

CONSULTATION DECISIONS

Regulatory arrangements for the awarding of Vocational and Technical and Other General Qualifications in 2020 - 2021

The VTQ Contingency Regulatory Framework

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Introduction

In January 2021, the ongoing impact of the coronavirus (COVID-19) pandemic led the Department for Education (the Department) to reach the policy view that it was not viable for external exams to go ahead for some Vocational and Technical Qualifications (VTQs) and other general qualifications. Results for these qualifications should instead be based on teacher judgement.

We consulted on the regulatory arrangements which we needed to put in place to enable awarding organisations to issue results when exams and assessments do not take place in 2 stages.

The first consultation on the alternative arrangements for the award of VTQs and other general qualifications in 2021 ran from 15 January to 29 January 2021. In this joint consultation, the Department consulted on which qualifications would be awarded through the use of teacher judgement. Ofqual consulted on the overall approach to regulation.

Following this first consultation, the Secretary of State issued a direction to Ofqual confirming his policy intentions for the award of 3 broad groups of VTQs and other general qualifications. For 2 of these groups, results could be based on Teacher Assessed Grades:

- VTQs and other general qualifications similar to GCSEs, AS and A levels, where we would expect awarding organisations to award results to students in a similar way to those qualifications, using Teacher Assessed Grades. Examples of these qualifications are Applied Generals, Technical Awards and Tech Levels and other qualifications used in performance measures
- Qualifications which are used to support progression to further or higher study but which do not have the same characteristics as GCSEs, AS and A levels and may not be delivered in the same way. Examples of these qualifications are Functional Skills and English for Speakers of Other Languages (ESOL) Skills for Life qualifications. For these qualifications, we would expect awarding organisations to make exams and internal assessments available to students. But, if students were not able to safely access the assessments, either in person in line with public health guidance, or remotely, then they may be able to receive a result through a different approach to awarding, including the use of Teacher Assessed Grades.

[In the second consultation, on the regulatory arrangements for the awarding of Vocational and Technical and Other General Qualifications in 2020 - 2021](#), we asked

for views on the detail of the regulatory framework we proposed to put in place to enable awarding organisations to award qualifications in line with the intentions set out in the policy direction.

This regulatory framework will be called the VTQ Contingency Regulatory Framework (VCRF).

This document sets out decisions on the issues addressed in the second consultation.

Consultation details

The consultation ran between 25 February 2021 and 11 March 2021. The consultation included 28 questions and was published on our website with an online form for responses. We received 81 responses to our consultation and [a full analysis of the consultation responses is published on our website](#).

About our decisions

We have decided to implement all our proposals as set out in the consultation. The proposals we are implementing relate to:

- the overall approach to awarding
- the categorisation of qualifications
- the principles to guide awarding organisation decisions
- the approach for Category B qualifications including:
 - the alignment of approach with GCSEs, AS and A levels
 - the determination of results and the role of the minimum evidential threshold
 - the approach to assessments including internal assessment, January 2021 assessments and banked assessment
 - unit certification requirements
 - the students who will be eligible
 - the appeals process
 - the approach for an autumn assessment opportunity
- the adaptation of assessments and qualifications
- the information to centres on making objective judgements

We have also made some changes to the drafting in the VCRF to:

- provide greater clarity around our requirements and expectations
- ensure alignment with the approach to awarding for GCSEs, AS and A levels where appropriate
- include new sections in the statutory guidance on the determination of results for Category B qualifications which covers the preparation for the determination of results, centre engagement with students receiving Teacher Assessed Grades and results days
- create a new condition on appeals (VCR7) rather than include it within VCR6 (support, guidance and information to be provided to Centres)
- include a placeholder for a potential condition on autumn 2021 assessment opportunities on which we are now consulting
- correct minor drafting errors

Decisions

1 The VTQ Contingency Regulatory Framework

1.1 Overall approach to the determination of results

What we proposed

In May 2020 we introduced the Extraordinary Regulatory Framework (the ERF) as an emergency measure to permit awarding organisations to take approaches to issuing results during the summer that are not normally allowed by our General Conditions of Recognition (GCR). This was because assessments either could not take place or could only take place in an adapted form due to the national lockdown resulting from the coronavirus (COVID-19) pandemic.

In October 2020, we issued a second version, the Extended ERF, to address the different circumstances of 2020/21, when exams and assessments were expected to take place but in the context of ongoing disruption arising from the pandemic. To assist in minimising the impact on students, we permitted awarding organisations to make adaptations to their assessments and qualifications, where they could do so without undermining the validity and reliability of the qualifications.

Both regulatory frameworks required awarding organisations to design and implement approaches which were appropriate for their qualifications but allowed us to promote consistency in a number of ways – through the inclusion of principles to guide awarding organisation decisions, through our requirements and statutory guidance, and through our regulatory oversight and monitoring mechanisms.

At the time of the first consultation on the arrangements for 2021, our starting point was that the arrangements we needed to put in place to allow awarding organisations to issue results in the context that exams and other assessments may not be viable, could largely build on the provisions in the Extended ERF.

In light of the feedback from the first consultation and our engagement with awarding organisations and other stakeholders, we concluded that neither framework (ERF or Extended ERF) on its own provided the appropriate mechanism for the arrangements for awarding needed in 2021 to reflect the different context and the policy intentions set out in the direction.

In this second consultation, we therefore proposed to issue a new regulatory framework to be called the VTQ Contingency Regulatory Framework (VCRF).

We proposed to close the ERF and Extended ERF but said we would issue a notice retaining the ERF solely for students still eligible to receive or to carry forward a 'calculated result', and to capture appeals issued under the ERF.

We confirmed that the VCRF would include new provisions to enable awarding organisations to award results using alternative evidence, including Teacher Assessed Grades, where exams and/or internal assessments do not take place. It would also carry forward the provisions from the Extended ERF to permit awarding organisations to continue with adaptations where assessments continued.

We confirmed that the VCRF would apply to Ofqual regulated qualifications which support progression to further or higher study, or to (or through), employment which are available from Entry level to Level 6, apart from those qualifications covered under the framework for GCSEs, AS and A levels and apprenticeship end-point assessments.

We proposed that the VCRF would not be prescriptive and would allow awarding organisations to decide on the appropriate approach for their qualifications, based on their design and delivery, but that awarding organisations' decisions would be guided by principles set out in our regulatory framework.

We recognised the importance of consistent approaches between awarding organisations, so that as far as possible VTQ students were neither advantaged nor disadvantaged compared to their peers taking the same or similar VTQs or GCSEs, AS and A levels. Therefore, the need for awarding organisations to work together to develop consistent approaches is embedded throughout the VCRF – in the principles, in our conditions, requirements and statutory guidance.

We also said our intention was that the VCRF would be sufficiently flexible to enable us to regulate qualifications beyond summer 2021 without the need for further detailed consultation.

We asked

Question 1

Do you have any comments on our proposed overall approach to the determination of results in the VCRF?

Question 2

To what extent do you agree or disagree with our proposal that we should bring the ERF and Extended ERF to a close?

Responses received

Question 1

The majority of respondents welcomed the proposed approach. In particular, they welcomed the flexibility of the proposed arrangements as it allowed awarding organisations to make decisions appropriate to their qualifications and circumstances.

Other respondents welcomed the fact that the VCRF had been developed as an evolution of the earlier emergency regulatory frameworks rather than something totally new. It was felt that this would support continuity with existing processes, provide clarity for and reduce the burden on awarding organisations.

Many respondents welcomed the fact that the proposals appeared to offer parity in the determination of results between vocational qualifications and general qualifications. Some respondents, however, highlighted some differences in the approach to standards between the draft awarding frameworks for VTQs and general qualifications. They highlighted that the draft awarding framework for general qualifications had no mention of maintenance of standards, whereas this requirement was in place for some qualifications in the VCRF. They asked for further clarity on this point and that appropriate guidance be made available.

Some respondents supported the overall proposed approach, but raised concerns about how it could be consistently applied across awarding organisations. For this group of respondents, it was felt that some aspects of the approach were too open to interpretation, for example, on the level of moderation required, which could lead to a difference in approach between awarding organisations.

The most commonly raised concern among respondents related to the timescales for the implementation of the proposals.

There were a number of concerns raised regarding non-certificating students ('mid-flight' students) - students who are part way through their course of study and not due to get an overall result in their current academic year. Some respondents in this group did not appear to be clear that both certificating and non-certificating students would be eligible for Teacher Assessed Grades this year. They asked that the approach to awarding for these students should be aligned with the approach used with non-certificating students last year, where grades had been based on Centre Assessment Grades.

Question 2

The majority of respondents agreed with our proposal that we should bring the ERF and Extended ERF to a close. The main reason given for this view was that it was felt it would simplify the process by bringing the process under one framework (the VCRF). It was felt that two frameworks running concurrently alongside the VCRF could lead to confusion, and by closing the two frameworks and having a single framework, there would be more clarity for stakeholders. Also, the new framework that was being proposed would render the two frameworks obsolete and so they should be discontinued.

Some respondents neither agreed nor disagreed with the proposed closure of the ERF and Extended ERF. Some of these respondents did so because of concerns about how this would affect non-certificating students.

A minority of respondents disagreed or strongly disagreed with our proposal to close the ERF and Extended ERF. Comments received from this group did not directly relate to the closure of the frameworks, but emphasised that there should be no disadvantage to students taking vocational qualifications in the approaches taken.

Our decisions

We have decided to implement our proposed approach to introduce the VCRF and to bring to a close the ERF and Extended ERF.

Although we are bringing the ERF to a close for most purposes, we have kept some limited provision in place. This is so that:

- students who last year received calculated results (or who have deferred calculated results) will still be able to carry them forward into their qualification result this summer and beyond
- any appeal against a result issued under the ERF can continue

We also require awarding organisations to keep a record of their decision making under the ERF for three years and to provide those records to Ofqual upon request.

We are also bringing the Extended ERF to a close for almost all purposes. Provision remains in place for the sole purpose of requiring awarding organisations to keep records of their decisions made under that framework for 3 years and to provide them to Ofqual upon request.

We note the points raised about the need for consistency with the approach to awarding being implemented for GCSEs, AS and A levels. When drafting the final version of the VCRF, we have reviewed our provisions against those set out in the General Qualifications Alternative Awarding Framework (GQAAF) to ensure that we are taking a consistent approach where appropriate. We discuss the appropriateness of the principles for Category B qualifications in section 1.3.

We also note the concerns around consistency across awarding organisations. There are provisions throughout the VCRF which will require awarding organisations to develop consistent approaches, where appropriate, to ensure that students are not disadvantaged compared to their peers and this will be monitored through our programme of regulatory oversight.

