations to check centres' assessment judgements, could help ensure the right controls are in place for the right qualifications. We are proposing to amend our rules to allow for this flexibility, while still requiring awarding organisations to have sufficient control over assessment judgements.

We are keen to hear from users of qualifications, including schools, colleges and training providers, learners, employers and awarding organisations, about whether the proposals we have set out are appropriate and workable. This consultation is the first part of a two-stage process. Subject to the outcomes of this consultation, we will consult later in the year on any specific changes to our rules necessary to implement this approach. We will also be holding a series of consultation events which we would encourage you to attend, where we will set out these proposals and answer any questions you may have.

This consultation is open until 20 May 2019. We look forward to hearing from you.

# Proposals at a glance

## Why we are proposing changes

Where assessment judgements are made by centres, our current rules require an awarding organisation to check results for each group of learners before they are issued. In many cases this is not being delivered, and if it were, some vocational and technical qualifications may no longer be deliverable.

We want to make sure our rules allow for qualifications to be delivered in a way that meets the needs of users, while ensuring standards are appropriate whenever and wherever a qualification is taken. We are proposing to change some of our rules relating to the controls awarding organisations have in place with centres, to strike an appropriate balance between ensuring an appropriate level of awarding organisation control over centre-assessment judgements, and ensuring qualifications can be delivered to meet the needs of users.

## What we are proposing

Our proposal	What this means
<a href="#"><u>Amend our definition of Moderation and provide a new definition for the term Verification</u></a>	<p>Moderation will continue to require awarding organisations to check results and make adjustments if needed, for each group of learners, before results are issued.</p> <p>Verification will allow for periodic checking of centre assessment judgements by awarding organisations, but these will not necessarily have to take place for every group of learners, and may take place either before or after results are issued.</p>
<a href="#"><u>Require that all centre assessment judgements are subject to either moderation or verification</u></a>	<p>Awarding organisations will need to have controls in place to ensure the quality of centre assessment judgements.</p> <p>Centres may see some changes to the controls awarding organisations have in place.</p>
<a href="#"><u>Require that centre assessment judgements in certain qualifications must always be subject to moderation</u></a>	<p>Centre assessment in qualifications such as GCSEs and A levels must continue to be moderated.</p>

Require that for all other qualifications where centres make assessment judgements, moderation should be the starting point

Awarding organisations must consider, for all centre assessment judgements, whether they can moderate these.

Allow for verification where an awarding organisation can justify why moderation cannot be implemented for a qualification

If it cannot moderate an assessment, an awarding organisation must justify why it cannot do so and why the verification it proposes is appropriate.

Set minimum requirements that an awarding organisation's verification process must meet

Where verification is used, there must be a consistent minimum level of awarding organisation control, for example checks on centres' ability to apply the awarding organisation's standard accurately and consistently, including a minimum of two monitoring visits and an additional unannounced visit by the awarding organisation, which include a review of centres' assessment judgements.

Centres may experience changes such as an increased number of awarding organisation visits.

Where verification is used, to provide guidance on the circumstances in which an enhanced verification approach should be considered

Awarding organisations should consider enhanced verification controls (for example more frequent visits and closer monitoring) in particular circumstances, such as for new centres or where weaknesses in centre controls have been identified.

To require all awarding organisations to have in place a centre-assurance strategy, explaining its approach and rationale for its moderation or verification controls

Awarding organisations must set out their approach to centre-assessment, the controls they have in place, and the rationale for these controls, for example how they approve centres to make assessment judgements and their approach to moderation or verification. They must follow their own centre-assurance strategy and must provide it to Ofqual on request.

Set requirements that an awarding organisation's centre-assurance strategy must meet

The centre-assurance strategy an awarding organisation produces must cover, as a minimum, the requirements set by Ofqual.

Put in place guidance about the actions an awarding organisation should take where it discovers through its verification process, that

Where an awarding organisation discovers that incorrect results have been issued by a centre between verification visits, they should consider

[a learner has been issued with an incorrect result](#)

whether to revoke those results (and any others that may have been affected). Revocation is likely to be appropriate in particular for licence to practise qualifications.

[Allow awarding organisations to revoke certificates that have been issued in reliance on an incorrect result](#)

If an awarding organisation has issued a certificate on the basis of an incorrect result, it should revoke the certificate

[Require awarding organisations to meet these requirements by January 2021](#)

After our final decisions are announced and our rules are published, all new qualifications will need to meet them immediately. For existing qualifications we are proposing to allow a period of time to implement them and are seeking views on requiring awarding organisations to be fully compliant by January 2021.

## Audience

This consultation is open to anyone who may wish to make a representation. We think it may be of particular interest to:

- awarding organisations and their representative bodies;
- schools, colleges, training providers and their representative bodies – particularly those that make assessment judgements for qualifications on behalf of an awarding organisation;
- teachers and trainers who mark assessments;
- those involved in the quality assurance of centre-assessment judgements;
- learners;
- employers and professional bodies.

## Consultation arrangements

### Duration

This consultation will be open for 12 weeks starting on 25 February and ending on 20 May 2019 at 23:45.

We expect to announce the outcomes to this consultation later this year.

If we proceed to implement these proposals following this consultation, we will hold a further technical consultation on the detail of the rules and guidance we propose to use to do this.

## Respond

Please respond to this consultation by using one of the following methods:

- complete the online response at [www.gov.uk/government/consultations/moderation-and-verification-of-centre-assessment-judgements](http://www.gov.uk/government/consultations/moderation-and-verification-of-centre-assessment-judgements)
- email your response to [consultations@ofqual.gov.uk](mailto:consultations@ofqual.gov.uk) - please include the consultation title in the subject line of the email and make clear who you are and in what capacity you are responding

**You do not need to respond to every question and if you do not want to do so, we would welcome responses to those questions where you wish to express a view.**

For information on how we will use and manage your data, please see annex A.



# 1 Introduction

## Background

- 1.1 Ofqual is the independent qualifications regulator for England. We regulate against 5 statutory objectives<sup>1</sup>, which include the need to secure the standards of qualifications, to promote public confidence in regulated qualifications, and to secure that regulated qualifications are delivered efficiently. We do this by setting rules that awarding organisations must follow, and monitoring to make sure they meet these. We take action if we discover our rules are not being met.
- 1.2 Our rules require awarding organisations to not only deliver qualifications in a way that ensures standards and public confidence, but also in a way that is deliverable and meets the needs of schools, colleges and training providers. Often, these factors compete with one another – the best way to ensure standards, may be more burdensome for schools and colleges; the most manageable approach for schools and colleges may be less able to secure that standards are adequately maintained.
- 1.3 In designing qualifications, an awarding organisation must strike a balance between these factors, whilst complying with our rules. We can help by making sure our rules allow for appropriate balances to be struck, and by providing guidance to help awarding organisations understand what we expect. Given the range of qualifications we regulate, our rules allow for different approaches to meeting them.
- 1.4 In April 2018, we said in our corporate plan<sup>2</sup> that we intend to regulate vocational and technical qualifications with the same seriousness and focus as we do general qualifications. It is important that users can be confident in the standards of these qualifications. One key area we identified to support this is awarding organisations' moderation practices and centre controls, in particular, in relation to what is often called 'Direct Claims Status' (DCS). This is commonly understood as being where, subject to being satisfied it can do so appropriately, an awarding organisation allows a centre to make assessment judgements and issue results, without the awarding organisation checking centre-assessment judgements for every group of learners.
- 1.5 We launched a call for evidence in 2018, where we asked for information relating to these processes. Specifically, we asked for information about:
  - the processes used by awarding organisations to judge the accuracy and consistency of centre judgements;

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<sup>1</sup> In brief, they are: (1) To secure qualifications standards. (2) To promote National Assessment standards. (3) To promote public confidence in regulated qualifications and National Assessment arrangements. (4) To promote awareness of the range and benefits of regulated qualifications. (5) To secure that regulated qualifications are provided efficiently.

<sup>2</sup> <https://www.gov.uk/government/publications/ofquals-corporate-plan>

- the processes used by awarding organisations to adjust assessment decisions when centre judgements are inaccurate or inconsistent;
  - the benefits and risks of any approaches used by awarding organisations to judge the accuracy and consistency of centre judgements (and to adjust assessment decisions where necessary);
  - potential improvements to these approaches; and
  - what best practice and poor practice exists in the sector.
- 1.6 We identified that the level of control awarding organisations have over centre judgements can vary. It ranges from checks on every centre assessment judgement before results are issued, through to checks that take place less frequently than once a year and which do not include reviews of learner work before results are issued. The nature of the checks themselves, how awarding organisations describe them, and how they decide which centres can make judgements on their behalf also varies. This can lead to inconsistent approaches across vocational and technical qualifications, making it hard to ensure that standards are being set and maintained appropriately in all cases.
- 1.7 We have also announced<sup>3</sup>, as part of our work on strengthening vocational and technical qualifications, that we see a need for strengthening controls on internal assessment, informed by our research into grade inflation in some vocational and technical qualifications. We said that this work may lead to the production of bespoke guidance or regulatory requirements.
- 1.8 Our current regulatory requirements are designed to ensure the standards of qualifications, but we have found that they can prohibit some of the flexibility centres and employers need. Because of this, we have found that currently, our rules are not always being followed. This consultation is about making sure we have the right rules in place to allow for the appropriate balance between the flexibility users need and securing standards and public confidence in qualifications to be struck.

