

CONSULTATION SUMMARY

Exceptional arrangements for assessment and grading in 2020

Summary of proposals

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Introduction

The coronavirus (COVID-19) pandemic has led to the closure of schools, colleges and training providers to all except the children of key workers and vulnerable children. It has also led to the cancellation of a range of exams and assessments in vocational and technical qualifications. The Secretary of State has directed us that:

- learners taking vocational, technical and other general qualifications that are used for progression to and through employment, further or higher education should be issued results this summer to allow them to progress
- learners should, wherever possible, receive a result that fairly reflects the work that they have put in and their level of attainment and, where relevant, maintains the same broad levels of comparability with previous years
- all reasonable measures should be taken to ensure a safe and valid result can be awarded to learners, and that standards are maintained as consistently as possible, recognising challenges for maintenance of standards and reliability
- there will be some learners who cannot be provided with a result this summer because there is simply no way in which a valid result can be calculated, or an assessment adapted while still remaining fit for purpose
- learners should have access to a right of appeal if the relevant process was not followed correctly by the awarding organisation
- learners who do not feel their result reflects their ability should be afforded an opportunity to complete an assessment at the earliest available opportunity

In line with government policy we are currently consulting on a detailed set of proposals to ensure this, and our full consultation is available at <https://www.gov.uk/government/consultations/exceptional-arrangements-for-assessment-and-grading-in-2020>.

This document provides a summary of our consultation proposals, as well as the questions we are seeking views on. We would welcome feedback on our proposals. If you would like to read more about the detail of our proposals, you can find these in the full consultation document.

Through our proposals, our aims are:

- to ensure students can receive grades in vocational and technical qualifications this summer so they can progress to the next stages of their lives without further disruption
- that the grades will be as valued as those of any other year
- that the approach will be fair

It is important to recognise that vocational and technical qualifications serve a range of purposes. Any approach needs to support progression but also recognise the importance of retaining assessments where qualifications are a critical component of occupational or professional competence. This means that while it is possible for

calculated results to be issued to many students, in some circumstances it will still be necessary to conduct an assessment. This might involve adapting existing assessments or delaying them until it is possible to conduct them in their original form.

In our consultation we are seeking views on a number of features of the exceptional arrangements for awarding vocational and technical qualifications in 2020¹. Our proposed approach will also cover any general qualification which is not covered by the approach we are (separately) consulting on in relation to GCSEs, AS and A levels.²

We are introducing these exceptional arrangements at speed to:

- provide a framework for qualifications that, depending on their purpose, sets out how an awarding organisation should calculate results or adapt or delay assessments
- allow awarding organisations to provide clarity to schools, colleges and training providers about what evidence they should gather and consider, and what evidence they will submit to the awarding organisations, where required to calculate a grade
- allow awarding organisations to make clear which learners should receive a calculated result (and how it will be awarded), or be required to complete an assessment
- enable awarding organisations to access, adapt, or build the systems needed to issue results this summer and adapt assessments where this is necessary

We are hopeful that, through these arrangements, the majority of learners who planned to take exams and assessments this summer for progression to either further or higher education or employment will receive a grade calculated by awarding organisations or be able to take an adapted assessment.

As we have developed our proposals, we have consulted with groups representing education and training providers and those representing employers and professional bodies, and with a range of awarding organisations. We have sought views from groups that represent learners and have drawn on the advice of assessment experts on technical issues.

While we are aiming for as many learners who planned to take exams and assessments this summer as possible to receive results, there will inevitably be some learners for whom awarding organisations will not be in a position to deliver results this summer. This could be because information about a learner's anticipated performance is unavailable, and/or learners are unable to access adapted

¹ We propose the extraordinary arrangements will apply for duration of the spring and summer 2020 assessment series, and will remain in place until we publish a notice setting an end date

² We are consulting on applying the proposed calculation approach for GCSE, AS and A levels to Advanced Extension Awards and Extended Project Qualifications:
<https://www.gov.uk/government/consultations/exceptional-arrangements-for-exam-grading-and-assessment-in-2020>

assessments due to a lack of access to centres (including remote access). As such, it is important that learners are provided with an assessment opportunity as soon as possible. Learners who feel that a calculated result does not reflect their ability, or for whom it was not possible to issue a calculated result or adapted assessment opportunity, will be able to take their assessments either in the autumn or through assessment opportunities that will be in place through the ordinary course of events (for example, where assessments are made available by awarding organisations on demand).