We will continue to work closely with awarding organisations and sector bodies to support timely communications with centres so that they have the information they need to implement these approaches to awarding and to manage burdens on centres.

For clarity, as there appeared to be confusion amongst some respondents, we confirm again that the VCRF requires awarding organisations to issue results to both certificating and non-certificating students and these results may be based on Teacher Assessed Grades.

1.2 Structure of the VCRF

What we proposed

We proposed to include provisions in the VCRF for two groups of qualifications – Category A and Category B.

For qualifications in Category A, we would permit awarding organisations to only issue results on the basis of assessment evidence from exams and/or internal assessments. These would include qualifications that assess occupational or professional competency, proficiency, or act as a license to practice where it would not be safe to award these qualifications using alternative approaches to awarding. Performing arts graded examinations would also fall into this category.

For these qualifications, awarding organisations would be able to carry forward the adaptations already made under the Extended ERF or make further adaptations to mitigate the impact of the pandemic and/or to comply with public health guidance, where this could be done without undermining the validity and reliability of the

qualifications. Where this was not possible, the awarding organisations may have to delay assessments.

For qualifications in Category B, we would permit awarding organisations to issue results using alternative approaches, such as Teacher Assessed Grades, where exams and/or internal assessments do not take place. This would include those qualifications important for progression to further or higher study or employment where the issue of results to students should be prioritised.

Within this category, there would be 2 groups of qualifications:

- VTQs and other general qualifications similar to GCSEs, AS and A levels, where we would expect awarding organisations to award results to students in a similar way to those qualifications, where it is possible and appropriate. Examples of these qualifications are Applied Generals, Technical Awards and Tech Levels and other qualifications used in performance measures
- Qualifications which are used to support progression to further or higher study but which do not have the same characteristics as GCSEs, AS and A levels and may not be delivered in the same way. Examples of these qualifications are Functional Skills and ESOL Skills for Life qualifications. For these qualifications, we would expect awarding organisations to make exams and internal assessments available to students. But, if students were not able to safely access the assessments, either in person in line with public health guidance, or remotely, then they may be able to receive a result through a different approach to awarding, including the use of Teacher Assessed Grades.

We proposed to make it clear which qualifications are in scope of Category A and B by publishing a qualification explainer tool which we would publish following the consultation.

We asked

Question 3

Do you have any comments on the two proposed categories of qualifications within the VCRF?

Responses received

The majority of respondents said that categorisations outlined in the consultation document were clear and appropriate. The categorisations took into account the need for different approaches to awarding and allowed for decisions to be made appropriately in line with qualification characteristics.

Some respondents asked for further guidance on the categorisation to aid understanding and ensure consistency in approach. The need for clarity and timely information around Category B qualifications, in particular for centres, was also highlighted.

Some respondents commented that the two sub-categories in Category B may lead to confusion, and that this should have been further split out into Category C. There were also comments received that asked that the categories be renamed to reflect the types of qualifications that sit within them, to make them clearer.

One respondent questioned the categorisation of qualifications, which although not linked to occupational competence, may include practical and safety critical elements that are needed for progression. The respondent felt that these qualifications should be aligned with Category A as they are closer in type to this category, not Category B.

Some respondents also asked for a review of the qualification categories in the coming months and for a mechanism for stakeholders to input on the categorisation of qualifications.

Our decisions

We have decided to take forward the 2 qualification categories as planned, which most respondents found to be clear and appropriate.

We appreciate that within Category B, different approaches to awarding may be used, but the common factor across these qualifications is that results may be determined using alternative approaches to awarding, including the use of Teacher Assessed Grades. This is because the issue of results to learners for these qualifications must be prioritised even where exams and internal assessments do not take place. This is not permitted for qualifications in Category A where exams and assessments should take place for the valid award of those qualifications or for those qualifications in Category A which are not used for progression in the same way.

Although some VTQs in Category B, such as Tech levels, may include some occupational content or elements which must be taught and/or assessed for progression to employment, it is also likely to be the case that some other exams or assessments may not be completed by students. Therefore, it may still be necessary to use Teacher Assessed Grades (probably at unit or component level) as part of the awarding process to enable students to receive results.

We note the request for additional guidance and the need for consistency. As part of our regulatory oversight, we will monitor the categorisation decisions made by awarding organisations. The VCRF also expects awarding organisations to work collaboratively together and with stakeholders and centres in developing their approaches to awarding.

Many awarding organisations, in particular those with qualifications in Category B, have already provided high level information to centres on the approach they are taking to awarding their qualifications this year. We expect awarding organisations to provide further details to their centres by the end of March.

The qualification explainer tool will also be published alongside the final version of the VCRF.

1.3 Principles

What we proposed

As we did in the ERF and the Extended ERF, we proposed that the regulatory approach we would take in the VCRF would be principles-based. We included draft principles which would guide the awarding organisations in the decisions they needed to make for their qualifications.

We did not think it was possible to implement a single set of principles which were applicable to both Category A and Category B qualifications because we were asking awarding organisations to award qualifications using different approaches to the determination of results, as described earlier in section 1.2.

We wanted to provide stability in respect of the qualifications in Category A where exams and other assessments will continue. The Extended ERF has been successful in enabling awarding organisations to adapt their qualifications and assessments to assist in mitigating the ongoing impact of the pandemic, whilst maintaining the validity and reliability of qualifications, and we wanted to retain the provisions and principles in the Extended ERF so that these arrangements could continue.

We also wanted to ‘future-proof’ the VCRF. By having separate principles for each category of qualifications, we would have the flexibility to “switch off” the Category B principles and provisions if they were no longer needed because exams and internal assessments were taking place.

We proposed draft principles for each category of qualifications. For qualifications in Category A, we proposed principles based on the principles in the Extended ERF. For qualifications in Category B, we proposed principles based on those in the ERF, which were hierarchical to prioritise the issue of results to students.

In both sets, we had updated the wording to reflect delivery in 2021 rather than 2020 and proposed other changes to reflect the different context of this year.

We also proposed additional wording to signal that the approaches selected by awarding organisations should not advantage or disadvantage VTQ students

compared to their peers taking the same or similar VTQs, or, where relevant, GCSEs, AS and A levels.

We asked

Question 4

To what extent do you agree or disagree with our proposal to have separate principles for qualifications in Category A and Category B?

Question 5

To what extent do you agree or disagree with the proposed principles for qualifications in Category A set out above and in the VCRF?

Question 6

To what extent do you agree or disagree with the proposed principles for qualifications in Category B set out above and in the VCRF?

Responses received

Question 4

The majority of respondents to this question agreed with our proposal to have separate principles for qualifications in Category A and Category B.

The reasons they gave confirmed our rationale for taking this approach. The main reasons given were:

- the categories and the qualifications that sit within them are distinct from each other. Therefore, it was felt to be appropriate to have different sets of principles to guide decisions around awarding
- the proposal builds in some future proofing into the system, where the need for any continuation of Category B provisions can be reviewed in the future
- carrying forward principles from the Extended ERF provided continuity for Category A qualifications

Some respondents also highlighted the need for further guidance and for timely information to centres.

A very small minority of respondents said that the approach was complex and that a simpler solution should be found, including taking the same approach with all qualifications.

Question 5

The majority of the respondents to this question agreed with the proposed principles for Category A qualifications. Reasons given for their support included that:

- the principles would be workable for performing arts graded exams
- they provide a standardised approach which will ensure rigour and consistency and minimise the risk of prejudice or discrimination
- the approach would help maintain comparability between qualifications and would provide a degree of consistency
- the continuity between the principles in the VCRF and Ofqual's previous frameworks (the ERF and Extended ERF) was helpful. This would create less burden for awarding organisations and centres as it is likely similar approaches could continue to be used

Some respondents also commented on specific principles. These included that:

- principle A1¹ must continue to recognise that awarding organisations may not be able to fully mitigate the impact of the pandemic through their approach to adaptations
- principle A4² (ensuring VTQ students are not disadvantaged compared with those taking other VTQs or GCSEs, AS or A levels) is the most important, and it was helpful that this specified 'where relevant'
- it would be important for any adaptations to take account of any further disruption, particularly if students have difficulty accessing remote learning

Some respondents raised concerns with the application of the principles. They highlighted the challenge of working effectively across awarding organisations and concerns that the reference in principle A3³, regarding the maintenance of standards, to 'previous years' does not account for the impact of the pandemic.

¹ **Principle A1** - As far as possible and without prejudice to the other principles, an awarding organisation must seek to ensure that the Adaptations which it makes to a qualification assist with mitigating the impact on teaching, learning or assessments caused by the Covid19 pandemic on Learners taking that qualification.

² **Principle A4** - An awarding organisation must seek to ensure, as far as possible, that the Adaptations which it makes to a qualification do not serve to advantage or disadvantage Learners taking that qualification against their peers taking similar VTQs or, where relevant, general qualifications not covered by the VCR Conditions.

³ **Principle A3** - An awarding organisation must seek to maintain standards, as far as possible, within the same qualification in line with previous years, and across similar qualifications made available by the awarding organisation and by other awarding organisations.

Some respondents also commented on the relative importance of the different principles. Some agreed that the principles should not be in a hierarchy whilst others suggested that some principles were more important than others.

A number of respondents commented that it would be important to ensure that regulatory expectations around the application of the principles were clear and consistent and welcomed further guidance from Ofqual. In particular respondents asked for guidance on how awarding organisations should evidence and document their approach to the principles.

A small number of respondents also provided the same general comment that it would be important to consider how best to support students, in particular non-certificating students, given the amount of disrupted learning they had faced.

Question 6

The majority of respondents agreed or strongly agreed with the proposed principles for Category B qualifications. The main reason given for this support of the principles was that it was felt that they would lead to results that are sufficiently valid and reliable. Many highlighted the importance of a consistent approach to awarding between awarding organisations. Respondents also welcomed the proposal to carry forward many of the same principles from the ERF and felt that this would help to maintain comparability with the same qualifications taken in previous years.

Some respondents requested further guidance and clarity on the regulatory expectations and the implementation of the principles. Setting and maintaining standards was seen as the biggest challenge and many asked for Ofqual to set out its expectations in regard to this. Respondents also reflected that without further guidance the principles could lead to awarding organisations taking different approaches for similar qualifications.

A number of respondents reflected that the hierarchical approach was helpful, reflecting that awarding organisations may have to take the 'least-worst' decision and agreeing with the suggested ordering. Whereas others suggested that some principles including B4⁴ and B6⁵ should be higher in the order of priority.