## What Ofqual requires

- 1.9 Ofqual sets [Conditions and requirements](#) that awarding organisations must meet. We also provide guidance to help awarding organisations understand how to comply with our rules. Our General Conditions cover both the awarding organisation, and its regulated qualifications. They cover all aspects of an awarding organisation's design, development and delivery of qualifications. A number of our rules relate to the controls awarding organisations must have in place with centres, including where the centre makes assessment judgements on its behalf.

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<sup>3</sup> <https://www.gov.uk/government/news/strengthening-vocational-and-technical-qualifications>

## Centres and third parties

1.10 We set [Conditions](#)<sup>4</sup> and provide guidance on the arrangements awarding organisations must have in place where a centre or third party carries out activities on its behalf. An awarding organisation must make sure that through such arrangements, it can meet the Conditions.

**Centres** are defined in the General Conditions as:

An organisation undertaking the delivery of an assessment (and potentially other activities) to Learners on behalf of an awarding organisation. Centres are typically educational institutions, training providers, or employers.

1.11 Awarding organisations are accountable for the standards of their qualifications, whether or not they have delegated any aspects to a centre. When approving a centre, an awarding organisation must be satisfied the centre will deliver the qualification in a way which allows it to meet the Conditions. The awarding organisation must monitor to make sure the centre delivers assessments and makes assessment judgements properly and, should the centre fail to do so, must take action.

## Conflicts of Interest

1.12 We [require](#)<sup>5</sup> awarding organisations to identify and monitor conflicts of interest, and take action to prevent any conflict from having an Adverse Effect<sup>6</sup>.

A **conflict of interest** in relation to an awarding organisation occurs where:

1.13 Where assessments are delivered and judgements are made by a centre there will be a tension between the centre's interests in its learners doing well, and the awarding organisation's requirement that assessment decisions must be accurate and consistent.

- its interests in any activity undertaken by it, on its behalf, or by a member of its Group have the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications;
- a person who is connected to the development, delivery or award of qualifications by the awarding organisation has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in that development, delivery or award; or where
- an informed and reasonable observer would conclude that either of these situations was the case.

The awarding organisation should put in place controls to manage this.

<sup>4</sup> Condition C1 – Arrangements with third parties; Condition C2 – Arrangements with centres

<sup>5</sup> Condition A4 – Conflicts of interest

<sup>6</sup> An act, omission, event, incident, or circumstance has an Adverse Effect if it – (a) gives rise to prejudice to Learners or potential Learners, or (b) adversely affects – (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition, (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or (iii) public confidence in qualifications.

## Accurate results

- 1.14 We [require](#)<sup>7</sup> awarding organisations to issue results which “*accurately and completely reflect the marking of assessments (including the outcome of any Moderation and other quality assurance process)*”. Whether or not any elements of assessment are delivered by the centre, it is the awarding organisation, not the centre, who is accountable for ensuring this. Awarding organisations can only issue certificates to learners that have a valid entitlement to them.

## Marking and moderation

- 1.15 We [require](#)<sup>8</sup> awarding organisations to ensure marking is accurate and consistent. We require this whether the awarding organisation conducts the marking itself, or it allows a centre to conduct marking on its behalf.

- 1.16 Where the awarding organisation does the marking, it ensures this through standardisation and monitoring of markers. Where centres mark assessments, it must moderate these decisions by checking a sample of centre marking, and adjusting these marks if necessary. Moderation takes place before results are issued.

**Moderation** is currently defined in the General Conditions as:

The process through which the marking of assessments by Centres is monitored to make sure it meets required standards and through which adjustments to results are made, where required, to ensure that results are based on the required standard. This includes verification.

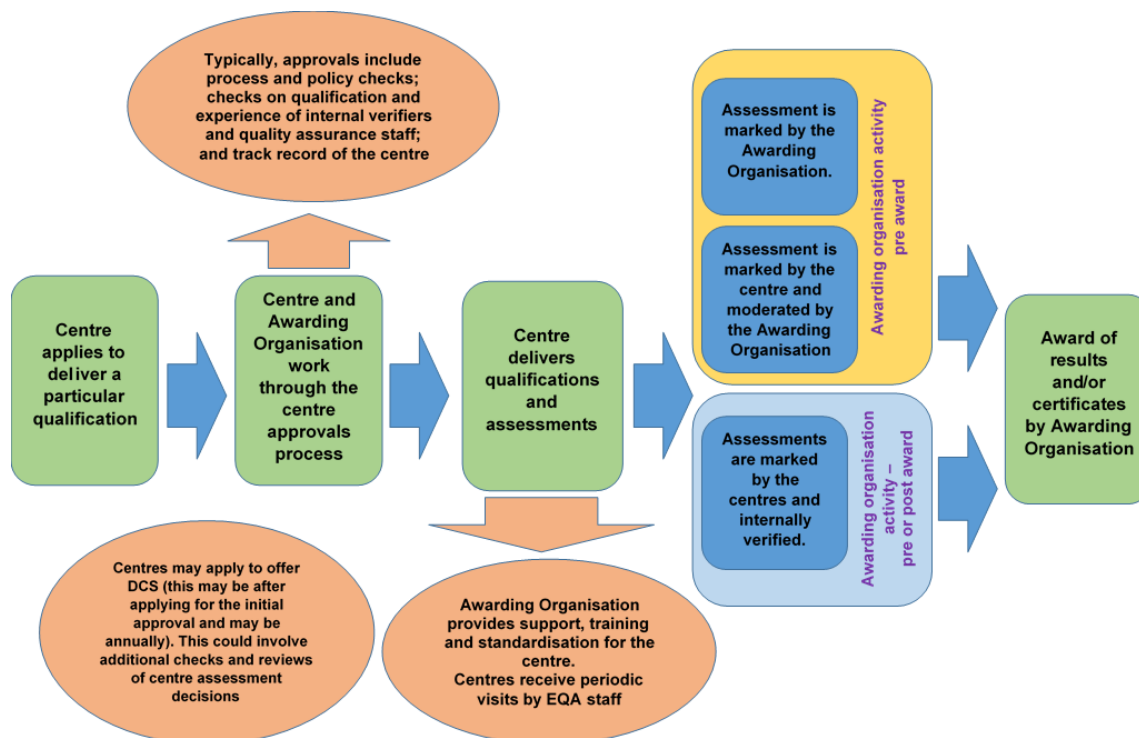
## How qualifications are currently delivered

- 1.17 To understand the proposals in this consultation, it is helpful to set out what happens currently. Across the qualifications we regulate, there are a wide range of delivery models – what is set out below is a high-level summary.
- 1.18 Awarding organisations delegate aspects of delivery to approved centres. Before allowing a centre to deliver a qualification, the awarding organisation will check the centre’s policies, procedures and quality assurance. The extent of these checks varies depending on the role of the centre in delivering the qualification. The checks on a centre making assessment judgements on behalf of an awarding organisation would be different to those on a centre delivering assessments that are marked by the awarding organisation. By determining upfront whether a centre is likely to be able to meet its requirements, an awarding organisation can ensure that only those centres it believes will be able to do this are approved to deliver its qualifications.

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<sup>7</sup> Condition H5.1 – Results must be based on sufficient evidence, and H6 – Issuing results

<sup>8</sup> Condition H1 – Marking the assessment; Condition H2 – Moderation where an assessment is marked by a Centre



**Figure 1: Overview of centre-assessment process**

1.19 Qualifications assessed by centres can include a range of assessment types. These could include, for example, a practical assessment, and/or a body of work and evidence generated over the period of study, or a combination of these. Awarding organisations put in place controls with centres to ensure assessments are delivered, and judgements are made, in line with their requirements. The most tightly controlled approach is for the awarding organisation to mark assessments itself. This provides the least amount of flexibility for centres in terms of how they deliver qualifications.

1.20 An alternative approach, which provides a lower level of awarding organisation control, but greater flexibility for centres, is for an awarding organisation to delegate responsibility for making assessment judgements to the centre. The awarding organisation will provide training to the centre in applying its standard, and will monitor the centre to make sure it is making judgements in line with this standard.