Aspects of the arrangements by which learners will receive results this summer have already been set out by the government. However, there are implementation decisions we must make, including the introduction of a temporary extraordinary regulatory framework to allow awarding organisations to take steps to issue results in these unprecedented circumstances. In light of the speed with which the arrangements must be finalised if students are to receive their results in good time, this consultation will close on 8 May 2020. We encourage everyone with an interest to read the proposals and respond.

Introduction of an extraordinary regulatory framework

The aim of any approach we take is to ensure that, as far as possible, learners receive qualification results, based on sufficient evidence, which will allow them to progress as expected either through to higher or further education, or into and through employment.

We are setting out clear expectations about the expected approaches that awarding organisations should take in relation to a number of different categories of qualifications. However given the complexity of the vocational and technical qualifications landscape, we will not be in a position to adopt a detailed and prescriptive regulatory approach. Instead, we are proposing to establish a flexible principles-based extraordinary regulatory framework which delegates to awarding organisations the decision-making around how they deliver results to learners. We will be monitoring the approaches awarding organisations take in response to the framework, and will intervene where it is necessary for us to do so.

The extraordinary regulatory framework will permit awarding organisations to deliver results using approaches that would not be allowed in ordinary circumstances. The framework will identify the key principles that awarding organisations should prioritise while delivering results to learners, and it will set out the approach we expect them to take to either calculating results, adapting assessments or delaying the delivery of those assessments. The framework will be designed to give awarding organisations the flexibility they need to deliver results, provided they remain sufficiently valid and reliable, to as many learners as possible during the current crisis.

The approach will involve awarding organisations making professional judgements around technical solutions to approaches like calculation; determining whether they

have sufficient evidence on which to base awards; and determining whether an approach to adaptation would be appropriate in the context of the qualification that they are delivering. Awarding organisations are responsible for taking such decisions in the normal course of events when operating under our General Conditions of Recognition, and we think it is appropriate in this context too.

The extraordinary regulatory framework will seek to promote consistency in approach wherever possible, through the application of the principles it sets out. Where awarding organisations are able to deliver their qualifications to learners as normal, we are not proposing to prevent this.

We propose the extraordinary regulatory framework will apply for the duration of spring and summer 2020 assessments, and will remain in place until we publish a notice setting an end date.

Scope - Which qualifications will the framework apply to?

Qualifications in scope of this framework are those in England approved for public funding from Entry Level through to Level 6. The framework will therefore cover vocational and technical qualifications and any general qualification which is not covered by the Secretary of State's GCSE, AS and A level direction.³

The qualifications to which the framework and approach will apply will be determined by the Secretary of State following advice from us.

Where a qualification is not in scope of the framework, it will be for the awarding organisation to determine whether they should offer their learners a calculated result, adapt their assessments or delivery models, or delay assessments. We are proposing to produce some guidance to support awarding organisations in their decision-making in these circumstances which they will need to consider alongside their obligations under the General Conditions of Recognition.

Question 1: To what extent do you agree or disagree with our proposed approach to qualifications which fall out of scope of the extraordinary regulatory framework?

Qualifications taken in Wales, Northern Ireland and Scotland

The direction relates to qualifications awarded in England although we know that regulated qualifications are awarded around the world. We have long standing collaborative arrangements with the qualifications regulators in the UK. Given the high degree of coherence of both the qualifications available and our regulatory

³ We are consulting on applying the approach set out for GCSEs, AS and A levels to Advanced Extension Awards and Extended Project Qualifications. Any other general qualification will therefore fall within the arrangements set out in this consultation.

approaches, we have agreed with Qualifications Wales, CCEA Regulation and SQA Accreditation that our proposals relating to qualifications awarded in England should also apply when they are awarded in Wales, Northern Ireland and Scotland.

Qualifications Wales, CCEA Regulation and SQA Accreditation will have specific requirements in relation to qualifications designed specifically for Wales, Northern Ireland and Scotland (respectively). We will continue to work closely with the other regulators to make sure it is clear to awarding organisations which rules apply.