Respondents also made a number of specific comments relating to particular principles. This included:

⁴ **Principle B4** - An awarding organisation must seek to ensure, as far as possible, that the arrangements which it puts in place to award a Category B Qualification do not serve to advantage or disadvantage Learners taking that qualification against their peers taking similar VTQs or general qualifications not covered by the VCR Framework.

⁵ **Principle B6** - An awarding organisation must seek to maintain standards, as far as possible, within the same qualification in line with previous years.

- the challenge for awarding organisations to ensure that students were not disadvantaged
- suggesting references to fairness in principles B3⁶ and B4 were expanded to cover all students taking qualifications this year
- further clarity about what the phrase ‘with appropriate oversight by Ofqual’ meant in relation to principle B5⁷ and whether this meant Ofqual having to effectively sign-off results
- requests for a clearer definition of standards, including whether these referred to standards set in 2020
- concerns that the suggested approach to maintain standards in principle B6 lacks fairness because students who may have expected improved grades this year may be unfairly penalised due to the low performance of their centre as a whole
- concern that principles B6 and B7⁸ did not align with the requirements for GCSEs, AS and A levels which could disadvantage VTQ students
- additional clarity of Ofqual’s expectations on the level of collaboration required under principle B7 in relation to maintaining standards across similar qualifications offered by other awarding organisations

In addition to commenting on the principles, some awarding organisation respondents made specific drafting suggestions for the wording of the principles. A number of awarding organisations who commented on the drafting welcomed the use of the term ‘as far as possible’ in the drafting.

Our decisions

We have decided to proceed with separate principles for Category A and Category B qualifications because this reflects the different approaches to the awarding and the determination of results for the 2 broad groups of qualifications and the different decisions awarding organisations will be taking as a result.

⁶ **Principle B3** - An awarding organisation must seek to ensure, as far as possible, that the arrangements it puts in place to award a Category B Qualification do not serve to advantage or disadvantage different Learners or groups of Learners taking the same qualification.

⁷ **Principle B5** - An awarding organisation must seek to ensure that its approach to awarding a Category B Qualification– (a) minimises burdens as far as possible, and (b) is as deliverable as possible, including by Centres and Teachers, with appropriate oversight by Ofqual.

⁸ **Principle B7** – An awarding organisation must seek to maintain standards, as far as possible, across similar qualifications made available by the awarding organisation and by other awarding organisations.

We are not proposing to make any substantive changes to the wording of either set of principles, although we have made 1 minor drafting change to principle B2 where we have added the word 'published' to sub-bullet (b)⁹.

We note the concerns highlighted around the approach to standards reflected in both sets of principles.

For Category A qualifications, awarding organisations must seek to comply with all principles equally to issue sufficiently reliable and valid results, and in doing so should seek to maintain standards '*as far as possible*'. Through this wording, we are recognising the context within which awarding organisations will be issuing results this year and the range of factors they will have to take into account.

For Category B qualifications, the hierarchical approach means that, although awarding organisations must seek to comply with all these principles, they can prioritise the issue of results and deprioritise maintenance of standards where this is appropriate. We recognise that the approach to awarding and the external quality assurance of Teacher Assessed Grades may mean that awarding organisations have less control over the overall profile of results they issue this summer. We also recognise that there is no mechanism to compare GCSE, AS and A level outcomes (which this year will not be statistically determined) with VTQs or other general qualifications outcomes. We do, however, expect awarding organisations to consider and try to mitigate the risks and challenges arising from the approaches to awarding they are implementing this year, by reference to the principles.

Principle B6 is not intended to imply that a student's results will be based on the centre's profile of results. The requirements within the VCRF make it clear that a Teacher Assessed Grade must be based on the evidence of a student's achievement.

We also note concerns that there is a risk of inconsistency across awarding organisations by taking a principles-based regulatory approach, but we feel that we have sufficient arrangements in place to monitor awarding organisations' approaches to ensure that they are taking consistent approaches where possible and

⁹ **Principle B2** – An awarding organisation must seek to ensure that each result that it issues is as Reliable as possible and reflects, as far as possible,

(a) where all assessments for the qualification take place as normal or in Adapted form, the Learner's level of attainment as demonstrated in those assessments, and

(b) where not all assessments take place, the Learner's level of attainment as demonstrated by any relevant evidence considered in line with the requirements published under Condition VCR3.4, together with any assessment that the Learner has taken for the qualification.

appropriate. We will also continue to support awarding organisations to come together to develop consistent approaches.

We acknowledge the suggestion that references to fairness in principles B3 and B4 are expanded to cover all students taking qualifications this year. We do not, however, feel this would be practical for awarding organisations to deliver.

With regard to regulatory oversight by Ofqual, in the VCRF we require awarding organisations to maintain a record of their decisions and to make that available to us on request. In these records awarding organisations must explain how they are complying with the principles. There is also provision in the VCRF for us to issue Technical Advice Notices to awarding organisations where we have identified risks in relation to an awarding organisation's approach to awarding. We will not, however, be pre-approving awarding organisations' approaches through our review of decision records.

2 Qualifications in Category B

2.1 Alignment with GCSEs, AS and A levels

What we proposed

For those qualifications most similar to GCSEs, AS and A levels in Category B, we said we expected that awarding organisations would use similar approaches to awarding where possible and appropriate. We therefore proposed to reflect the need for alignment in the requirements and associated statutory guidance for qualifications in Category B in the draft VCRF.

We recognised that the ability of awarding organisations to adopt similar approaches to awarding as GCSEs, AS and A levels would be dependent on the design and assessment approach of their qualifications. For unitised or modular qualifications, in particular, it might not be appropriate to use exactly the same approach. However, we would require awarding organisations to take into account the burden on students and teachers of their arrangements and the need for there to be parity between students.

We asked

Question 7

Do you have any comments on our expectation that the approach to awarding qualifications in Category B aligns with the approach to awarding for GCSEs, AS and A levels, where possible and appropriate?

Responses received

The majority of respondents welcomed the expectation that the approach to awarding qualifications in Category B aligns with the approach to be implemented for GCSEs, AS and A levels.

Respondents highlighted the need for consistency of approach between academic and vocational pathways to reflect parity of esteem and provide fairness to students.

It was also welcomed as a 'pragmatic' way forward. Adopting approaches and processes that were as comparable as possible would make it less confusing for staff administering these qualifications in centres.

However, respondents also recognised that there may have to be some differences where the qualification structure or assessment methods were different from GCSEs, AS and A levels, for example with unitised qualifications.

It was suggested that it was necessary to clearly communicate this point to centres to avoid creating confusion or inadvertently setting inappropriate expectations.

Some respondents commented on the range of qualifications falling into Category B, and asked whether qualifications which may follow an academic cycle, and be taught in schools, but which also include an element of occupational competence should fall within Category B.

It was also pointed out that qualifications in Category B which had different characteristics to GCSEs, AS and A levels, such as Functional Skills qualifications, would not follow exactly the same approach to awarding as exams and assessments would be continuing.

Awarding organisations also highlighted some of the challenges around meeting this expectation of alignment, including having access to relevant documents, the fact that 2 regulatory frameworks were being developed in parallel, and working across awarding organisations to ensure a consistent and fair approach for students.

We were also asked whether the alignment of approaches would extend to release of students' results, in other words whether results would have to wait until August to be released, alongside GCSE, AS and A levels, or whether VTQ results could continue to be released immediately following an assessment or on a rolling basis throughout the year. It was felt that holding results back could in some cases have a detrimental impact on a student.

We were also asked whether expectations around the use of historical data within the draft VCRF were inconsistent with those proposed for GCSEs, AS and A levels. The point was also made that even where approaches were aligned, it should not be assumed or guaranteed that outcomes across VTQs, GCSEs, AS and A levels would be aligned.

Other issues raised by respondents included: whether the alignment of approaches should include suspension of non-examined assessments as has occurred in GCSE, AS and A levels; the need for greater consideration to be given to the position of non-certificating students; the role of quality assurance process in determining the final result to students; the impact of delays in categorising qualifications; and the need to take account of the impact of the pandemic on students.

Our decisions

We have decided to reflect this expectation in our provisions within the VCRF – within the principles for Category B qualifications, the requirements for determining results for Category B qualifications and associated statutory guidance.

We accept that it will not always be possible or appropriate for all qualifications in Category B to use exactly the same approach to awarding as will be used for GCSEs, AS and A levels because of differences in design and delivery – that is why these qualifications do not fall under the GQAAF and fall under the VCRF. However, for those VTQs and other general qualifications most similar to GCSEs, AS and A levels, we do expect awarding organisations to align as far as possible and appropriate, and for awarding organisations to be able to explain in their decision records how they have aligned.

For qualifications in Category B where exams and assessments continue, we recognise that the approach to awarding is not exactly the same as that for GCSEs, AS and A levels. However, results for students taking these qualifications may be based on Teacher Assessed Grades and the same high-level approach to awarding will apply.

We have, however, reflected in the statutory guidance where some differences may be appropriate, for example the use of historical data within quality assurance processes may need to be used and framed differently where qualifications are available on demand or on a rolling basis.

We have also reflected in the statutory guidance that the nature of the teacher judgement for these qualifications may be different. Students will only be eligible for a Teacher Assessed Grade when they are ready to sit the assessment but are unable to do so safely in person in a centre in compliance with public health guidance, or remotely. These students will therefore have been taught all of the

course of study and should demonstrate the range of knowledge, skills and understanding comparable to that expected for assessed work in the evidence used in support of a Teacher Assessed Grade.

We have implemented an extensive programme of engagement with awarding organisations where we have shared information to support the development of consistent approaches to awarding across the VCRF and GQ frameworks, and supported the development of consistent approaches.

We note the concern around providing clarity to centres to avoid misunderstanding. We expect awarding organisations to communicate with their centres in a timely and clear way so that they can put the necessary arrangements in place to support the issue of results this summer.

With regard to the issue of results, the position set out by the Secretary of State in his direction to Ofqual is that:

It is this government's policy that results days should be brought forward and held in the same week. This would mean that students receive their results for A/AS levels and GCSEs on the 10th and 12th of August, respectively. Results for relevant VTQs that are linked to progression to Further or Higher Education should also be issued to students on or before these dates.

We have now reflected this position in the statutory guidance within the VCRF. This does not mean that VTQ results cannot be issued on a rolling basis in line with normal practice. It does mean, however, that where VTQ results are used to support progression to further or higher study that these results should be issued no later than GCSEs, AS and A level results.

We have commented on the reasons for the categorisation of qualifications in section 1.2.