1.21 Sometimes, these awarding organisation checks are done through moderation. This involves a centre submitting a sample of its marked assessments to the awarding organisation to check that the centre is applying the awarding organisation's standard accurately and consistently. The awarding organisation makes adjustments where it finds this is not the case, before results are issued to learners.

GCSEs and A levels are examples of qualifications that use **moderation** for non-exam assessment.

Typically, centres mark the assessments and then send a sample of the work to the awarding organisation to review. The awarding organisation reviews the sample and if they agree with the centre's marks for the sample, accepts the centre's marking for the whole cohort. If it disagrees with the centre's marking, the awarding organisation will adjust the centre's marking to bring it into line with the required standard and apply this adjustment to the whole cohort.

1.22 In other instances, awarding organisations allow centres to issue results without pre-results moderation checks. This will be based on the awarding organisation being satisfied that the centre is applying the appropriate standard. Where this is the case, an awarding organisation's verifiers will regularly visit centres, review their policies and procedures and sample learner work to ensure that processes are being followed and standards are being maintained. This type of checking is often referred to as verification, and centres subject to this are said to have Direct Claims Status (DCS). Some short courses with on-demand assessment rely on this flexible approach. This model of verification, although widely used, is not in line with what is required by our Conditions.

Qualifications that use **verification** approaches include:

- Short courses (i.e. courses lasting from a single afternoon to a few days) which could be assessed throughout, or at the end of the course. Sometimes referred to as "roll-on, roll-off" qualifications, First Aid at Work qualifications are an example of this type.
- Courses involving practical, pass/fail assessments and sometimes knowledge assessments as well, but where the purpose of the qualification is to qualify the student for work immediately after successfully completing the course. An example of this is a Forklift Truck Operations qualification.
- Longer courses, where marked assessments are delivered and marked by the centre, for example NVQs.

## 2 Consultation details

### Developing our approach

- 2.1 We are aiming to make sure that awarding organisations have the right controls in place with centres to ensure the standards of qualifications where centres make judgements on their behalf. We are aiming to balance the need to ensure standards, with ensuring that assessments remain manageable and deliverable for those that use them.
- 2.2 In developing our proposals, we have balanced a range of factors. Many of the current practices we have described do not comply with our Conditions. This is because our current rules treat moderation and verification as being the same. They do not allow awarding organisations to issue results based on centre-assessment judgements without first reviewing a sample of those judgements for each group of learners.
- 2.3 This does not necessarily mean these alternative arrangements cannot secure valid qualifications; it is possible that appropriate controls can be put in place, but currently, they are not allowed by our Conditions. We have considered these practices, and the controls needed to make them robust enough to secure standards and public confidence. We are proposing to amend our rules to allow for alternative approaches, and to set minimum requirements around these. The changes are intended to ensure the appropriate level of control over standards for awarding organisations, whilst retaining the flexibility that users of qualifications require. We have considered the impact and burden of the changes we propose. Where we have identified potential impacts, we have set these out alongside the relevant proposals. We provide more information about our approach to measuring the impact of these proposals in our regulatory impact assessment.

### Our proposals

#### *Moderation and verification*

- 2.4 A key control awarding organisations put in place to ensure the standards of assessment judgements by centres, is moderation. This is the process where an awarding organisation checks a sample of a centre's assessment judgements prior to issuing results, adjusting them as necessary, to make sure the centre has made judgements consistently and accurately.
- 2.5 Under our Conditions, verification is considered a part of moderation. This means that verification will only meet our rules if there are checks for each group of learners before results are issued. In practice, verification is often not interpreted in this way, and is often used by awarding organisations and centres to refer to the periodic checks that take place after results have been issued where centres have been granted DCS status. This interpretation is not in line with our Conditions.

- 2.6 We do not consider it appropriate for the current situation in which awarding organisations are not, in some cases, complying with our rules, to continue. The current practices mean there are likely to be variations in the standards being applied, not just between qualifications and awarding organisations, but also between learners taking the same qualification, with the same awarding organisation, in different centres.
- 2.7 One way to bring greater control over standards would be to strictly enforce our existing rules, and require centre assessment judgements for every group of learners to be subject to moderation before results are issued. In practice, some vocational and technical qualifications are deliverable only because results can be issued by centres without waiting for awarding organisation checks on every group of learners. For these qualifications, moderation checks on every group of learners would not be manageable and could significantly affect the feasibility of delivering them, for example by introducing a delay between taking the assessment and receiving the results.
- 2.8 In other cases, the nature of assessment does not lend itself to effective moderation. In an assessment of a learner fitting an appliance, for example, moderation might require each assessment to be recorded in sufficient detail for the awarding organisation to see the learner complete each step in order to decide whether the assessor's judgement was accurate. It would require a sufficient interval between assessment and the issue of results to allow the awarding organisation to do this. Recording in this level of detail, or introducing such a delay may not be appropriate where a learner depends on the qualification in order to take up a job for which they have been appointed.
- 2.9 We propose to amend our definition of moderation, which currently incorporates verification, to instead distinguish between pre-results moderation, and verification where awarding organisation monitoring takes place on an ongoing basis, but not necessarily before results are issued, or for every group of learners.
- 2.10 We propose that all qualifications where centres make assessment judgements must be subject to moderation or verification. We believe this approach is likely to strike a balance between securing standards, and allowing the flexibility for qualifications that users need. We have provided our proposed definitions in the table below, alongside our current definition of moderation, for ease of comparison.



Current definition	Proposed new definitions
<p><b>Moderation</b></p> <p>The process through which the marking of assessments by Centres is monitored to make sure it meets required standards and through which adjustments to results are made, where required, to ensure that results are based on the required standard. This includes verification.</p>	<p><b>Moderation</b></p> <p>The process through which the marking of assessments by Centres is monitored to make sure it meets required standards and through which adjustments to <u>a Centre's proposed results</u> are made, where required, to ensure that results are based on the required standard. <u>Moderation takes place before results are issued.</u></p> <p><b>Verification</b></p> <p>The process through which the marking of assessments by Centres is periodically reviewed to make sure the marking has not deviated significantly from required standards and through which action is taken to avoid results deviating from required standards.</p>

- 2.11 A key feature of our proposals is that moderation must take place before results are issued (as now), but that verification will now be separate from moderation, and will not be required to take place before results are issued. This is a change from our current rules, which treat both moderation and verification the same, and require both to take place before results are issued.
- 2.12 As moderation allows for a higher level of awarding organisation control over qualification standards, we propose moderation should be the starting point when awarding organisations consider their approach to centre assessment judgements. For some qualifications, we propose it will always be a requirement to use moderation. This could include high-stakes, sessional qualifications such as GCSEs, A Levels and Technical Qualifications within T Levels. We explain this in more detail in the following section.
- 2.13 Where, for reasons of validity or manageability, moderation is not possible, we propose that verification, with appropriate controls, may be used. Whilst verification does not deliver the same level of awarding organisation control over centre assessment judgements as moderation, we believe that with appropriate controls, it will be possible for awarding organisations to remain accountable for their results, whilst delivering the qualifications users need.
- 2.14 As verification will permit but not require pre-results checking of every group of learners, we propose to put in place minimum requirements to make sure awarding organisations have a consistent and robust approach to ensuring standards in qualifications where verification is used. It will be for an awarding organisation to decide how it implements an approach that meets our minimum requirements, and the extent to which it goes beyond these depending on the specific qualifications or centres in question. An awarding

organisation may apply different levels of verification checks, depending on the specific circumstances.

- 2.15 We will expect an awarding organisation to explain its approach for each qualification, and it may be that the approach varies by qualification, by centre, in certain circumstances, or over time. It is also possible that the approach could vary within a qualification – moderation may be manageable in some assessments, but not others. In such circumstances, we would expect an awarding organisation to use moderation in those assessments where it is appropriate and manageable to do so.
- 2.16 Depending on the controls an awarding organisation puts in place, it will need to consider what evidence it requires centres to retain, or how this should be captured, so that the awarding organisation can review centre-assessment judgements as part of its monitoring activity. An awarding organisation will need to be able to identify, in the event of uncovering inaccurate assessment judgements during a centre visit, whether previous assessment judgements have also been affected. The awarding organisation will need to retain sufficient evidence to assure us, when we ask, that it can have confidence that its approach is securing standards whenever and wherever a qualification is taken.

#### **Questions**

- 1. To what extent do you agree or disagree with our proposed approach to providing separate definitions for Moderation and Verification? Please provide any comments.**
- 2. Do you have any comments on our proposed definitions for Moderation and Verification? Please provide any comments.**
- 3. Are there any alternative approaches we should consider for regulating the controls between awarding organisations and centres that we have not set out? Please provide any suggested alternatives.**

### *Qualifications subject to moderation or verification*

- 2.17 Whichever approach is used (moderation, verification or a combination of the two), an awarding organisation must be accountable for its qualifications being of the required standard and meeting the Conditions.
- 2.18 Our view is that moderation provides a greater degree of awarding organisation control than verification, so should be the starting point for all qualifications. For some qualifications, due to their purpose or the way they are delivered, we believe that awarding organisation scrutiny of proposed results for each group of learners is necessary to secure standards for centre-assessment judgements. We propose, for these qualifications, to retain the requirement for centre assessment judgements to be moderated, and will not allow verification to be used in its place.