We set out later in this document our proposals for qualifications taken internationally.

Which learners will be covered by the framework?

If a qualification is in scope of the framework, then all learners taking assessments for that qualification, no matter their age or the setting within which they are taking their assessments, should be able to access a result or an adapted assessment where that is made available by their awarding organisation.

Awarding organisations are however unlikely to be able to make results available to all learners taking their qualifications. We recognise that there may be some cases where it will not be possible to issue results due to a lack of relevant evidence and information to issue a calculated result, or there is a lack of access (which could include remote access) to centres in order to carry out adapted assessments.

Question 2: To what extent do you agree or disagree with our proposed approach to determining to which learners the extraordinary regulatory framework applies?

Concepts and principles

In designing our proposed framework, the aim of our approach is to ensure that, as far as possible, learners receive qualification results, which will allow them to progress as expected either through to higher or further education, or into and through employment. The results will need to be based on sufficient evidence, ensuring that they remain sufficiently valid and reliable. To deliver this in the current complex landscape any approach we take needs to be flexible in order to take into account the range of qualifications, centres and learners to which it will apply.

To ensure this, we are proposing to put in place a principles-based approach which delivers against the expectations set out in the direction, but which gives awarding organisations the flexibility to make decisions around how they deliver results, given that the contexts in which they are doing so, and the evidence which they will be relying on will vary. This approach will mean in practice that where it is not possible for them to do so, awarding organisations will not have to meet all of the normal regulations that we have in place regarding the design, delivery and award of their qualifications. We do however propose to protect some key principles in the

extraordinary regulatory framework. Awarding organisations will need to do all they can to meet these principles, and they should not be compromised unless it becomes unavoidable. The principles are that an awarding organisation must seek to:

- issue results to as many learners as possible in spring/summer 2020, provided that those results are based on evidence which ensures that they are sufficiently valid and reliable
- ensure that each result it issues is as reliable as possible
- ensure that its approach minimises burden and maximises deliverability as far as possible
- maintain standards, as far as possible, within the same qualification in line with previous years
- maintain standards, as far as possible, across similar qualifications made available by the awarding organisation and by other awarding organisations

Although we consider that the key principles all represent critically important requirements, we also recognise that hard choices might have to be made and that it is likely that some compromises will become unavoidable. It is important that awarding organisations should be consistent in how they make those compromises. We therefore propose that where there is a conflict between 2 or more principles, the awarding organisation must consider the principles in the order in which they are set out here, determine the extent to which each can be met in a particular case, and give priority to meeting them in accordance with the order in which they are set out.

We also expect, in all cases where awarding organisations are taking decisions around how to calculate results and offer adapted assessments, that they consider how they minimise disadvantage to learners with special educational needs, protected characteristics or other vulnerable learners.

This approach will delegate much of the decision-making to awarding organisations, which involves them making professional judgements around technical solutions to approaches. Such an approach may mean that different awarding organisations (or even the same organisation) take different approaches to similar qualifications, depending on the circumstances that apply, but the framework that we produce will aim to introduce some consistency around how awarding organisations make their decisions. Where awarding organisations are able to deliver their qualifications to learners as normal, we are not proposing to prevent this.

Question 3: To what extent do you agree or disagree with the balance we are proposing to strike across the 3 elements of: delegation to awarding organisations, flexibility, and consistency?

Question 4: To what extent do you agree or disagree with the key principles we have set out?

Question 5: To what extent do you agree or disagree with our proposal to allow awarding organisations to deliver their qualifications as normal where they are able to?

How will the different categories of qualifications be approached?

The direction from the secretary of state sets out 3 categories of qualifications:

- qualifications used for progression to further or higher education
- qualifications serving a mixed purpose
- qualifications signalling occupational competence

For qualifications used for progression to further or higher education, it is government policy that, as far as possible, qualifications in this category should be treated in the same way as GCSEs, AS and A levels, with learners receiving a calculated result. Under our proposals, awarding organisations will be required to take all reasonable steps to provide learners taking these qualifications with a calculated result.