We have reviewed the drafting in the VCRF around the use of historical data to ensure that the approach is consistent with that for GCSEs, AS and A levels. For both VTQs and GCSEs, AS and A levels, historical data on centre qualification outcomes may be used as part of the centre's and awarding organisation's quality assurance processes. Within centres it may be used to provide a high-level cross-check to give an indication that Teacher Assessed Grades overall are not overly lenient or harsh compared to results in previous years. Awarding organisations may use this information as part of a range of information to guide the approach it takes to quality assure Teacher Assessed Grades.

We will consider the approach to internal assessment, the role of internal and external quality assurance, the impact of delays to assessments and the impact of the pandemic on students in sections 2.3, 2.2, 3 and 5.1.

2.2 Determination of results and the role of the minimum evidential threshold

What we proposed

In the draft requirements for the determination of results for qualifications in Category B and associated statutory guidance, we set out the process we would require awarding organisations to go through in order to decide their approach to the determination of results.

We proposed to require awarding organisations to:

- set out the minimum evidential threshold upon which it was safe for them to award a result
- establish and comply with an approach to the determination of results which ensured that results would be based on sufficient available evidence - whether that is through evidence-based qualification or component level Teacher Assessed Grades and/or banked component data
- provide effective guidance to centres on the provision of evidence they required to determine the results and the internal quality assurance arrangements they should put in place to ensure that judgements are consistent
- undertake quality assurance of Teacher Assessed Grades and where necessary, to request that Centres provide information to support its results profile, for example, in comparison to past performance. We said that awarding organisations should not issue results until any issues identified as part of its quality assurance have been resolved to its satisfaction

We also said we would expect awarding organisations to work together to develop consistent approaches to awarding.

We asked

Question 8

To what extent do you agree or disagree with our proposed approach to the determination of results and the role of the minimum evidential threshold?

Responses received

The majority of respondents agreed with our proposed approach and the need for an evidence-based approach to awarding.

Many respondents, however, asked for further clarity and guidance on the minimum evidence threshold and they felt that, as drafted, it was not clear what was required.

Respondents also highlighted the risk that without further clarity the minimum evidential threshold would not be interpreted and applied consistently by awarding organisations, which would mean that they were not complying with the principles for Category B qualifications.

Respondents also highlighted a perceived inconsistency with the approach proposed for GCSEs, AS and A levels, with several respondents commenting that a minimum evidential threshold was not explicitly required for GCSEs, AS and A levels.

Respondents reported that this difference could mean that centres felt that a higher bar was being set for VTQs. In addition, one awarding organisation added that this difference would make it difficult for awarding organisations to comply with Principle B4 regarding not advantaging or disadvantaging students against their peers taking GCSEs, AS and A levels.

Respondents also commented on the requirements surrounding the internal and external quality assurance processes. Most of these respondents commented on the challenges of using historical data and the requirement for centres to be able to explain why its results were significantly out of line with past performance. In particular, respondents highlighted the challenges associated with looking at historical grade distributions, including for on-demand qualifications where there would not be clearly defined prior cohorts to make the comparison with, qualifications which are marked by centres and so awarding organisations may not ordinarily receive fail information, or where centres which had not delivered the qualification before and so there would not be any historical data.

In addition, several awarding organisations also requested further clarity on what was required of awarding organisations. For instance, one respondent requested a definition of 'significantly out of line' so that a consistent approach could be used across awarding organisations and another did not understand how this requirement would work alongside the acknowledgement that there was not an expectation that the national distribution of grades would follow a similar profile to previous years. Respondents also highlighted a potential difference in approach to GCSEs, AS and A levels where there was no reference to checks with past performance.

Awarding organisations also commented on the proposed requirement that awarding organisations would not issue results until concerns raised by the quality assurance process were resolved. Respondents asked whether this requirement would mean

awarding organisations should not issue results on planned results days if an issue was identified and what actions awarding organisations were expected to take as a result of any identified issues.

Several respondents highlighted an inconsistency within the drafting of the VCRF on how 'standards' was defined. They requested further clarity on what the expectations were to aid consistency across awarding organisations and avoid awarding organisations making their own interpretations.

Respondents also commented on the guidance for centres highlighting the importance of timely communications on what evidence centres needed to collate to use for a Teacher Assessed Grade and for teachers to familiarise themselves with the guidance.

A few respondents agreed that allowing awarding organisations to have flexibility to use a different approach to quality assurance to their usual Centre Assessment Standards Scrutiny process was necessary to take into account their approach to determining results in 2021.

Some also raised concerns around the term Teacher Assessed Grade, with one union stating that the term is both inaccurate and inappropriate because a result will be determined by the centre rather than by an individual teacher. An awarding organisation suggested that 'teacher proposed grade' could be used instead of Teacher Assessed Grade.

We also received feedback that it would be challenging for centres to consider the impact of reasonable adjustments when determining Teacher Assessed Grades and it was suggested that further guidance for awarding organisations and centres on Ofqual's expectations would be helpful.

Our decisions

We have decided to implement our proposed approach to the determination of results but have made changes to the drafting of the requirements and associated statutory guidance in the VCRF to clarify the areas of uncertainty raised by respondents and to make the overall approach easier to understand.

We have also reviewed the VCRF against the GQAAF to ensure we are taking parity of approach. We are confident that the approach we have set out aligns with that to be taken for GCSEs, AS and A levels as far as is appropriate.

In both the VCRF and the GQAAF, there is an expectation that Teacher Assessed Grades are evidence-based and that teachers draw on a range of appropriate evidence to inform their professional judgement about a student's grade. For those qualifications most like GCSEs, AS and A levels, awarding organisations should

seek to ensure that learners have studied sufficient content to form the basis of a grade, as is required by the GQAAF.

In both regulatory frameworks, awarding organisations must provide guidance to centres on the evidence and process that should be used to determine Teacher Assessed Grades and on internal quality assurance processes.

We have also clarified that determining the minimum evidential threshold is a requirement for awarding organisations to ensure that they can award sufficiently reliable and valid qualifications whether based on evidence-based Teacher Assessed Grades and/or banked assessments. It is not a decision to be delegated to centres.

We require awarding organisations to provide guidance to centres on the range of evidence that could be considered in the judgement of a Teacher Assessed Grade. They must also take all reasonable steps to ensure that as far as possible centres are consistent in the judgements they make. This could take the form of exemplification materials, provision of guidance on the evaluation of evidence or other support materials.

We have explained earlier in section 2.2 how we expect centres and awarding organisations to use historical data within internal and external quality assurance processes and this approach is broadly consistent with that to be used for GCSEs, AS and A levels.

We have clarified the requirements in the VCRF about how awarding organisations should approach the quality assurance of Teacher Assessed Grades. We state that where awarding organisations consider it necessary for the purposes of conducting their quality assurance, they must:

- require centres to provide information to support their results profile, for example, in comparison to past performance
- require centres to provide details of their approach to internal quality assurance
- sample the evidence on which Teacher Assessed Grades are based

We expect awarding organisations to consider how to resolve any quality assurance issues as part of their decision-making around their overall approach. We will continue to support cross-working across awarding organisations through our technical and other working groups and monitor the approaches taken by awarding organisations through our regulatory oversight.

With regard to the timing and resolution of issues arising from external quality assurance processes, we expect awarding organisations to take account of the timing of results days when planning their approach. When deciding when to collect

initial Teacher Assessed Grades from centres and the timing and nature of their own quality assurance activities, awarding organisations should take account of the need to minimise the risk that results to students are delayed where issues are identified. We have now reflected this in the statutory guidance in the VCRF. This is in addition to the requirement we consulted on that awarding organisations must issue guidance to centres about the information they require from them and when they require it, in order to support the timely issue of results.

We have also included further statutory guidance in the VCRF on the steps awarding organisations should take to prepare for the determination and issue of results. We expect awarding organisations to reflect on whether they may need to take additional steps to:

- understand which qualifications are being offered by their centres, which students are taking their qualifications, when they expect to take assessments and need to receive results
- understand when students are due to certificate
- understand normal centre behaviour through analysis of historical entry patterns

We note the point about the inconsistency in the way 'standards' was defined in the first draft of the VCRF and have addressed this in the final version of the VCRF. We have said that awarding organisations must take all reasonable steps to ensure that centres have judged the Teacher Assessed Grade against the standard set for the qualification in previous years in which assessments took place. They must also take all reasonable steps to ensure that the Teacher Assessed Grade is based on the centre's judgement as to students' actual level of attainment based on the appropriate evidence. We consider that this is consistent with the intentions around standards in the GQAAF.

We also note the feedback about the use of the term 'Teacher Assessed Grades' but do not plan to change. We think it is helpful to use a consistent term across the qualifications landscape. The term refers to those in the teaching profession at centres. We do not feel it implies that grades will be determined by individual teachers alone.

We have included statutory guidance in the VCRF to remind awarding organisations of their need to comply with their equalities obligations and do not plan to issue any further guidance to awarding organisations on the application of reasonable adjustments in the context of Teacher Assessed Grades. We expect awarding organisations, however, to provide further information to their centres on this point.

2.3 Internal Assessment

What we proposed

For those qualifications most like GCSEs, AS and A levels, we recognised that it might not be possible for all internal assessments to be completed. For those qualifications in Category B, most like GCSEs, AS and A levels, the VCRF would allow awarding organisations to award qualifications when exams do not take place and not all internal assessments are completed.

We proposed that awarding organisations should advise their centres to continue with internal assessment where it was helpful to form an evidence base for a Teacher Assessed Grade or it was needed by an awarding organisation as the basis to determine a result. Where internal assessment continued, we said that we expected awarding organisations to ensure that their instructions to centres did not disrupt good practice in teaching and learning and feedback to students.

We confirmed that we did not plan to specify a minimum amount of internal assessment (or any other form of assessment) to be completed but proposed to require awarding organisations to have sufficient evidence or information upon which to validly award a result.

In addition, for those qualifications most similar to GCSEs, AS and A levels, we proposed to not require awarding organisations to moderate or verify internal assessments in their normal way as set out in their Centre Assessment Standards Scrutiny (CASS) policy and procedures. We proposed to permit awarding to take a different approach where they were quality assuring Teacher Assessed Grades. We reflected this in our proposed statutory guidance on Condition H2 (Centre Assessment Standards Scrutiny where an assessment is marked by a centre).

We asked

Question 9

To what extent do you agree or disagree with our proposed approach to internal assessment?

Responses received

The majority of respondents agreed with our proposed approach, agreeing that internal assessment should continue where it was possible to do so, as it was a valuable source of evidence to inform the Teacher Assessed Grades and supported engagement with teaching and learning.

Respondents agreed, however, that some students may not be able to complete all internal assessments and so a flexible approach was required, especially where students may have had limited access to digital technology during the national lockdown.