- 2.19 The type of qualifications for which moderation would always be expected include high-stakes sessional qualifications where the delivery model lends itself to moderation, such as:
- GCSEs<sup>9</sup>
  - GCE AS and A levels<sup>10</sup>
  - Technical Qualifications (that form part of T Levels)
- 2.20 The qualifications listed above would be those for which centre-assessment judgements must be subject to moderation. We propose to keep this list under review to ensure it remains appropriate. We would not, however, expect this to change regularly.
- 2.21 For qualifications we do not specify, we would not prevent an awarding organisation from using moderation, and would expect moderation to be the starting point. Where it could not moderate centre-assessment judgements, an awarding organisation will have to put in place a verification approach that meets our minimum requirements and explain this, and its rationale for doing so, as part of its centre-assurance strategy, which we explain in the following sections.

**Question**

- 4. Do you have any comments on our proposed approach to determining which qualifications should be subject to moderation?**
- 5. Do you have any comments on the qualifications we have identified that should always be subject to moderation?**

- 2.22 In addition to those qualifications to which moderation would always apply, we propose that there may be certain circumstances in which we would expect awarding organisations to enhance their verification approach to go beyond our minimum requirements. The circumstances where we might require enhanced verification could include:

- Qualifications delivered by newly-approved centres with no track record of delivering qualifications in line with the awarding organisation's requirements, or where there have been changes to centre-staff responsible for overseeing centre-assessment judgements. In such circumstances we might expect an awarding organisation to check a centre's assessment judgements before results are issued where possible, until it is confident that the centre is capable of applying the appropriate standard.

<sup>9</sup> Other than where this requirement has been disapplied for the spoken language assessment in GCSE English language.

<sup>10</sup> Other than where this requirement has been disapplied for the practical science assessment in A level biology, chemistry, geology and physics.

- Where an incident has occurred (for example where incorrect results have been issued which calls into question the controls between the awarding organisation and the centre) and Ofqual or the awarding organisation considers that an enhanced verification approach is necessary as a result.
- Where Ofqual considers it necessary because an awarding organisation intends to make available a qualification substantially different in type or content to any it has made available before. It may be appropriate for an awarding organisation to increase the frequency of its visits to make sure that qualifications are being delivered in line with its requirements.
- Where the professional standard for a qualification (for example a licence to practice) has changed. An awarding organisation may review results before they are issued to make sure that the new standard has been applied appropriately by the centre.

### Questions

- 6. To what extent do you agree or disagree that qualifications should be subject to stronger verification controls in the circumstances set out above? Please provide any comments.**
- 7. Are there any other circumstances in which an enhanced verification approach should be required? Please provide details of any additional circumstances.**

### Impact

- 2.23 The impact of these proposals on awarding organisations, and on centres will depend on the arrangements already in place. The qualifications for which we propose to always require moderation are generally those delivered in a sessional way, and where moderation already takes place in the way we propose. As such, the burden of these requirements on awarding organisations should be small, as they reflect current practice.
- 2.24 We are proposing that for other qualifications, moderation should be the starting point. The requirement to use moderation currently exists within our framework, so for many qualifications, this proposal will reduce the burden when compared with our current requirements. We know however that in some instances, awarding organisations currently use verification despite our rules requiring moderation. In these circumstances, this proposal may impose some additional burden if an awarding organisation currently uses a verification approach in a qualification for which moderation would be possible. We believe that this additional burden is justified by the risk to standards of an awarding organisation not having sufficient control over its qualifications.
- 2.25 For qualifications where moderation is not manageable or would not support valid assessments, we will allow verification, subject to meeting our minimum

requirements. The extent of any additional burden in such instances will depend on the controls an awarding organisation already has in place. An awarding organisation with strong existing controls is more likely to already meet our minimum requirements than an awarding organisation that currently has weaker controls in place.

- 2.26 Where we require enhanced verification due to specific circumstances, such as due to the identification of malpractice, we will consider the burden on a case by case basis. It is likely however that where this arises due to an incident, the threat to standards will outweigh any additional burden. In addition, awarding organisations can control this aspect of additional burden to some extent, by putting in place controls which reduce the likelihood of such instances occurring in the first place.

#### **Questions**

- 8. To what extent do you agree or disagree with our assessment of the additional burden imposed by requiring moderation for the qualifications we have identified? Please provide any comments.**
- 9. To what extent do you agree or disagree with our assessment of the burden imposed in relation to the qualifications that are subject to verification? Please provide any comments.**
- 10. Are there any other regulatory burdens which we have not identified in relation to these proposals? If so, how could these be mitigated or reduced?**

### ***Centre controls – approval, monitoring and taking action***

- 2.27 Where an awarding organisation allows centres to make assessment judgements and issue results on its behalf, a key feature in ensuring these are of the required standard are the controls in place between the awarding organisation and the centre. These controls can take places at different points throughout the delivery of the qualification and an awarding organisation may apply different levels of control at different stages, including:

- Centre-approval – By having in place a rigorous centre-approval process, the awarding organisation can seek to prevent centres who may not meet its requirements from delivering its qualifications in the first place.
- Centre training – The level of training, support and guidance provided by the awarding organisation to the centre will affect the extent to which the centre is likely to be able to comply with its requirements.
- Centre-monitoring – Awarding organisations can use centre-monitoring visits as a means of identifying and correcting issues with centres applying their requirements. Awarding organisations could do this through remote or face-to-face visits, and the frequency could vary based on specific risks

relating to the centre or qualification in question. As part of their monitoring, awarding organisations review a sample of learner work.

- Taking action – Where an awarding organisation identifies an issue, the action it takes will affect the extent to which it is able to meet the Conditions. An awarding organisation may make changes to centre-assessment judgements, it may provide further guidance to the centre, or it may remove its approval for the centre to take assessment decisions on behalf of the awarding organisation, on a temporary or permanent basis.
- 2.28 Our [Conditions](#)<sup>11</sup> require that where a centre delivers a qualification on behalf of an awarding organisation, there must be a written, enforceable agreement requiring the centre to take all reasonable steps to ensure the awarding organisation can comply with our Conditions. If a centre further contracts any elements of qualification delivery to third parties, the responsibility remains with the centre with whom the awarding organisation has an agreement. The awarding organisation retains overall accountability for meeting the Conditions. An awarding organisation needs to consider for each of its qualifications and centres, what controls it needs to have in place to ensure that where centres sub-contract, the way the qualification is delivered would still allow it to meet the Conditions.
- 2.29 The controls could vary depending on whether an awarding organisation is using moderation or verification in its qualifications. Moderation provides a higher degree of awarding organisation control over results than verification, so the controls relating to each will be different. As an awarding organisation does not necessarily check the results for each group of learners before they are issued under verification, the controls on centres may take on greater importance.
- 2.30 An awarding organisation may also need to consider any impact of its controls on other aspects of its qualification delivery, for example, whether for its verification approach to work, it needs to put in place tighter controls in relation to the setting of the assessment. It will be for an awarding organisation to consider and manage any implications of its approach.
- 2.31 Although the exact controls will vary by qualification and by awarding organisation, we propose to set minimum requirements for the level of control an awarding organisation must have in place with centres. Our proposed minimum requirements are:
- For new centres to be subject to a number of satisfactory assessment cycles with enhanced verification before verification with a lower level of control is allowed.
  - Where there is a significant change in the profile of the centre's entries, or the number of entries, an awarding organisation should consider whether its verification approach remains appropriate.

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<sup>11</sup> C2 – Arrangements with Centres

- All centres subject to verification must be visited a minimum of twice every 12 months. All centres must be subject to at least one additional unannounced verification visit every 12 months.
- Verification visits should include, as far as is possible, a review of learner work and/or assessments taking place for relevant qualifications and assessment decisions being made.
- Awarding organisations should ensure those carrying out verification checks are sufficiently trained and competent in order to verify the assessment judgements they are being asked to verify.
- Awarding organisations should consider whether additional verification checks, for example remote verification of samples of learner evidence or monitoring of data relating to centre performance are necessary. In addition to reviewing assessment decisions selected by the centre, awarding organisations must also consider selecting work to review that goes beyond what the centre has nominated.
- Awarding organisations should ensure their sampling approach ensures the sample is representative of the number of learners at the centre, the range of attainments demonstrated by learners at the centre, and the range of assessors making assessment judgements on behalf of the awarding organisation within the centre.
- Awarding organisations should ensure controls are in place relating to the retention of learner evidence, to enable the awarding organisation to review learner work that has taken place between centre monitoring visits.
- Where an awarding organisation identifies malpractice in a centre, or other issues with the results a centre issues (e.g. issuing inaccurate results), it must enhance its verification approach until such time as it is satisfied that a centre is able to make assessment decisions in line with its requirements.
- Where possible, an awarding organisation should make other awarding organisations that use the same centre aware if it considers it necessary to enhance its verification approach.
- An awarding organisation must provide clear, consistent and accessible policies and procedures so that centres understand what is required of them. These must set out minimum expectations the centre must meet.