For those qualifications or learners where the awarding organisation is able to demonstrate that the provision of a calculated result is not possible, we will permit awarding organisations to offer adapted assessments, rather than automatically delay assessments which would risk limiting the ability of some learners to receive a result who otherwise might have done so.

For qualifications which are used to signal occupational competence, the direction recognises that it would not be suitable for learners to receive a calculated result. This is because it would not be clear that a learner possesses the skills required by the role to which the qualification relates, or does not meet the standards set by professional bodies or in regulations. This could have health and safety implications.

Therefore in the interests of securing results for learners, the starting point for this group of qualifications would be consideration of whether it would be possible for an awarding organisation to provide an adapted assessment or delivery model. This would only be possible where it would not undermine the reliability of the result. Only if adaptation is not possible, should delay be considered.

For those qualifications with a mixed purpose, the awarding organisation will need to consider the primary purpose of their qualification. If it more closely aligns with the primary purpose of supporting progression to further or higher education, then the starting point would be a calculated result, in line with qualifications in the first category listed below, with an adapted assessment potentially being made available where this is not possible. If the qualification is more closely aligned with signifying occupational competence, then the starting point should be the provision

of adapted assessments. The postponement of assessments, leading to a delay to results, should be a last resort.

There may be might be elements of a qualification where calculated results could be provided, and other elements where an adapted assessment might be necessary. Awarding organisations will need to consider whether a mixed approach is appropriate for their qualifications.

In all categories, where it is possible for assessments to continue as normal, we do not propose to prevent this.

Question 6: To what extent do you agree or disagree with our proposed approaches for the different categories of qualifications?

Calculated results

The framework and requirements around calculating results for learners will need to be sufficiently flexible to acknowledge the range of different qualifications and delivery approaches involved, as well as the different evidence available, even within the same qualification. The approach will need to allow awarding organisations to devise and implement approaches to calculating grades which are appropriate within different contexts.

The proposed aims of providing calculated results are as follows:

1. to provide learners with the grades that they would have most likely have achieved had they been able to take their assessments in summer 2020
2. to enable the maximum possible number of learners to receive grades based on a principled evidence-based approach, such that in similar situations, similar approaches to calculated results would be used
3. to protect, as far as is possible, learners from being systematically advantaged or disadvantaged, notwithstanding their socio-economic background or whether they have a protected characteristic
4. for the methods to be sufficiently transparent and easy to explain to promote confidence
5. to be deliverable by awarding organisations with sufficient oversight from Ofqual

Question 7: To what extent do you agree or disagree with the aims of our proposed approach to calculating results?

All approaches to calculated results will need to involve 3 elements:

- a centre assessment grade for each learner (generated by the centre) and/or a calculated grade (determined by the awarding organisation) based on the results they already hold for the learner
- quality assurance of the overall calculated result (which is derived from the centre assessment grade and/or any awarding organisation calculated grade)

- a check on overall qualification level outcomes and grade profile, and that it is in line with expectations.

In order to devise their approach to calculating results, each awarding organisation will need to:

- identify the evidence that is available, and evidence that can be collected
- evaluate the level of trust they would place in each source of evidence
- devise an approach which maximises the use of the most trusted source of evidence

Our proposal is that any approach to providing calculated results needs to be based upon at least one source of trusted evidence (for example, a centre assessment grade or sufficient percentage of banked evidence). Additionally, there will need to be a sufficiently robust means of quality assurance. Awarding organisations will make the determination of what is appropriate, but we are proposing to implement a range of technical requirements that will support their decision making, secure that results issued under the framework remain valid and trusted, and that this summer learners receive grades that fairly represent their expected level of attainment.

We propose that awarding organisations must provide effective guidance to a centre on the provision of any information that the awarding organisation requires in order to calculate a learner's result. We expect that when awarding organisations request centre assessment grades, they should be clear to centres that they should assume that any reasonable adjustments that might have been sought for a particular student when taking their exams would have been in place.

Question 8: To what extent do you agree or disagree with our proposal that the minimum evidential threshold is that any approach to providing calculated results needs to be based upon at least one source of trusted evidence along with a sufficiently robust basis for quality assurance?

Question 9: Do you have any comments on the approach to providing learners with calculated results?