One awarding organisation, who disagreed with the approach, commented that for some subjects there would be safety implications if internal assessment did not continue in some qualifications.

Some respondents also commented on the importance of consistency between awarding organisations in their approach to internal assessment, including the approach taken to moderation and verification, and between VTQs and GCSEs, AS and A levels.

A small number of awarding organisations requested further clarity around our requirements for moderation and verification and General Condition of Recognition H2. One respondent reflected that it would be a considerable burden on both awarding organisations and centres if awarding organisations would have to complete the external quality assurance of Teacher Assessed Grades and the moderation or verification of internal assessments in parallel for qualifications where there were mixed approaches (where live assessments and Teacher Assessed Grades were running in parallel).

Our decisions

We have decided to implement our proposed approach to internal assessment. For those qualifications most like GCSEs, AS and A levels, we will permit awarding organisations to award qualifications where not all internal assessment has been completed. Awarding organisations should, however, advise their centres to continue with internal assessment where it would be helpful to form an evidence base for a Teacher Assessed Grade or where it would be needed by an awarding organisation as the basis to determine a result.

We have included statutory guidance to make it clear that, in their guidance to centres, awarding organisations should encourage teaching and learning to continue for as long as possible, and to cover as much of the qualification content as possible, where students' results are to be determined on the basis of Teacher Assessed Grades. Therefore, centres should not be prevented from marking and providing feedback to students on work completed, even where this might form part of the evidence for a Teacher Assessed Grade. We also state that awarding organisations should encourage centres to discuss with students the evidence which will be used to determine Teacher Assessed Grades.

This is broadly consistent with the approach to be implemented for GCSEs, AS and A levels.

For those qualifications in Category B which are used alongside or instead of GCSEs, AS and A levels, but include some occupational elements, awarding organisations may also need to specify particular internal assessments that must be completed for the valid award of the qualification.

We recognise the need for as much consistency as is possible and appropriate between awarding organisations and we have reflected this within the provisions of the VCRF as explained earlier in this document. However, awarding organisations may normally take different approaches to CASS based on the assessment design of their qualifications, and we do not wish to prescribe a single approach. Awarding organisations will, however, have to explain in the decision-making records how their approach to the quality assurance of Teacher Assessed Grades meets our requirements and complies with our principles.

As explained earlier, our proposed statutory guidance on Condition H2 only permitted awarding organisations to take a different approach to their normal CASS policies and procedures where they were quality assuring Teacher Assessed Grades. Where assessments continue as normal or with adaptations, we expect awarding organisations to follow their usual arrangements.

We have decided to implement this statutory guidance unchanged. We think it is proportionate to expect awarding organisations to use their normal CASS policies and procedures when assessments take place as normal or in an adapted form.

2.4 Learners who sat or expected to sit exams in January 2021

What we proposed

The government's announcements regarding the January series made it clear that centres could decide whether or not to continue with January exams based on what they judged to be most appropriate in their specific context. Many centres decided not to run assessments on public health grounds. As a result, many students who had planned to sit their assessments in January did not do so. In the direction, the Secretary of State set out his expectation that all students will be able to progress fairly, irrespective of whether they sat an exam in January.

For those qualifications most like GCSEs, AS and A levels, to ensure that there is parity for students who sat or who expected to sit exams in January, we proposed requirements within the VCRF that enabled non-certificating students:

- who were absent from January examinations to receive a result based on a Teacher Assessed Grade or alternative approach to awarding

- who did sit the examinations, but found that having to take those assessments in the context of the disruption caused by the pandemic in January adversely disrupted their ability to demonstrate their attainment, to receive a result based on a Teacher Assessed Grade or alternative approach to awarding

We proposed to permit, but not to require, awarding organisations to put the same arrangements in place for certificating students who took assessments in January 2021 but who are not eligible for a result to be awarded through the application of Special Consideration.

We asked

Question 10

To what extent do you agree or disagree with our proposed approach to issuing results to January learners?

Responses received

The majority of respondents agreed with our proposed approaches to issuing results to January students.

Respondents agreed that the approach addressed the difficulties faced by students who sat, or expected to sit, exams in January and was the fairest approach.

The need for consistency across awarding organisations was also highlighted, together with the need for awarding organisations to provide clear guidance to centres.

We received some comments that suggested that the wording of the proposals was confusing and could mislead centres and students. It was suggested that they may expect exam results to be issued in summer 2021, even where an awarding organisation may decide to collect Teacher Assessed Grades instead, or issue the result later when more evidence is available, or offer the students another opportunity to sit the examination without it being counted as a resit opportunity.

We were also asked to clarify whether the same opportunity applied to students sitting exams in the autumn term.

There were only a few comments received from respondents that disagreed with the proposal, some of whom said that it would be fairer for the result to stand for the January series and for Teacher Assessed Grades to be made available only where students were absent.

We also received feedback that students and teachers were confused, with students not being sure what to do for the best.

Our decisions

We have decided to implement our proposed approach to issuing results to January students. We don't think that the wording of the requirement is unclear and expect awarding organisations to provide guidance to centres to explain their approach to issuing results to January students.

We consider whether the same approach can be used with any banked assessments, such as exams taken in the autumn term, in section 1.5 below.

2.5 Banked assessments

What we proposed

We said that we considered banked assessment already completed by the student and quality assured to be a highly reliable source of information upon which to base an award. However, we recognised there has been particular issues from the ongoing disruption from the pandemic.

As such, for those qualifications most like GCSEs, AS and A levels, we proposed to permit awarding organisations to issue alternative results for banked assessments based on a Teacher Assessed Grade, provided this enables them to issue a sufficiently valid and reliable award. We would not, however, require awarding organisations to do so.

We asked

Question 11

To what extent do you agree or disagree with our proposal to permit but not require awarding organisations to issue alternative results for banked assessments based on a Teacher Assessed Grade?

Responses received

The majority of respondents agreed with our proposed approach, welcoming the flexibility offered and the opportunity for awarding organisations to take approaches appropriate for their qualifications.

The need for consistency between awarding organisations and qualifications was also highlighted.

Feedback from respondents also suggested that the wording of the proposed approach was unclear and open to different interpretations, including suggesting that new component or unit results would be issued to learners.

Some respondents said that we should require awarding organisations to take this approach and that it should not be left to the discretion of the individual awarding organisation.

There were a small number of respondents that disagreed with the proposals. They raised concerns around the potential for centres to inflate grades and to not base their Teacher Assessed Grades on a robust evidence base and highlighted the risk around appeals if the banked assessment had been subject to internal quality assurance and students knew this grade.

There were also responses which did not directly answer the question and instead commented on the proposed approach for January exams, unit certification and the terminology used for Teacher Assessed Grades.

Our decisions

We have decided to implement our approach but have made changes to the drafting in the statutory guidance on the VCRF to make our intention clearer. We were not proposing that new unit or component results should be issued to students to replace banked assessments. Our intention was to permit awarding organisations to determine results for a student using qualification level or component level Teacher Assessed Grades even when there were already banked component results for that student where this would lead to a more valid or reliable result.

In the statutory guidance in the VCRF, we now say that where students have banked unit or component results which the awarding organisation could use to determine a result, awarding organisations could choose to determine results through the use of other approaches (for example, a Teacher Assessed Grade) where this would lead to a more valid and reliable result.

This could include banked results from exams taken in the autumn term or at other times as well as banked internal assessments.

We do not think that it would be appropriate to require awarding organisations to take this approach. We would expect awarding organisations to only take this approach where it would lead to a more valid or reliable result in the context of the assessment design of their qualifications and their approach to awarding.

2.6 Unit certification

What we proposed

For unitised qualifications, awarding organisations supplement qualification level certificates with a report of student achievement for individual units or components. We felt that for those qualifications most like GCSEs, AS and A levels, where qualifications may be awarded using qualification level Teacher Assessed Grades, end-users may consider unit reports or certificates to be unhelpful or in some cases potentially misleading.

We proposed to make it clear in the VCRF that General Condition H6.1(a) is to be read so that, in respect of qualifications falling within Category B, an awarding organisation is not required to issue a result for each unit and may issue a result only for the qualification. However, we proposed to permit an awarding organisation to choose to issue a result for each unit where this is possible and does not give rise to any issues.

We asked

Question 12

To what extent do you agree or disagree with our proposal not to require awarding organisations to issue a result for each unit and to instead only issue qualification level results?

Responses received

The majority of respondents agreed with our proposed approaches for unit certification, agreeing that this flexibility was necessary.

Some respondents, however, expressed concerns that some students needed unit level achievement to be reported to support progression.

A representative body that disagreed with the proposal stated that feedback from its college members indicated that unit level results are important to students and sometimes required by HE providers.

Others felt that different approaches were needed for certificating and non-certificating students.

We were also asked to clarify whether this approach removed the need for external moderation of individual units and whether results would be awarded at a unit or component level.

Some respondents identified other concerns such as the risk that this approach might lead to excessive appeals, that there could be inconsistency across awarding organisations, and that, without unit certification, student achievement could not be counted towards recognition of prior learning for progression purposes.

It was also suggested that centres needed to use individual unit grades to help arrive at an overall Teacher Assessed Grade.

We also received feedback that we were not clear enough about the circumstances in which it would be permissible for awarding organisations to take this approach, including when they might take a different approach to that proposed for GCSEs, AS and A levels, and that further explanation would be helpful. Awarding organisations also highlighted that this approach may have implications for their operational arrangements.

Our decisions

We have decided to implement our proposal to permit awarding organisations to issue results at qualification level only or to choose to issue a result for each unit where this is possible and does not give rise to any concerns.

We are not mandating awarding organisations to take a particular approach. We are providing awarding organisations with the flexibility to issue qualification level results instead of unit or component level results where it would be unhelpful, or not possible, to issue results at unit or component level. For example, where an awarding organisation has decided to award a qualification based on a qualification-level Teacher Assessed Grade to align with the similar approaches being used for GCSEs, AS and A levels, they will not be collecting unit or component Teacher Assessed Grades and/or may not have banked assessments which could inform the issue and reporting of individual unit results.

We recognise that different approaches may be necessary for certificating and non-certificating students and require awarding organisations to explain to their centres how they will issue results to certificating students.

When deciding on their approach, we would expect awarding organisations to comply with the principles for Category B qualifications and to ensure that students were not advantaged or disadvantaged compared to their peers taking the same or similar qualifications to GCSEs, AS and A levels.

2.7 Eligibility

What we proposed

We proposed to require awarding organisations to issue results under the arrangements for Category B to:

- certifying students, meaning those who may be issued with a qualification result in 2021
- non-certifying students, meaning those who may be issued with a unit or component level result(s) in 2021

We did not propose to prescribe how awarding organisations should issue results to non-certifying students as this would be dependent on the approach to awarding that awarding organisations put in place. We proposed, however, to include statutory guidance on the factors the awarding organisations should consider when developing their approach to issuing results to non-certifying students.