2.32 These requirements are those we consider necessary to secure the standards of qualifications and public confidence in them. Awarding organisations will need to meet these, although in many cases, it will be appropriate for awarding organisations to go beyond these. We propose to set guidance to make this clear.

2.33 The controls that awarding organisations put in place are likely to be on a scale. At one end of the scale could be an approach which only meets our minimum requirements. At the opposite end would be moderation, with different degrees of verification in-between. Awarding organisations will need to explain this as part of their centre-assurance strategy and how their approach will manage the risks associated with a particular qualification.

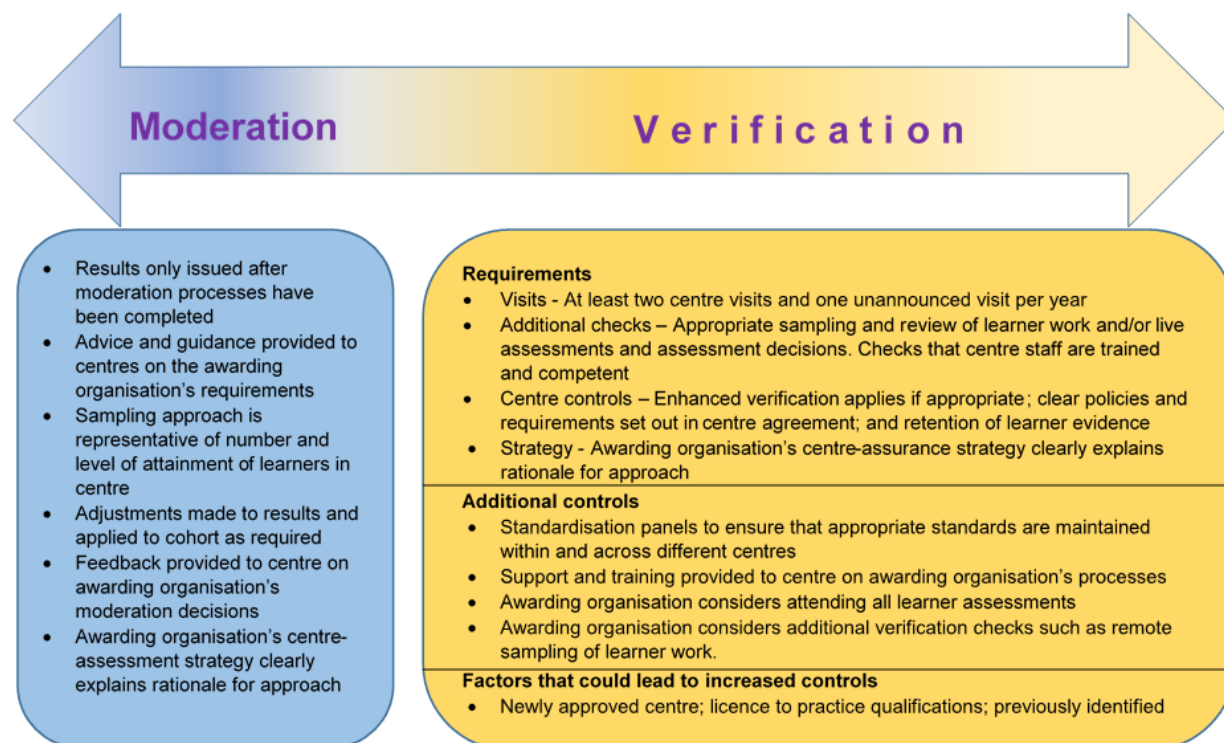


Figure 2: Examples of awarding organisation controls

2.34 Whilst the range of qualifications and awarding organisations means it is likely there will be some variation in how these requirements are met in practice, we think setting such minimum requirements will help provide a consistent minimum level of assurance, so that users can have confidence in qualifications whenever and wherever they are taken.

### Questions

**11. To what extent do you agree or disagree with the minimum requirements we propose for awarding organisations' controls with centres? Please provide any comments.**

**12. Are there any additional controls that should be in place where third parties are involved in the delivery of qualifications on behalf of approved centres?**

**13. Are there any other requirements we should set? Please explain any additional requirements you have identified.**



## Impact

- 2.35 Imposing these minimum requirements may lead to some additional burden on awarding organisations and centres, for example as a result of an increased number of centre visits. The exact extent of any additional burden will depend on the controls awarding organisations already have in place. For some, they will already meet, or exceed these minimum requirements – in these instances, the additional burden is likely to be minimal. For those that do not currently have controls in place that meet these minimum requirements, the burden is likely to be greater. We believe this is justified however by the need to ensure the standards and public confidence in qualifications.

### Question

**14. What do you anticipate the burden will be on awarding organisations and centres of requiring an awarding organisation to meet the minimum verification requirements relating to centre controls that we have set out?**

## Centre-assurance strategies

- 2.36 We have set out a number of proposed requirements relating to an awarding organisation's moderation and verification controls. In order to understand an awarding organisation's approach, and to hold it to account for meeting our minimum requirements, we propose that for those qualifications where assessment judgements are made by centres, an awarding organisation should set out its approach to moderation or verification in a document called a *Centre-assurance strategy*.

- 2.37 We propose to set a requirement for an awarding organisation to put in place a centre-assurance strategy, which meets any minimum requirements set by Ofqual, and which it follows and keeps under review. Its centre-assurance strategy should explain:

- why it considers centre assessment appropriate within a particular qualification or type of qualification;
- whether it intends to carry out moderation or verification in respect of centre-assessment judgements and its justification for its approach; and
- how its approach will ensure that the results it issues in reliance on the centre's assessment judgements are accurate and that standards are maintained.

- 2.38 We would also expect an awarding organisation to explain how it will implement its approach, including:

- how it takes a decision to approve a centre to deliver qualifications and how it decides whether to approve a centre to make assessment judgements and issue results on its behalf;
- the level of training and guidance it provides to centres delivering its qualifications;
- the extent of its ongoing monitoring of a centre once it starts delivering its qualifications, including the frequency of visits and what the awarding organisation monitors, for example centre processes and procedures, centre capability, assessment judgements;
- the awarding organisation's approach to sampling centre-assessment judgements, to ensure the sample includes work that reflects the number of learners, the range of attainment demonstrated and the number of assessors at that centre;
- how it selects and trains those that are involved in the moderation or verification of centre assessment judgements;
- the awarding organisation's approach to making adjustments to centre assessment judgements and how the awarding organisation will provide feedback to centres and monitor centres' performance over time;
- what information the awarding organisation will require the centre to retain in order to support its moderation or verification processes;
- how the awarding organisation identifies and resolves issues such as malpractice relating to centres' delivery of its qualifications;
- the actions that the awarding organisation takes where it identifies qualifications are not being delivered in line with its requirements;
- how it keeps its processes under review to ensure they remain fit for purpose and are improved as necessary.

2.39 An awarding organisation's approach may vary based on a number of factors, and it will need to explain how it has taken these into account. We propose to provide guidance explaining this, which will set out the factors an awarding organisation should consider. These will include:

- The qualification – An awarding organisation may take a different approach for a new qualification for which the standard is potentially less-well established or understood to that of an established qualification.
- Nature of the assessments – An awarding organisation may be able to moderate some assessments, whilst it may be appropriate to verify others. This could depend, for example, on the nature of the evidence produced by learners.

- The centre – An awarding organisation may take a different approach to new centres, or those it considers high-risk (for example due to evidence of qualifications not being delivered in line with the awarding organisation's requirements) to those it considers to be a lower risk.
- Experience of an awarding organisation – A new organisation, or an awarding organisation offering a qualification in a new sector may consider that closer centre controls are necessary whilst it is establishing its systems and processes.
- How the qualification is intended to be delivered – An awarding organisation may take a different approach to a qualification in which assessments are intended to be delivered on-demand to meet the needs of users to one which follows a more structured delivery model.