Adaptation

Adaptations to assessments might take a number of forms. For example, changing the way that assessments are delivered (a paper-based test being taken online); adapting assessment methods (using simulation in place of an observation); changing invigilation requirements; waiving or adjusting placement requirements; or changing quality assurance methods (standardisation or moderation taking place remotely or online).

We propose to include a set of requirements within the extraordinary regulatory framework which awarding organisations would apply when making judgements about whether and how to adapt their assessments. For example, we expect them to take all necessary steps to minimise risks to validity by ensuring that coverage of the key areas of the construct of the qualification is retained within the adapted

assessment; we also expect them to act only within the limits of their capacity and capability and take all necessary steps to minimise the burden on centres and learners resulting from the introduction of adaptations to assessments.

Awarding organisations should also look to ensure, as far as possible, that any adaptations minimise any disadvantage to learners with a protected characteristic. However, where an awarding organisation can offer an adapted assessment but only in a way that, despite their best efforts, does disadvantage some learners, the awarding organisation should still offer the adapted assessment. This is because otherwise they would risk limiting the ability of learners to receive a result who otherwise might have done so, which would be contrary to the overall policy aim of delivering as many results to learners as possible.

We propose to provide guidance to awarding organisations which sets out that they should give due regard to any specific requirements put in place by professional and sector bodies when making judgements about adaptations. This is because these bodies often govern how qualifications are used in terms of licence to practise, and are therefore likely to play a key role in determining which adaptations would be permissible. They may also take a view around ensuring consistent approaches across awarding organisations.

Question 10: To what extent do you agree or disagree with our proposed approach to the adaptation of assessments?

Delay

The delay or rescheduling of an assessment is a last resort under our proposed framework. There will be some qualifications in scope, where it will not be possible for awarding organisations to issue results, or where there are qualifications where results can be issued, but some learners to whom it will not be possible to give a result for that qualification – in such cases delay will unfortunately be the only option. Where this happens learners who will not receive results this summer should, as far as possible, be offered opportunities to sit their assessments at a later date, and as soon as reasonably possible, ideally no later than in the autumn term.

Question 11: To what extent do you agree or disagree that delaying or re-scheduling assessments should be the option of last resort?

Record keeping and oversight

We will expect awarding organisations to keep good records of the decisions that they take in line with the extraordinary regulatory framework. The proposals that we have set out place a high degree of trust in awarding organisations, and as the regulator we will need to monitor the decisions they take, and in some cases will want to test them further. In certain circumstances we may also need to assist an awarding organisation in their decision-making, or to raise issues where it appears an awarding organisation has made an error.

We will use a risk-based approach to prioritise our activities to target and mitigate the highest risks. We plan to undertake proactive and targeted monitoring work in relation to a number of qualifications and awarding organisations. Our work will include focusing on the decisions awarding organisations are making on their technical solutions to, for example, calculation; determining whether they have sufficient evidence on which to base awards; and determining whether an approach to adaptation would be appropriate in the context of the qualification that they are delivering. We will also play close attention to whether awarding organisations are meeting all of the principles to the fullest extent possible.

If things go wrong, our main focus will be in securing that errors are corrected and things are put right. We understand that these are exceptional circumstances and our priority will be to work constructively with awarding organisations to achieve the best outcomes for learners. We expect awarding organisations to operate transparently and in good faith and to notify us promptly if things go wrong. Engaging in this way will maximise our ability to resolve issues quickly and we will be proportionate in our response, giving due recognition to where awarding organisations have done their best and have acted in good faith.

Question 12: To what extent do you agree or disagree with our proposals around decision-making and record keeping?

Question 13: To what extent do you agree or disagree with our proposed approach to oversight of awarding organisations?

Autumn 2020 assessment opportunity

It is government policy that learners who do not feel that their result reflects their ability should be afforded an opportunity to complete an assessment at the earliest available opportunity.

For many vocational and technical qualifications another assessment opportunity would typically be available in the autumn term in any event, and we propose that where an awarding organisation normally provides an assessment opportunity between September and December, it should be obliged to continue to provide that opportunity.

Where awarding organisations do not normally provide an assessment opportunity in the autumn term, we think that additional assessment opportunities should be made available where sufficient demand exists and where meeting that demand would not create a disproportionate burden on awarding organisations or centres.