We also proposed that the eligibility window for students who may receive a result for a qualification in Category B would be from 1 August 2020 to 31 August 2021. This would allow all students taking qualifications in this category to access a result using a Teacher Assessed Grade or alternative approach to awarding where appropriate.

We did, however, recognise that this requirement could give rise to the potential for abuse and included draft statutory guidance on compliance with Condition A6 (Identification and management of risks) in the VCRF. We said we would expect awarding organisations to take account of the changed risk profile and to treat the eligibility window as a potential risk for abuse which could give rise to an Adverse Effect.

The government's announcement about lockdown, the closure of centres, and the viability of assessments came before many students had been registered for assessments in 2021. Therefore, within the guidance, as part of the reasonable steps under Condition A6.2, we also said we would expect awarding organisations to monitor registrations to identify any unusual patterns of entry and to ensure that there is a legitimate reason for any increase in a centre's entries or that the process has not been abused in any other way.

We asked

Question 13

To what extent do you agree or disagree with our proposed approach to the issue of results for non-certifying learners?

Question 14

To what extent do you agree or disagree with our proposed approach to the eligibility window for learners to receive results for qualifications in Category B?

Responses received

Question 13

The majority of respondents agreed with our proposed approach.

Awarding organisations and other respondents said that the approach to the issue of results for non-certificating students was logical and fair and welcomed the flexibility.

The need for early discussions about the approach for awarding in 2022 for non-certificating students who expected to complete their qualification next summer, having encountered a great deal of disruption was highlighted. It was felt that having a clear picture of how qualifications will be awarded next year would reduce the mental pressure and anxiety felt by students and teachers.

The need for awarding organisations to be consistent with their approach to non-certificating students was also highlighted as was the need for awarding organisations to provide reassurance that the achievements of non-certificating students were being recorded to prevent issues when students progressed to year 2.

We received some feedback that unit awarding would be more problematic with non-certificating students who may be claiming a result based on partial completion of the assessments.

It was suggested that the most valid and reliable way for non-certificating students to receive results would be at the point of qualification-level certification, when further evidence is available for both for centres and awarding organisations, given the level of disruption that some centres and students had faced over the last year. This might be through either a Teacher Assessed Grade or an awarding organisation derived qualification grade, giving the greatest flexibility to both centres and awarding organisations and to ensure that students are not disadvantaged and are treated fairly to their peers.

We also received feedback that the proposal contradicted the proposed approach to certificating January students and it was also suggested that there is a possible contradiction between the proposed approach and the change we proposed to make to the reporting and issuing of unit results.

Respondents who disagreed with the proposal mainly came from schools and colleges who expressed concerns around the need for clarity before results are issued, that it should not be left to awarding organisation to decide, that awarding

organisations should use the same process as last year to ensure parity, and that this approach has the potential for students to disengage with their qualifications.

One awarding organisation that disagreed commented that non-certificating students who normally take all their assessments in the final year of study were not covered by the proposals because they would not have planned to take the assessments during the eligibility period. These students had been affected by disruption and so could struggle to complete all remaining teaching and learning and all assessments in 2022. As a result, the awarding organisation felt there would need to be an element of Teacher Assessed Grades next year to make up for this loss of learning and so the framework and the period it covers needed to be sufficiently flexible to allow this.

Question 14

The majority of respondents agreed with our proposed approach.

Some respondents expressed concerns about the potential on-going impact of the pandemic and called for the eligibility window to be reviewed should students continue to experience disruptions to teaching and learning.

It was also suggested that the timelines for eligibility do not capture all students and qualifications. One respondent asked for clarification for students who were due to complete qualifications shortly after the eligibility window.

We were also asked to clarify whether the proposal included non-certifying students and students who sat assessments in November 2020.

Respondents who disagreed with the proposal questioned why an eligibility window was applicable, suggested that results for qualifications in Category B should be available by 31 July, or expressed concern that centres would not be able to advise students appropriately or prepare them fully for the next stages of learning if they did not know what the students have achieved.

We were also asked to provide greater clarity in the statutory guidance for Condition 6.2 on how awarding organisations should monitor the risk of abuse.

Our decisions

We have decided to implement our proposed approach to the issue of results for non-certificating students.

We note the request for clarity on how results will be determined in 2021/22 and are working with the Department to explore what options might be appropriate.

As explained earlier, we have put in place a range of mechanisms to ensure consistency between awarding organisations in their approach to awarding.

We do not think that our proposed approach contradicts our decision to permit awarding organisations to decide not to issue unit certificates. Awarding organisations can take different approaches for certificating and non-certificating students. Nor does it contradict our proposed approach for January students which allows awarding organisations to issue results based on Teacher Assessed Grades to students regardless of whether or not they sat exams.

We have also decided to implement our proposed approach to the eligibility window for students to receive results for qualifications in Category B. We consider that there needs to be an eligibility window because we are asking awarding organisations to issue results based on Teacher Assessed Grades because it is not viable for exams to take place and because not all internal assessments may be completed by students. In setting this eligibility window, we have assumed that exams and assessments will resume in the next academic year and that awarding organisations will no longer be determining results on the basis of Teacher Assessed Grades. However, within the drafting in the VCRF, we have built in the flexibility to extend this window if this is not the case.

As currently framed, the eligibility window would include students taking assessments last term in November for those qualifications which fall into Category B.

We recognise that there is a greater risk of abuse this year because of the length of the eligibility window and the fact that the government's announcement of lockdown, the closure of centres and the viability of exams and assessments came before many students may have been registered for assessments in 2021. We had already reflected this in the statutory guidance for Condition A6 (identification and management of risks) which we consulted on. We said that we would expect awarding organisations to monitor registrations to identify any unusual patterns of entry and to ensure that there was a legitimate reason for centres' entries or that the process was not being used in any other way. We have now added to this guidance to make it clear that we will expect awarding organisations to monitor risks related to eligibility where awarding organisations are taking a mixed approach to awarding when some assessments are being completed as normal and some results will be based on Teacher Assessed Grades. This is also reflected in the new section of the statutory guidance on the determination of results for Category B qualifications.

2.8 Appeals

What we proposed

General Condition of Recognition I1 requires awarding organisations to establish, maintain and comply with an appeals process in relation to all the qualifications they make available.

In the context of the VCRF we expected awarding organisations to give students for those qualifications most closely aligned to GCSEs, AS and A levels, the right to access an appeal on the same basis as those set out for GCSEs, AS and A levels where possible and appropriate. We consulted on statutory guidance on compliance with Condition I1 which reflected this expectation. This guidance took into account that the exact nature of the process might need to differ to take account of the different features of the qualifications.

We also proposed that where an awarding organisation discovers through an appeals process that any result it has issued is incorrect, it must do two things:

- firstly, it must consider whether it is appropriate to correct a result having regard to the guidance issued under Condition H6.3(b)(i) of the General Conditions of Recognition
- secondly, it must correct that result where it considers it appropriate to do so

This would effectively disapply Condition H6.3(a) of the General Conditions, which provides that an awarding organisation must correct a result where it discovers that a result is incorrect through an appeals process. Instead, we proposed to give an awarding organisation more flexibility by allowing it to use the guidance in the General Conditions to decide whether or not it is appropriate to correct a student's result, rather than having to do so because it was discovered through an appeals process. Any replacement result may be lower, higher, or the same.

We asked

Question 15

Do you have any comments on the statutory guidance on appeals in the draft VCRF?

Question 16

To what extent do you agree or disagree with our proposed approach to correcting incorrect results following an appeal?

Responses received

Question 15

The majority of respondents who addressed this question welcomed the flexibility offered in the statutory guidance on appeals.

Several respondents commented on the need for parity between VTQs and GCSEs, AS and A levels.

We were asked to provide clarity on which VTQs were considered “similar to GCSEs, AS and A levels” where appeals would be expected on the same basis.

Several respondents raised concerns about the approach to appeals set out for GCSEs, AS and A levels, including:

- the difficulty in making decisions as part of any appeal which would involve making a judgement on a Teacher Assessed Grade - one respondent commented that they would wish to avoid making this level of subjective judgement
- that Ofqual preclude any new evidence being presented which had not been considered in the Teacher Assessed Grade and for the inclusion of objective evidence of significant failure of the reasonable exercise of academic judgement
- the guidance should recognise that students cannot appeal where no results have been issued by the awarding organisation
- the resource and time implications for awarding organisations and centres processing appeals - one respondent recommended that centre errors be corrected in an alternative process to a formal appeal
- the risks of legal challenges for the awarding organisation by following the approach to GCSEs, AS and A levels and allowing appeals on the basis of unreasonable exercise of academic judgement

Respondents also requested further clarification on the rationale for the proposed disapplication of Condition H6.3(a) (this point relates to question 16 below).

Question 16

The majority of respondents agreed with our proposed approach to correcting incorrect results following appeals, highlighting the need for students to not be disadvantaged or placed in a detrimental position following an appeal.

Respondents also called for parity with the approach for GCSEs, AS and A levels.

Several respondents in support of the proposal asked for further guidance on Ofqual's proposal. One respondent asked for clarity on the circumstances where it would not be appropriate to correct the result. Another asked for guidance on the process when centres identify errors in results after the appeals window has closed.

Respondents who did not agree with the proposal questioned why an awarding organisation would not change a result if an appeals process identified that the result was incorrect.

One respondent who disagreed with the proposal commented that students should be able to appeal to a centre to have their grades reviewed and not have to appeal to the awarding organisation. The respondent recommended that this appeal process should be designed by the awarding organisation but undertaken at centre-level.

Our decisions

We have decided to implement our proposed approach and to supplement Condition I1 with statutory guidance. This expects awarding organisations to consider whether they need to adapt their usual appeals processes to cater for the results they issue under the VCRF. The closer to the approach used by awarding organisations to determine results is to GCSEs, AS and A levels the more awarding organisations may consider it appropriate to follow an appeals process similar to that set out in the GQAAF. We have clarified in the statutory guidance that where students are awarded their qualifications based on Teacher Assessed Grades they should have the right to appeal on the same basis as those set out for GCSEs, AS and A levels where possible and appropriate.

We have also created a new condition on appeals (VCR7) rather than include it within VCR6 (support, guidance and information to be provided to Centres).