2.40 We have described above the specific factors an awarding organisation will need to include in its centre-assurance strategy. Whilst describing these factors will explain an awarding organisation's approach, the strategy should also explain how these have been considered in the context of meeting our Conditions. We propose that the centre-assurance strategy should draw together an awarding organisation's approach, and how it is managing the risks associated with it. An awarding organisation should explain how it:

- has taken all reasonable steps to identify the risk of any Adverse Effect which may result from its approach to moderating or verifying centre-assessment judgements and the steps it has taken to prevent or mitigate these;
- has identified and intends to monitor conflicts of interest to make sure that these do not have an Adverse Effect;
- will take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the award of qualifications;
- will ensure through its arrangements with centres that it is able to comply with the Conditions;
- will ensure that it issues accurate results.

2.41 We believe requiring an awarding organisation to set out its approach in this way will ensure awarding organisations can be held to account for the standards of the qualifications they award. We do not propose to review an awarding organisation's centre-assurance strategy in all instances, or to approve what is in it before qualifications are delivered. But we expect an awarding organisation to provide its strategy on request. We may ask to see an awarding organisation's strategy if, for example, an incident has occurred which calls into question an awarding organisation's approach, to inform our

view about whether an awarding organisation had complied with our requirements.

- 2.42 We do not propose to specify the form that the centre-assurance strategy must take, as long as it meets our minimum requirements. An awarding organisation may decide to put in place a strategy for each qualification, for particular types of qualification, or for qualifications that include certain features or assessment approaches. This will allow an awarding organisation to draw on existing processes and procedures, and where appropriate, to draw on materials that may exist as part of its assessment strategy (where applicable).
- 2.43 An awarding organisation may choose to publish parts of its centre-assurance strategy. We do not propose to require publication of the full strategy, beyond those parts that would be covered by an awarding organisation's [specification](#)<sup>12</sup> for a qualification. Centres must be clear about what is required, and therefore an awarding organisation may choose to publish elements of its strategy to ensure this. It will be for an awarding organisation to determine its approach.

#### Questions

**15. To what extent do you agree or disagree with our proposal to require an awarding organisation to set out its moderation and verification approach as part of a centre-assurance strategy? Please provide any comments.**

**16. To what extent do you agree or disagree that the centre-assurance strategy an awarding organisation produces should meet the requirements we have set out? Please provide any comments.**

**17. Are there any other factors that our guidance should cover? Please explain any additional factors you have identified.**

#### **Impact**

- 2.44 We believe our approach will allow awarding organisations greater opportunity to determine a strategy which matches their market. By giving this responsibility to awarding organisations, our requirements are likely to be less burdensome, and will allow greater scope for verification which is proportionate to particular segments of the market.
- 2.45 It is likely that requiring an awarding organisation to produce a centre-assurance strategy will involve some additional burden on an awarding organisation. The extent of this would be likely to vary depending on the individual awarding organisation, its approach, and the qualifications it offers. We would expect that in the majority of cases, the information required as part of a centre-assurance strategy would be an articulation of procedures and processes an awarding organisation should already have in place. By not

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<sup>12</sup> Condition E3 – Publication of a qualification specification

specifying the form of the strategy, this would allow an awarding organisation to draw on existing materials. There may be some additional burden however if an awarding organisation's existing processes did not meet our minimum requirements.

- 2.46 In drafting our requirements, we will ensure that we only require those aspects that are necessary to ensure the standards of qualifications. We will also consider, as we implement any requirements, how these are introduced. Whilst a centre-assurance strategy is likely to pose a burden for all qualifications, the extent of this may differ between new qualifications, and existing qualifications, for which an awarding organisation may have to retrospectively produce its strategy and make changes to its qualifications. We would welcome your views on this.

#### Question

**18. What do you anticipate the burden will be of requiring an awarding organisation to produce a centre-assurance strategy? Are there any ways we could minimise this burden?**

### *Results, certificates and appeals*

- 2.47 We set requirements in relation to the issue of results. Our requirements include:
- results for a qualification must reflect the level of attainment demonstrated by the learner and be based on sufficient [evidence](#)<sup>13</sup>;
  - awarding organisations must issue accurate results, which meet published timescales, and reflect the marking of [assessments](#)<sup>14</sup>;
  - awarding organisations must establish, maintain and comply with an appeals process to allow learners the opportunity to appeal against [results](#)<sup>15</sup>;
  - awarding organisations must only issue certificates which are accurate and that reflect accurate and complete [results](#)<sup>16</sup>.
- 2.48 Whether an awarding organisation marks an assessment and issues results, or a centre does so, the awarding organisation should always meet the requirements above. It is the awarding organisation, rather than the centre, who is accountable for this, even where it delegates some responsibilities to centres, for example the marking and issuing of results.
- 2.49 Sometimes, despite an awarding organisation's controls, it may discover that an incorrect result has been issued, that does not accurately reflect the level of attainment demonstrated by the learner. All awarding organisations should

<sup>13</sup> Condition H5 – Results for a qualification must be based on sufficient evidence

<sup>14</sup> Condition H6 – Issuing results

<sup>15</sup> Condition I1 – Appeals process

<sup>16</sup> Condition I4 – Issuing certificates and replacement certificates

aim to minimise any likelihood of an incorrect result, and the greater the level of control an awarding organisation has over the assessment judgements, the lower the likelihood of an incorrect result should be.

- 2.50 Where an awarding organisation discovers that it has issued incorrect results it must consider our [guidance](#) in respect of correcting inaccurate results. The guidance sets out that, where an incorrect result has had, or could have, an adverse effect, then the default position is that the awarding organisation should correct it. The awarding organisation should usually issue corrected results and reissue any certificates. The guidance recognises, however, that in some cases the negative impact caused by correcting the result may be such that (when balanced against the adverse effect) it would not be reasonable to correct the result. The awarding organisation therefore has discretion over whether or not to correct the inaccurate results, albeit that discretion is weighted towards a presumption that results will be corrected.
- 2.51 This guidance is written in the context of the existing requirements relating to marking and moderation, with the presumption that assessments will either be marked by awarding organisations, or be subject to moderation before results are issued. The approach we are proposing would change this presumption for some qualifications. Under the proposed verification approach, an awarding organisation may issue results and certificates to learners on the basis of the centre's assessment judgements without checks of the standard of marking for every group of learners. This could mean that in the event of inaccurate results being issued, these are discovered later than would have been the case under a moderation approach. It also increases the likelihood of results having been issued to learners, and reliance placed on them, before an error is discovered.
- 2.52 To address this, we propose to incorporate guidance that reflects the approach to moderation and verification that we are proposing. This guidance will reflect the likelihood that any inaccuracy in results discovered through verification is likely to be discovered later than under a moderation or awarding organisation-marked approach. This guidance will set out factors an awarding organisation should consider, including:

- the need to prioritise the maintenance of standards, which will normally lead to correction of errors;
- the passage of time since results were issued;
- whether a qualification has been used to secure employment;
- any health and safety implications associated with the qualification;
- whether the qualification is a licence to practise;
- the availability of opportunities to retake the assessment;

- any other adverse effect that might be caused by a decision to correct, or not to correct, a result.

- 2.53 In addition to the decision on whether to correct results, there is also a consideration about whether, in the event of an incorrect result being discovered, an awarding organisation should revoke any certificate that has been issued in reliance on that result. Our [Conditions](#)<sup>17</sup> set out the circumstances under which a certificate should be reissued and require that an awarding organisation should take all reasonable steps to issue certificates or replacement certificates to a learner with a valid entitlement. Where no replacement certificate is due, an awarding organisation would need to consider whether to revoke the certificate instead.
- 2.54 The Conditions currently provide for a certificate to be revoked only where the result on the certificate is shown to be false by reason of malpractice, maladministration or as a result of an appeal. There may be some circumstances in which recording a pass for a learner who has failed will amount to malpractice or maladministration, but this will not allow certificates which wrongly record a pass to be revoked in all likely circumstances. For example, the error might have arisen as a result of only a moderate leniency in the centre's assessment judgements.
- 2.55 We propose to address this by amending our Condition. We propose to require an awarding organisation, having considered our guidance on correcting results, to take all reasonable steps to revoke a certificate if it discovers the results the certificate reflects are inaccurate. Whilst we recognise that in some instances it may be difficult for an awarding organisation to recover certificates from learners who may no longer be in contact with a centre, we would expect an awarding organisation to still consider whether, and how it is possible to do so. Where a learner is entitled to a certificate with a different result, the awarding organisation should issue this.
- 2.56 For an awarding organisation to take a decision about whether to make a change to a result that has been issued, or to revoke a certificate issued in reliance of this result, it is important that it has access to the evidence, or a representation of the evidence, on which the original decision was based. An awarding organisation may, for example, need to review evidence that has been generated between verification visits, to establish the point at which results ceased to be accurate. An awarding organisation will need to consider its approach to ensuring sufficient evidence is retained for this purpose.