In some limited circumstances we consider that it would create a material unfairness for learners should an additional assessment opportunity not be available, or not available early in the autumn term, even if that creates additional burden. We therefore propose that if no assessment opportunity is being made available in line with the arrangements set out above for such qualifications, then we may require that an additional assessment opportunity must be made available. We would

consult relevant awarding organisations directly on the feasibility and impact of imposing this requirement and would take their views into account.

Where an autumn assessment opportunity is made available in line with the proposals above, awarding organisations must allow entries from:

- learners who received either a calculated result, or a result following an adapted assessment
- learners who were registered to take an assessment in the spring or summer but who did not receive a result because it was not possible to secure one (including, for example, private candidates)

Question 14: To what extent do you agree or disagree with our proposed position on the delivery of an assessment opportunity to learners in autumn 2020?

Appeals

The Secretary of State said in his direction that learners should have access to a right of appeal if the relevant process was not followed correctly by the awarding organisation. This should be focused upon whether the process was followed and, where applicable, should not involve second-guessing the judgement of teachers, tutors or trainers, who know their students best.

We consider that our existing rules are in line with government policy as set out in the direction. This is because General Condition of Recognition I1 requires that an awarding organisation's appeals process must provide for the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly. It sets out minimum procedural standards that must be met, including ensuring the independence and competence of people making appeal decisions. Our rules do not require that appeals can be made against teacher judgements and they do not require awarding organisations to accept appeals directly from learners. However, neither do our rules prohibit these approaches and ordinarily awarding organisations have discretion to include additional grounds should they wish to do so.

We are proposing to introduce some additional guidance for awarding organisations to sit alongside General Condition of Recognition I1 to promote consistency in approach and to make clear what awarding organisations should consider in relation to the conduct of appeals this year.

In particular, our guidance will make clear that awarding organisations are not obliged to consider appeals submitted by individual learners or their representatives unless that is the only way to secure an effective appeal. Our guidance will also make clear that there is no duty on awarding organisations to accept appeals against teacher judgements and that an appeals process premised on scrutinising individual centre judgements, the efficacy of the evidence on which centres relied and/or the grades submitted by a centre would be both undesirable and impractical. This is particularly the case the closer that the awarding organisation's technical model is to

that used for calculating grades of GCSEs, AS and A level qualifications. We are currently running a consultation about our proposals for appeals for GCSEs, AS and A level qualifications. We propose that pending decisions in response to that consultation our aim is that awarding organisations should be able to implement those same arrangements for vocational and technical qualifications should that be appropriate in their specific context.

Question 15: To what extent do you agree or disagree with our proposed approach to appeals?

Certificates

We do not consider that we need to put in place any specific requirements around certificates in the event of an appeal, or a subsequent re-assessment opportunity. Our Conditions of Recognition allow awarding organisations the flexibility to manage the reissuing and collection of certificates as needed following either an appeal or a reassessment opportunity.

Question 16: To what extent do you agree or disagree with our proposed position in relation to certificates?

Private learners and learners not yet registered for assessment

There will be some learners, known as private candidates, who are studying vocational, technical and other general qualifications independently.

Where it is possible and relevant, awarding organisations should seek to issue results for private learners as they will for other learners. For qualifications that require results to be calculated, we propose that this should be only those private learners where sufficient evidence is available and where the right detail can be properly submitted on the learner's behalf. Where awarding organisations are seeking to adapt their assessments, they should consider the assessment approach or mitigations that they might have to put in place for private learners under normal circumstances and, where possible and relevant, apply them here.

Where learners do not have sufficient existing evidence, have not engaged sufficiently with centres, or where assessment adaptation is unsuitable for private candidates, it is likely then that the most appropriate option may be for those learners to wait until the next opportunity provided by the awarding organisation to take their assessment.

Question 17: To what extent do you agree or disagree with our proposed approach in relation to private learners?

We are aware that some awarding organisations may not be able to identify all of the learners who were due to take assessments and receive results this summer. We propose that where an awarding organisation believes it might have learners who

were not yet entered for assessments this summer, it should contact all learners registered to take their qualification to ascertain whether or not they intended to take an assessment in coming weeks/months.