We have made it clear in this condition that Condition I1.2(d) does not apply to an appeal in respect of a Category B qualification where an awarding organisation follows the approach to appeals set out in the GQAAF. Condition I1.2(d) makes provision for the final decision in respect of the outcome of an appeal to involve an independent decision maker. This provision will not be needed where awarding organisations follow the approach to appeals set out in the GQAAF because the awarding organisation will already be independent of the centre's judgement in respect of a Teacher Assessed Grade.

We note feedback from respondents about the approach to appeals for GCSEs, AS and A levels. Decisions regarding the approach to appeals for GCSEs, AS and A levels will be set out in the Consultation Decisions document following the Technical Consultation on the GQAAF.

Condition VCR7.3 requires that an awarding organisation should consider whether to correct any incorrect result which it discovers through its appeals process. In considering whether to correct the result an awarding organisation must have regard to our guidance on correcting incorrect results. This means results could go down as well as up as a result of an appeal, but only where the awarding organisation considers it is appropriate to lower the result.

In other years an awarding organisation must correct any incorrect result which it discovers through its appeals process, whether the correction is up or down. This applies equally to the student for whom the appeal is made and to other students, including those who did not know about the appeal. Allowing awarding organisations discretion in relation to incorrect results discovered through the appeals process this year – as they have in other years when the incorrect result comes to light other than through an appeal – is a significant change which reflects the potential complexities this year. The same approach is being taken under the GQAAF to allow awarding organisations to have discretion whether or not to correct a result, however the incorrect result is discovered.

In Condition VCR7, we have also taken account of the particular situation which applies to Technical Qualifications (TQs) within T Levels. In relation to T Levels, we have disapplied Condition TQ1.1(c) of the qualification-level conditions for Technical Qualifications. This is to make it clear that Condition I1 applies to these qualifications under the VCRF.

2.9 Assessment opportunity in autumn 2021

What we proposed

In the direction, the Secretary of State set out an expectation for Ofqual to work with awarding organisations to determine whether there was a need for different provision of autumn and winter assessments beyond those already provided. This was so that students would have the same opportunity as GCSE, AS and A level students to sit an exam if they wished to improve on their Teacher Assessed Grade.

The approach we took in the ERF (Condition VTQCov10) to the provision of the autumn series was to require awarding organisations:

- who normally provide assessment opportunities between September and December of any year to additionally make those assessments available to students who were eligible to receive a 'calculated result' and those who would ordinarily take an assessment at that time
- who do not normally provide assessment opportunities between September and December to provide those opportunities where it reasonably considers

there is sufficient demand and would be manageable to both the awarding organisation and centres

In light of the differences in approach to awarding qualifications in 2021, we said we were interested in views on whether the same approach would still be appropriate and so should be reflected in the VCRF.

We asked

Question 17

Do you have any comments on the arrangements we should put in place for the provision of assessment opportunities in autumn 2021?

Responses received

The majority of respondents were of the view that arrangements for autumn 2021 should follow a similar pattern to that used in 2020.

Respondents said that assessments should be made available to students in autumn 2021 if they require it, citing the need for parity between VTQ students and their peers taking GCSEs, AS and A levels.

Awarding organisations highlighted that they already offered additional assessments throughout the year and questioned whether there would be much demand for additional assessment opportunities. Some also said that the decision whether to offer further assessment opportunities should be left to awarding organisations.

Some pointed out that many VTQs are assessed by both exams and internal assessments and so just enabling a student to resit exams may not lead to a change in result, in particular where awarding organisations were collecting qualification but not component level Teacher Assessed Grades from centres. For some qualifications, the point was also made that it may not be manageable for centres or students to complete or resit internal assessments in the autumn term.

Our decisions

We have decided to take a similar approach to that taken in 2020 in the ERF, in the VCRF this year.

We will now consult on a provision in the VCRF which will require awarding organisations:

- who normally provide assessment opportunities between September and January of an academic year, to additionally make those assessments

available to students who were eligible to receive a result through a Teacher Assessed Grade as well as those who would ordinarily take an assessment at that time

- who do not normally provide assessment opportunities between September and January of an academic year to provide those opportunities where it reasonably considers there is sufficient demand and would be manageable to both the awarding organisation and centres

This provision - Condition VCR8 - will allow awarding organisations to make decisions appropriate to their qualification design and approach to awarding in summer 2021 to enable students to improve on their result where it is based on a Teacher Assessed Grade.

3 Adaptation of assessments and qualifications in Category A and Category B

What we proposed

In the Extended ERF, we included requirements and statutory guidance which awarding organisations had to have regard to when determining their approach to the adaptation of assessments or qualifications. In our consultation we proposed to carry forward these requirements and statutory guidance into the VCRF so that the existing adaptations can continue, and awarding organisations can add to them where appropriate. These provisions would apply to both Category A and Category B qualifications.

We proposed some limited drafting changes to the requirements and statutory guidance. In the requirements, we made it clear that where a qualification contains units or components that are required to show occupational competence for employment and cannot be adapted so as to maintain their validity, the qualification should not be awarded until those units or components are completed.

In the statutory guidance, as well as minor drafting changes, we proposed to update the “context” section to reflect the changing situation since the Extended ERF was published. We also included a section about “delaying assessments” to make it clear that, while we expected this approach to be kept to the absolute minimum, it may be that practical exams and assessments that are required to demonstrate occupational competence for employment cannot be delivered in line with public health guidance, and therefore have to be delayed.

We did not propose any changes to our expectations set out in the statutory guidance that awarding organisations should work together to develop consistent

approaches. We said that if a common approach on how to adapt a particular qualification type or subject/sector is agreed, we would expect awarding organisations to have regard to that approach where relevant and to comply with it where possible or appropriate.

We asked

Question 18

To what extent do you agree or disagree with the proposed changes made to the requirements and proposed statutory guidance on adaptation?

Responses received

The majority of respondents agreed with our proposed approach as it provided continuity with the Extended ERF and gave awarding organisations the flexibility they needed to decide on their approach.

Respondents agreed that delaying assessments should be kept to a minimum and should only be necessary where students need to prove occupational or practical skills and could not do so in a way which complied with public health guidance. In those instances, consideration needed to be given as to how schools and colleges could manage delayed assessments.

Some respondents asked for further clarity on which assessments might be delayed, the implications of delayed assessments for centres and students and whether adaptations would be carried forward in the next academic year to ensure fairness for students.

Clarification was also sought on the arrangements for qualifications in Category B, which include an element of occupational assessment, but which provide progression to higher education.

Respondents also wanted awarding bodies to work together to develop consistent approaches for similar qualifications.

Our decisions

We have decided to implement the requirements and statutory guidance on adaptations and delaying assessments as proposed in the consultation.

We expect awarding organisations to clearly communicate to centres where it may be necessary to delay assessments and to work with sector bodies and other

awarding organisations to minimise the need for assessments to be delayed as far as possible.

Our provisions around adaptations in the VCRF expect awarding organisations to work together to develop consistent approaches to adaptations and we will monitor this through our programme of regulatory oversight.

We will continue to work with the Department and other stakeholders to support centres to manage the impact of delayed assessments.

We are also working with the Department and awarding organisations to explore ways in which students taking qualifications in Category B, which include an element of occupational assessment, can still receive a result to allow them to progress to further or higher education.

We are not able to confirm arrangements for the awarding of qualifications in 2021/22 at this time as government policy has not yet been determined.

4 Other provisions

What we proposed

We confirmed the provisions that had been put into effect following the first stage of consultation. These were provisions:

- to require awarding organisations to be mindful of the burden their approach to awarding places on centres and students, work together to develop consistent approaches where appropriate, and to provide clear and timely advice and guidance for qualifications in Category A and B
- to continue to apply Special Consideration (General Condition G7) and to retain the current statutory guidance in the Extended ERF around Special Consideration where exams or assessments take place for qualifications in Category A or B
- to require awarding organisations to include private candidates in their arrangements for awarding for qualifications in Category B as far as possible
- to permit awarding organisations to take the same approach to awarding for qualifications in Category A and B, which are also taken in international markets, provided that this does not undermine the validity of the qualifications and that any risks around malpractice and the particular needs of the international market are considered and addressed

- to implement our proposed approach to regulatory oversight of awarding organisations and their record keeping for qualifications in Category A and B, and so to:
 - require awarding organisations to maintain records of their decisions and to make them available to us upon request
 - retain our ability to issue Technical Advice Notices
 - develop common approaches to eligibility for a result through the alternative arrangements for awarding for those qualifications in Category B where exams and assessments are viable, for example Function Skills qualifications

We also asked for comments on any of the other provisions in the VCRF.

We asked

Question 19

Do you have any comments on the proposed provisions in the VCRF related to these decisions?

Question 20

Do you have any other comments on any other proposed provisions in the VCRF?

Responses received

We received a small number of comments in response to these questions and very few comments on the drafting of the provisions.

Instead most respondents commented on the policy positions themselves.

Question 19

Respondents mainly commented on the potential burden for awarding organisations, centres, teachers, exam officers and students. Points raised included:

- the need for guidance to be provided in a timely manner to help manage the resources
- the burden on awarding organisations related to record keeping activities and regulatory oversight by Ofqual

- the need to ensure that the assessment burden on students is not greater for VTQ/BTEC qualifications which are being studied as an equivalent to, or alongside, A levels
- the burden on centres related to results days and the need for early clarity over which VTQ students will receive their results on GCSE, AS and A level results days
- concerns about the shorter timescales for awarding organisations to issue results in line with the dates agreed for GCSEs, AS and A levels and the impact on resources, particularly for smaller awarding organisations

Some respondents also asked for greater consideration of reasonable adjustments and for further guidance around the application of Special Considerations to support centres.

Respondents from colleges also commented on the operational issues and challenges arising from the approach to awarding Functional Skills qualifications set out in the [Secretary of State's direction to Ofqual](#).

Question 20

A small number of respondents commented that they were overall happy with the proposed framework and did not provide any further information.

One respondent commented that they found the VCRF and accompanying documents more difficult to digest than previous regulatory frameworks and suggested a clearer referencing between documents.

One awarding organisation expressed concern that decisions on the VCRF were being made extremely late in the academic year, considering exams were due to be sat in May-June and that this timescale would create significant additional risks because awarding organisations would have to implement "untested" assessment methods. They also requested the same reassurances from Ofqual as was provided in 2020, that if awarding organisations work in good faith and make the best decisions in the difficult circumstances, then Ofqual would not act in a punitive way.

Other respondents commented more generally on aspects of the regulatory approach, the use of Teacher Assessed Grades, and communications with centres rather than on the drafting of the VCRF.

Our decisions

As explained earlier in this document, we have made changes to the drafting of the provisions in the VCRF to improve clarity. We have not, however, made any changes to the underlying policy as this was not the purpose of this consultation.