### Questions

**19. To what extent do you agree or disagree with our proposal to put in place guidance about the actions an awarding organisation should take where it discovers incorrect results have been issued for a qualification subject to verification? Please provide any comments**

<sup>17</sup> Condition I4 – Issuing certificates and replacement certificates

**as well as any other factors that we should include as part of this guidance.**

**20. To what extent do you agree or disagree with our proposal to put in place a provision for an awarding organisation to revoke a certificate where it discovers it has been issued on the basis of an incorrect result? Please provide any comments.**

**21. What do you think the impact will be, on awarding organisations or centres, of any requirement to capture and retain evidence of assessments for the purpose of correcting results following verification?**

2.57 We also need to consider our requirements relating to the appeal of results. It is important that learners have the opportunity to appeal the results of their assessments or other decisions affecting them, if errors occur. As noted above, we have set [rules](#)<sup>18</sup> to ensure that learners have this opportunity. We require that an awarding organisation must have in place an appeals process which includes allowing for appeals against the results of assessments, allowing for:

- the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly;
- all appeal decisions to be taken by individuals who have no personal interest in the decision being appealed;
- all appeal decisions to involve at least one decision maker who is not an employee of the awarding organisation, an assessor working for it, or otherwise connected to it;
- appeal decisions to be only taken by persons who have appropriate competence; and
- timelines for the outcome of appeals.

2.58 As part of its appeals process, an awarding organisation must be able to identify any other learner who has been affected by the failure and correct or, where it cannot correct, mitigate as far as possible the effect of the failure.

2.59 The proposals we have set out will allow for some assessment judgements to be made by centres on behalf of the awarding organisation, without awarding organisation checks necessarily taking place before results are issued. This will impact on the extent to which an awarding organisation will be able to operate an appeals process that meets our current requirements. In some instances, the awarding organisation itself may not have made the

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<sup>18</sup> Condition I1 – Appeals process



assessment judgement being appealed, or may not have access to the evidence on which the centre has made its judgement. Additionally, a verification approach could lead to students wishing to appeal against changes to results following verification, if a learner believed a result had been changed unfairly. We are keen to understand in more detail the impact of our proposals on awarding organisations' appeals processes. We will use this information to consider whether any changes are required to our Conditions as a result of our proposals.

### **Questions**

**22. How would the proposed approach impact upon the reviews and appeals procedures currently in place at awarding organisations or centres?**

## 3 Implementation

- 3.1 We are currently seeking views on the approach set out in this document. This consultation is open until 20 May 2019.
- 3.2 If we were to adopt these proposals, we will need to make changes to some of our General Conditions, and issue new guidance in a number of areas. If we decide to do this, we will consult further on the exact wording of these Conditions and guidance in a technical consultation. We anticipate this technical consultation taking place in the autumn, with new Conditions and guidance being published after that.
- 3.3 We recognise that the changes we have outlined may require some awarding organisations to make changes to their current processes, in particular those relating to centre controls, moderation and verification. Awarding organisations will need to develop processes that meet our requirements, and then roll these out to centres. The impact is likely to vary by awarding organisation, depending on a range of factors, such as the awarding organisation's existing controls, the qualifications it offers, and the arrangements it puts in place to meet our new requirements.
- 3.4 We are keen to understand, based on what we have proposed, what the likely timescales would be for implementing such changes. Our proposal is that they would take effect as soon as possible following publication of revised Conditions and guidance, which we expect to be in early 2020. We propose that all new qualifications developed after this date would be subject to these requirements. For existing qualifications, awarding organisations would need to ensure that all qualifications are fully compliant by January 2021. We would welcome your views on the implications of meeting this timescale.

### Question

**23. Do you have any views on the timescale for implementing the approach set out in this consultation? Please provide any comments.**

## 4 Regulatory impact assessment

- 4.1 We have considered the regulatory impact of our proposals as we have developed them. We have set out alongside our proposals the impact we expect them to have. We do not repeat in detail in this section those impacts which we have already identified.
- 4.2 Please note that throughout the consultation we refer in questions to “burden” and “impact”. Any requirement we place on awarding organisations is a burden. Some burden is a necessary and proper part of regulation. We aim to address burden by balancing the benefits of regulation against the burden we impose. We also consider how our requirements impact more widely, such as how schools, colleges and learners will be affected. When responding to these questions, we encourage you to consider any way that the proposals will create additional costs, work, barriers or time issues as well as second order consequences, for example on learners or the way in which course delivery would be affected.
- 4.3 We have limited information at this time as to what the costs may be to awarding organisations and centres if these proposals are implemented. We will use responses from this consultation to inform the decisions we take following this consultation. To aid those decisions, we will also engage with awarding organisations and centres throughout the consultation period. We set out below our view of the impacts we have identified.

### Minimum verification requirements

- 4.4 We have proposed that all qualifications should be subject to verification that meets the minimum requirements we propose to set. In terms of our requirements, this will decrease the regulatory burden of what is required. Currently, all qualifications should be subject to moderation. The proposed verification approach will reduce the burden of these requirements, as in many instances, verification will be a less burdensome requirement than moderation. In practice, however, as many qualifications already use a verification approach, this change will bring our rules into line with some of the approaches that are currently taken.
- 4.5 The extent of the burden of these proposals will depend on the controls awarding organisations have in place currently. An awarding organisation that has strong controls in place is likely to see a lower additional burden as a result of these new requirements than one which has weaker controls currently.
- 4.6 We considered whether to require all qualifications to meet our requirements for moderation, but considered that the burden of this would be disproportionate and may make many qualifications that currently rely on a verification model unmanageable. This would represent a disproportionate impact to awarding organisations, centres, employers and learners as it would necessitate significant changes to the way qualifications are assessed, delivered and utilised. For example, some ‘licence to practise’ qualifications

that are used for access to work would have to build in a significant delay before awarding, with contingent effects on learners' employment. In addition, awarding organisations would need to increase their internal capacity to be able to moderate a significant number of qualifications currently delivered through DCS.

- 4.7 We have proposed for some qualifications, to always require moderation. For these qualifications, we believe that the way these qualifications will be delivered means that moderation is currently, and will remain manageable.
- 4.8 We believe that our proposed approach strikes a balance between not imposing unnecessary burdens on those we regulate, and the need to meet our statutory objectives, including to maintain standards and public confidence.

## Centre controls – approval, monitoring and taking action

- 4.9 We have proposed to set a minimum frequency for the number of times an awarding organisation must conduct centre monitoring visits each year, under a verification model. The additional requirements concerning more regular visits by awarding organisations to centres, is likely to increase the cost and burden on awarding organisations and centres. For awarding organisations, there will potentially be a need to expand their currently available resource, as well as potentially investing in systems and processes to enable other practices, such as on-going remote monitoring.
- 4.10 We do not have exact figures to show the cost of this, but information received from awarding organisations who offer Functional Skills qualifications has suggested that the cost of centre visits average £280 per visit. We think it is reasonable to assume this cost to be comparable for the type of visits we propose in this consultation. The proposals would require awarding organisations to undertake more than two visits per year to centres. Assuming an average of only one annual centre visit is currently built in to existing awarding organisations verification routines, then this new requirement might add an additional annual cost in excess of £400 per centre. This incremental cost would either be absorbed by the awarding organisation, reducing their profits, or passed on to centres through higher centre fees, or a combination of the two.

### Questions

**24. For awarding organisations: Do you agree that the average cost of a single centre visit is in the region of £280? If not, what figure would you consider to be more representative?**

**25. For centres: Are you able to estimate current costs of visits?**

**26. Would awarding organisations be likely to pass on a proportion of any incremental cost of these proposals to centres, in the form of increased centre fees?**

- 4.11 For centres, there will likely be additional costs caused by the increased number of awarding organisation visits and any engagement with on-going monitoring. The impact of this could vary depending on the number of awarding organisations a centre works with. It is possible that it will see an increased number of visits from some or all of the awarding organisations it works with. Awarding organisations may choose to coordinate such visits and their approaches, although we will not require that they do this.
- 4.12 In addition to the financial impact of increased visits, there is likely to be an increased burden on centres in terms of the time and resources needed to manage awarding organisation visits. The extent of this will depend on the frequency and way in which these visits are conducted. We are keen to understand from centres what the additional burden of increased awarding organisation monitoring visits to centres is likely to be.

**Question**

**27. What impacts might centres expect as a result of increased visits, including the requirement for unannounced visits, by awarding organisations?**

- 4.13 Awarding organisations and centres may also be impacted by the move from a 'one size fits all' approach to a more bespoke arrangement. However, the impact will vary depending on the requirements of the qualifications offered and the decisions made by the awarding organisations in their centre-assurance strategies. Some awarding organisations and centres will be more or less affected by these changes.
- 4.14 The proposals in relation to evidence of learner achievement mean awarding organisations undertaking verification may need to revisit assessment decisions where they feel errors may have been made. Centres will need to ensure evidence from assessment processes undertaken for qualifications is collected and retained so that requests from awarding organisations to review this evidence can be fulfilled.