There is also the potential that some learners have been studying a qualification, but have not registered with the relevant awarding organisation. We propose that awarding organisations should provide their centres with a limited opportunity to register students who were deemed to be ready to take assessments but who were not already registered with the awarding organisation.

Question 18: To what extent do you agree or disagree with our proposed approach in relation to learners who are not yet registered for an assessment?

Qualifications taken internationally

We propose to take a permissive approach around the assessment and/or awarding of results for international learners taking regulated qualifications. We would expect awarding organisations to determine whether they need to calculate results or adapt assessments based not just on the purpose served by the qualifications, but also on the needs of the market in which they are operating overseas – this may include requirements set out by other regulatory authorities in other countries.

We do not intend to require any particular approach for assessing or issuing results to international learners, regardless of the measures in place for learners in England, Wales, Northern Ireland and Scotland. Awarding organisations will be able to apply the same extraordinary measures for international learners as they use for learners in the UK if they see this as appropriate and manageable. However, they may also choose to take a different approach.

Question 19: To what extent do you agree or disagree with our intention to not require any particular approach for adapting assessments and/or issuing results to international learners?

Awarding organisations facing financial difficulties

Many stakeholders have told us that the crisis is creating unprecedented financial pressures and operational challenges on both awarding organisations and centres and that this is a situation that is likely to get worse. We already know that some centres have closed and that there is a material risk that some awarding organisations will find themselves facing significant financial difficulties.

We recognise that our proposals add burden to awarding organisations at an already difficult time and have considered as we have developed our proposals whether there are any provisions that could help awarding organisations manage the impact of the financial pressures. While we have not identified specific provisions, the General Conditions of Recognition already contain rules that are designed to help manage issues related to the financial viability and we have well established

operating protocols in place to respond when awarding organisations find themselves in financial difficulty. But we would welcome views on this.

Question 20: Do you have any comments about our proposed position in relation to awarding organisations facing financial difficulties?

Functional Skills qualifications

Government policy is that learners due to take assessments for Functional Skills qualifications before the end of the summer should receive a calculated result rather than an adapted or postponed assessment. As such, our expectation is that awarding organisations should devise and implement approaches for calculating results for Functional Skills qualification learners in line with our requirements.

We recognise however that the diversity of settings in which Functional Skills qualifications are taught and the varied nature of the learner cohorts, together with the assessment design of the qualifications, may mean that awarding organisations are not able to issue safe and valid calculated grades for all learners. Therefore, although our clear expectation is that Functional Skills learners wherever possible should receive a calculated grade in line with the policy set out in the direction, we accept that in some circumstances, awarding organisations may not be able to do so because they could not comply with our requirements for calculated results and would not be able to issue safe and valid results as required.

Our overriding aim is to enable as many learners as possible to receive a result in spring/summer 2020. Our proposal is therefore that awarding organisations should work towards providing a calculated result for those Functional Skills learners where they are able to provide a safe and valid result which reflects what the learner would have received had they been able to complete the assessment component or the qualification. For those learners where the awarding organisation can demonstrate that this is not possible, we will permit awarding organisations to offer adapted assessments. We do not propose to make this a requirement of all awarding organisations, as we recognise that awarding organisations have different centre profiles and the provision of adapted assessments may not be possible or appropriate.

We recognise that there will be some Functional Skills qualification learners who still will not receive a result this summer, because they are unable to receive a calculated result, cannot access an adapted assessment, have had their apprenticeship suspended, and/or have decided to delay taking their assessments. We expect those learners to be offered opportunities to sit their assessments at a later date, and as soon as reasonably possible, ideally no later than in the autumn term.

The regulation end date for legacy Functional Skills qualifications will be extended to 31 December 2020 to allow learners who are currently on these qualifications, but who are yet to certificate, an opportunity to complete their qualification.

Question 21: To what extent do you agree or disagree with our proposed position in relation to the issuing of results for Functional Skills qualification learners?

Our proposed extraordinary regulatory framework

To implement the approaches described in this consultation we have published a draft of the extraordinary regulatory framework we propose to implement alongside our consultation. The proposed VTQ Covid-19 Framework contains a relatively small number of key VTQ Covid-19 conditions. It will contain 2 sets of technical requirements and guidance. The technical requirements and guidance will set out in much more detail the technical processes for calculation and adaptation and how they should be chosen and used, described in detail in the technical approach section above. Our proposed framework also sets out the 5 key principles referred to earlier in this document.

Question 22: Do you have any comments on the proposed regulatory framework?

Equalities Impacts

One of our key aims in developing the exceptional arrangements needed to deliver qualification results this summer is to make sure the arrangements are as fair as possible for all students – an outcome we aim for every year. We understand that there will be particular concerns about the fairness of the arrangements this year, given their exceptional and, therefore, untested nature. We have undertaken an equality impact assessment, which we have published as part of our consultation. Given the wide range of qualifications to which these proposals apply and the varying cohorts that take them, while it has been possible to assess the potential impact in broad terms, we are not in a position to quantify the exact impact on individual groups of learners in all cases.

Our proposed approach is that, as far as possible, where learners receive a calculated result, or sit an assessment that has been adapted in some way, learners should receive the grades they would have received had they taken assessments as planned this year.

Our proposals for calculating results will allow awarding organisations to consider a range of evidence, including that provided by centres, who are best placed to judge the likely performance of learners, including those with protected characteristics. Similarly, our proposals to allow awarding organisations to make available adapted assessments will allow awarding organisations to take account of a range of factors, including the needs of learners with protected characteristics, when deciding how best to adapt assessments. While this will go some way to reducing the potential disadvantage for learners who share protected characteristics, in prioritising the need to issue a calculated result or offer an adapted assessment, it is possible that while this will be possible for most learners, there will be some for whom it is not possible, as a result of a protected characteristic. Where this is not possible, then we

are proposing that assessments should be delayed as a last resort, to seek to minimise the extent to which learners may be disadvantaged.

We recognise that in making such decisions, awarding organisations will need to balance a number of competing factors, and there will inevitably be trade-offs. We are keen to understand this in more detail, in particular where learners share protected characteristics, and are seeking views on this through our consultation. We will use these responses to enable us to more fully assess the potential impact of our proposals, including on students who share protected characteristics.

We are sensitive to concerns that some SEND learners might be particularly affected by the uncertainty caused by the cancellation of assessments this summer. In calculating a result, SEND learners will be given centre assessment grades by their teachers who will know best how they would likely have performed in their exams. In coming to a centre assessment grade, we have been clear that centres should assume that any reasonable adjustments that might have been sought for a particular student when taking their exams would have been in place.

Question 23: Are there other potential equality impacts that we have not explored? If yes, what are they?

Question 24: Do you have any views on how any potential negative impacts on particular groups of students could be mitigated?

Regulatory Impacts

We acknowledge that our proposals will have cost and resource impacts on awarding organisations, as well as on centres.

In our regulatory impact assessment, we have reviewed where additional activities, processes and systems may be required to implement our proposals. We have engaged with a range of stakeholders, including awarding organisations, their representative groups and representatives from school and college groups to inform our thinking, and would welcome feedback to enable us to continue to review potential impacts before implementing our proposals.

We have set out earlier that we have considered, in developing our proposals, the potential burden that our extraordinary regulatory framework will create. We have taken steps in developing our proposals to ensure that they should not create disproportionate burden where at all possible. However, because of our role in ensuring as fair a process as possible for delivering assessments and issuing results, as set out in the direction issued to us by the Secretary of State, some level of impact, in terms of burden and costs is unavoidable. This level of impact will vary between awarding organisations depending on factors including: the resources available to them; the extent of closures by their centres; and the types of qualifications and assessments they offer. It will also depend if there are costs that awarding organisations might normally incur during this period that haven't been incurred this year; however we recognise that awarding organisations may have to incur additional costs in meeting our requirements proposed here.

While we have not identified specific provisions we can put in place to mitigate this, we are seeking views on this.

Question 25: Are there any regulatory impacts, costs or benefits associated with the implementation of this framework that are not identified in this consultation? If yes, what are they?

Question 26: What additional costs do you expect you will incur through implementing this framework? Will you save any costs? When might these costs and savings occur? Please provide estimated figures where possible.

Question 27: Are there any additional or alternative approaches we could take to minimise the regulatory impact of our proposals?



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