## Centre-assurance strategies

- 4.15 We have proposed to require that all awarding organisations produce a centre-assurance strategy, setting out their moderation or verification approach, and explaining how it meets our minimum requirements, and will ensure the standards of its qualifications. This will ensure that an awarding organisation's approach is clear, and that it can be held accountable for applying its approach.
- 4.16 The creation of centre-assurance strategies by awarding organisations for their qualifications will have some impact, although in many cases, this may be limited to drawing together processes and documentation which already

exists. As with many of our proposals, the exact impact will vary by awarding organisation and qualification. An awarding organisation with a strong existing approach that is well documented, is likely to find this proposal less burdensome than one which does not currently have in place such a robust approach.

- 4.17 Any impact which does occur will also vary depending on the size of awarding organisations' offering. An awarding organisation with a large and varied portfolio of qualifications requiring different verification approaches, may find developing a centre-assurance strategy more burdensome than one which offers a smaller range of qualifications. We would expect this impact to be proportionate however; an awarding organisation offering a larger range of qualifications is likely to have greater resources to manage this impact.
- 4.18 We are not proposing that awarding organisations will need to submit their centre-assurance strategies to Ofqual for approval or evaluation by default, although we may review them as appropriate during regulatory activity. This may present a lower impact than if we were to require that centre-assurance strategies were approved by Ofqual prior to being able to start delivering a qualification.
- 4.19 In considering the cost of developing a centre-assurance strategy, we have used information provided in relation to the development of assessment strategies in Functional Skills qualifications. This suggested that the cost of developing a new assessment strategy document would be in the region of £8k. However, the assessment strategy documents in Functional skills have a wider scope (covering the entire approach to design, development and delivery of assessments), but cover only one qualification, as opposed to all qualifications in which centre-assessment exists, so the cost of developing a centre-assurance strategy is likely to differ.

#### **Question**

**28. For awarding organisations: What cost would you anticipate the development of a centre assurance strategy document for the relevant qualifications offered by your awarding organisation would be?**

## **How we apply the changes to existing qualifications**

- 4.20 Given the number of existing qualifications in the vocational and technical sector, retrospectively applying these changes to the awarding organisations' offering will take time and resource to fulfil. We would welcome views on the approach to implementing this requirement.

#### **Questions**

**29. Do you have any views on how centre-assurance strategies should be implemented for existing qualifications? Please provide your views.**

**30. Are there any regulatory impacts that we have not identified arising from our proposals? Please identify any additional impacts.**

- 4.21 We have a duty under the Apprenticeships, Skills, Children and Learning Act<sup>19</sup> to have regard to the desirability of facilitating innovation in connection with the provision of regulated qualifications. We have committed in our Corporate Plan<sup>20</sup> to survey awarding organisations' views of the impact of our regulatory requirements on innovation and consider any revisions required in response. We do not believe that there is anything in our proposals that would prevent innovation by awarding organisations, but would welcome your views on this. We believe that by allowing for awarding organisations to apply a verification approach, and to determine this as appropriate for the qualifications it offers (subject to meeting minimum requirements), this will allow greater flexibility to develop innovative verification approaches. Our proposals will also allow for greater flexibility in the design and delivery of qualifications than our existing requirement for all qualifications to be subject to moderation does.

**Question**

**31. We have not identified any ways in which our proposals will prevent innovation by awarding organisations. Do you have any comments on this assessment? Please provide specific examples.**

<sup>19</sup> <https://www.legislation.gov.uk/ukpga/2009/22/contents>

<sup>20</sup> <https://www.gov.uk/government/publications/ofquals-corporate-plan>

## 5 Equalities impact assessment

- 5.1 Ofqual is a public body, so the public sector equality duty in the Equality Act 2010 applies to us. We explain in Annex B how this duty interacts with our statutory objectives and other duties. We considered the potential impact of the proposals included in this consultation on people who share protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation. We have not identified any impacts of our proposals (positive or negative) on persons who share protected characteristics.

### Questions

**32. We have set out our view that our proposals would not impact (positively or negatively) on people who share a particular protected characteristic. Are there any potential impacts that we have not identified?**

**33. Are there any additional steps we could take to mitigate any negative impact you have identified would result from our proposals, on people who share a protected characteristic?**

**34. Do you have any other comments on the impacts of our proposals on people who share a protected characteristic?**



## Annex A – Your data

### The identity of the data controller and contact details of our Data Protection Officer

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). We are a 'controller' for the purposes of the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this Privacy Notice carefully as it contains important information about our processing of consultation responses and your rights.

### How to contact us

If you have any questions about this Privacy Notice, how we handle your personal data, or want to exercise any of your rights, please contact:

Data Protection Officer at [dprequests@ofqual.gov.uk](mailto:dprequests@ofqual.gov.uk) or write to us at: Data Protection Officer, Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

As part of this consultation process you are not required to provide your name or any personal information that will identify you however we are aware that some respondents may be happy to be contacted by Ofqual in relation to their response. If you or your organisation are happy to be contacted with regard to this consultation, please give your consent by providing your name and contact details in your response.

### Our legal basis for processing your personal data

For this consultation, we are relying upon your consent for processing personal data. You may withdraw your consent at any time by contacting us using the details above.

### How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response.

### Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships (IFA) where the consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process. If we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IFA with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Following the end of the consultation, we will publish a summary of responses and may publish copies of responses on our website, [www.gov.uk/ofqual](http://www.gov.uk/ofqual). We will not include personal details.

We will also publish an annex to the consultation summary listing all organisations that responded. We will not include personal names or other contact details.

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients or including member of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

## How long will we keep your personal data

For this consultation, Ofqual will keep your personal data (if provided) for a period of 2 years after the close of the consultation.

## Your data

Your personal data:

- will not be sent outside of the European Economic Area
- will not be used for any automated decision making
- will be kept secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights, e.g. access, rectification, erasure

As a data subject, you have the legal right to:

- access personal data relating to you
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details set out above.

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with the Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at [ico.org.uk](http://ico.org.uk), or telephone 0303 123 1113. ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If there is any part of your response that you wish to remain confidential, please indicate so in your response.

# Annex B – Ofqual’s objectives and duties

## The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has five statutory objectives, set out in the Apprenticeship, Skills, Children and Learning Act 2009;<sup>21</sup>

1) **The qualification standards objective**, which is to secure that the qualifications we regulate:

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

2) **The assessment standards objective**, which is to promote the development and implementation of regulated assessment arrangements which:

- a) give a reliable indication of achievement, and
- b) indicate a consistent level of attainment (including over time) between comparable assessments

3) **The public confidence objective**, which is to promote public confidence in regulated qualifications and regulated assessment arrangements

4) **The awareness objective**, which is to promote awareness and understanding of:

- a) the range of regulated qualifications available,
- b) the benefits of regulated qualifications to learners, employers and institutions within the higher education sector, and
- c) the benefits of recognition to bodies awarding or authenticating qualifications

5) **The efficiency objective**, which is to secure that regulated qualifications are provided efficiently, and that any relevant sums payable to a body awarding or authenticating a qualification represent value for money.

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

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant learners, including those with special educational needs and disabilities, of employers and of the higher

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<sup>21</sup> <http://www.legislation.gov.uk/ukpga/2009/22/section/128>

education sector, and to aspects of government policy when so directed by the Secretary of State.

## The Equality Act 2010

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

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

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

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

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

We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, sometimes conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a learner's knowledge, skills and understanding, a learner who has not been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification.

A person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them at a disadvantage relative to others who have been awarded the qualification.

It is not always possible for us to regulate so that qualifications give a reliable indication of knowledge, skills and understanding and advance equality between people who share a protected characteristic and those who do not. We must review all the available evidence and actively consider all the available options before coming to a final, justifiable decision.

Qualifications cannot mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, learners' preparedness to take the qualification and the assessments within it. While a wide range of factors can

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<sup>22</sup> Equality Act 2010, s.149. [www.legislation.gov.uk/ukpga/2010/15/section/149](http://www.legislation.gov.uk/ukpga/2010/15/section/149)

have an impact on a learner's ability to achieve a particular assessment, our influence is limited to the qualification design and assessment.

We require awarding bodies to design qualifications that give a reliable indication of the knowledge, skills and understanding of the learners that take them. We also require awarding organisations to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a learner to achieve because they have a particular protected characteristic. We require awarding organisations to monitor whether any features of their qualifications have this effect.

In setting the overall framework within which awarding organisations will design, assess and award reformed FSQs, we want to understand the possible impacts of the proposals on learners who share a protected characteristic.

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

With respect to the public sector equality duty under section 149 of the Equality Act, we are not required to have due regard to impacts on those who are married or in a civil partnership.



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