Many of the potential burdens identified earlier are considered in the Regulatory Impact Assessment later in this document.

We recognise the challenges faced by centres and awarding organisations to implement the new arrangements for the award of qualifications over the coming months.

We have set requirements and expectations within the VCRF that awarding organisations should ensure that their approaches to assessment and awarding are manageable for centres and that they should work together to develop consistent approaches, so that as far as possible students are neither advantaged nor disadvantaged compared to their peers.

As we did in 2020, our regulatory approach is designed to enable awarding organisations to make decisions which are appropriate for the way their qualifications are designed and delivered. We expect awarding organisations to make decisions in line with the guiding principles within the VCRF but recognise that awarding organisations will be making those decisions in difficult circumstances. This will be reflected in our approach to regulatory oversight of awarding organisations.

5 Equalities Impact Assessment

5.1 Information to centres on making objective judgements

We proposed

As part of the Equalities Impact Assessment we highlighted that in our consultation on the regulatory framework for GCSEs, AS and A levels we were consulting on proposed information for centres about making objective judgements.

We were therefore interested in views as to whether similar information for VTQ centres, where teachers are asked to provide Teacher Assessed Grades, would also be helpful, and whether any additional information should be included.

We asked

Question 21:

To what extent do you agree or disagree that it would be helpful to provide VTQ centres with information about making objective judgements?

Question 22:

Do you have any comments on the information that should be included in the proposed information for centres about making objective judgements to meet the needs of VTQ centres and learners?

Responses received

Question 21

A majority of respondents agreed that it would be helpful to provide VTQ centres with information about making objective judgements.

Reasons given for providing such information included that:

- it is important for reasons of fairness and equality that objective judgements are made

- in order to make objective judgements, unconscious bias needs to be recognised
- it would support consistency in approaches between centres and therefore in outcomes
- it could support conversations with parents and students, particularly relating to any appeals

Respondents also commented on the need for parity in the information provided to VTQ centres and those offering GCSEs, AS and A levels.

Some respondents stressed that the information should be provided quickly if it was to be effective, as in some centres, the early stages of the teacher judgement process was already underway.

It was also suggested that it would be preferable if the information came from Ofqual rather than being created by individual awarding organisations to ensure consistency, to minimise the burden on awarding organisations and to prevent centres from having to work with multiple different versions.

Respondents also suggested other support that would be helpful, including having a standardised check-list, online training modules, webinars or other staff development activities and wider sector standardisation activities.

Only one respondent said that it would not be helpful to provide information for VTQ centres, as they felt that teachers should be capable of assessing students correctly without further guidance.

Question 22

Respondents made a number of suggestions about the content and format of the information, including that it should:

- be similar to information already provided to avoid confusion
- be brief, accessible and easily digestible, practical rather than theoretical, with some requesting a simple checklist or set of prompts for staff to follow, to aid the decision process while others wanted fuller information including exemplar materials
- include information on the different types of biases and how to avoid unconscious bias
- give advice on both negative and positive discrimination, as students should not be advantaged or disadvantaged because of a protected characteristic
- include practical suggestions for marking objectively and avoiding bias, such as blind marking

- provide examples of best practice
- include positive and negative indicators for making objective judgements, such as good and bad examples, as this would help to contextualise the guidance
- explain how previous data on results could be used to check on the objectivity of judgements being made

The need to identify and address conflicts of interest was also highlighted and it was noted that this was not referenced elsewhere within the proposals for the VCRF.

Respondents also highlighted a number of areas where they would also welcome further guidance and clarification, including:

- guidance that would help them to understand what and how to use evidence to determine Teacher Assessed Grades. This included exemplars of the types and range of evidence that can (or can't) be used to inform judgements, such as partially-completed coursework, exams, internal exams and ways of assessing different types of evidence
- clarification of what internal quality assurance processes they should put in place to validate the Teacher Assessed Grades
- to remind centres that they should continue to apply for, and provide, access arrangements or reasonable adjustments where required and to retain records to show that access arrangements or reasonable adjustments have been applied
- how/whether to take into account any adverse circumstances due to lockdown (such as where a student had to self-isolate, had different levels of support, were mentally affected and whether to take these into account) when deciding on the Teacher Assessed Grades
- whether/how to apply Special Consideration where students have not been able to access the support they would normally have access to at centres due to lockdown, or where students have experienced traumatic events such as a death in the immediate family which has had an impact on the student's performance

One awarding organisation emphasised the point that evidence of the student's performance should be the primary source of grading evidence. A centre's historical data should only be used as another source of evidence to add assurance to the judgements made based on the performance evidence of the individual student.

A representative body noted that while the general Public Sector Equality Duty setting out a legal requirement for equality impact assessments to be completed has been removed, public bodies must still give due regard to the need to avoid

discrimination and promote equality of opportunity for all protected groups when making policy decisions. As such, centres should be required to make a declaration alongside their submissions stating they have taken into account the interests of students with protected characteristics, within the meaning of Equalities Law.

Our decisions

We have taken account of this feedback from respondents in the redrafting of information for centres about making objective judgements.

This information for centres has been written by Ofqual for both VTQ and GCSE, AS and A level centres and we expect awarding organisations to signpost it to their centres.

We already require awarding organisations to provide guidance to centres on how to determine Teacher Assessed Grades and on the internal quality assurance processes required for those grades.

We have clarified earlier in this document in section 2.2 how historical data should be used in quality assurance processes and made it clear that students' results will be based on evidence of their performance.

Where assessments take place, Special Consideration will continue to apply and we have brought forward the statutory guidance on Special Consideration from the Extended ERF. This says that awarding organisations should review their Special Consideration policy to ensure that it remains appropriate in the context of the current pandemic.

In the version of the VCRF that we consulted on, we required awarding organisations to take all reasonable steps to take into account the impact on a student where Teacher Assessed Grades are based on evidence that was produced when the reasonable adjustment was not in place. In the final version of the VCRF, we also require awarding organisations to take all reasonable steps to ensure that, as far as possible, centres take into account any Special Consideration that has been granted for an assessment where a Teacher Assessed Grade will form the basis of a result. We would expect awarding organisations to consider what guidance and support they may need to provide to support centres to do this.

Special Consideration would not apply in the context of centre devised activities which are used to generate evidence for a Teacher Assessed Grade, such as mock exams, classwork or homework. We would, however, expect awarding organisations to advise their centres to take into account the circumstances under which the student has produced the evidence when determining their Teacher Assessed Grade and to consider whether it may be appropriate to use alternative evidence, which may be more representative of a student's performance. We have reflected this in

our requirements about the guidance that awarding organisations must provide to their centres.

We have updated the statutory guidance to make it clear that an awarding organisation's guidance to centres should alert centres to the need to consider putting in place additional controls where a staff member might have a personal interest in a student (for example, as a relative).

We do not regulate centres and cannot impose requirements on them or their staff. Therefore, we cannot require centres to make any declaration about how they have taken into account the interests of students with protected characteristics.

6 Equalities Impact Assessment

In our consultation, we set out assessments of the potential impact of our proposals on particular groups of students, including those who share particular protected characteristics.

One of our key aims was to ensure that the regulatory framework we put in place ensures awarding organisations put in place arrangements that are as fair as possible for all students. Our aim was for the VCRF to be sufficiently flexible to ensure that students are able to receive results where possible, either by taking adapted assessments, or through a grade informed by teacher assessment. We also sought, through the framework, to ensure that students taking vocational and technical qualifications would not be disadvantaged compared with students taking similar GCSE, AS or A level qualifications being used for similar progression purposes.

We aimed to ensure that assessments lead to the award of qualifications that are a valid and reliable indication of knowledge, understanding and skills, or practical competence; that as far as possible, standards are maintained; and to develop as far as possible, consistent approaches across similar qualifications, while recognising the diversity of the VTQ landscape. In developing an approach, we sought to build on the approaches put in place under our previous frameworks (the ERF and Extended ERF) recognising that the broad range of VTQs covered by the framework mean that flexibility is necessary to ensure that awarding organisations can put in place the most appropriate arrangements for the qualifications they offer.

We recognised, however, that whatever arrangements are put in place, it may not be possible to fully mitigate the disadvantage faced by some students, including as a result of them sharing a protected characteristic. We set out in our EIA the potential impacts we had identified, but in summary, these included:

- the differential impact of the disruption on different students – that all students will have been impacted to some extent, and that even students who share similar circumstances, may have been affected in different ways
- socio-economic factors – that some students may be disadvantaged as a result of their socio-economic circumstances
- mental health – that students' mental health may have been negatively affected by the pandemic itself, and the uncertainty over how they would receive results. Additionally, this may impact some disabled students to a greater extent than others
- access to equipment – that some students may not have access to equipment and resources needed to take assessments or participate in

teaching and learning. Additionally, some students who do have access to such resources may be unable to use it

- nature of assessment – that students taking some types of assessments, such as practical assessments, or taking assessments in settings such as workplaces could be disadvantaged if these assessments are not able to go ahead
- private candidates – that some students taking assessments as private candidates, who are more likely to be SEND students, could be disadvantaged if they are unable to receive results due to the alternative arrangements in place
- teacher assessments – the potential for some students to be disadvantaged compared with those who took exams, and the potential for bias in teacher assessments, in particular in relation to students who share protected characteristics
- race – that BAME students have been disproportionately impacted by COVID-19, and may have experienced the disadvantages already identified to a greater extent
- SEND – that SEND students may struggle to access adapted assessments and may not have access to reasonable adjustments or other support which they would normally have access to

In our consultation we asked whether there were any other impacts we had not identified and how any negative impacts identified might be mitigated.

Responses received

We received 29 comments to this question from a mixture of awarding organisations, schools, colleges, academy chains, representative bodies, teachers, centre staff and parents/carers.

Across those, many supported the proposed approach and welcomed the proposals, while acknowledging the potential disadvantage for all students as a result of the current circumstances. The majority of responses either reinforced the potential impacts identified, either in this consultation, or in our original policy consultation. Respondents also made general comments about fairness and inequality, some relating to groups of students who share particular protected characteristics, and some relating to other groups of students, or students taking assessments more generally, rather than particular groups of students. The main impacts raised by respondents to this consultation included:

- ensuring that Teacher Assessed Grades are fair, in particular that students taking Functional Skills have the same access to TAGs as GCSE students
- the need for standardisation of TAGs to ensure that they are fair, that there is no bias, and that no groups are disadvantaged

- ensuring reasonable adjustments are appropriately considered when determining TAGs
- taking account of the differential impact of the pandemic on students, and considering the different impact of lost learning, including on particular groups of students
- ensuring that adapted assessments are accessible, including for students with SEND
- taking account of the fact that students may not have had access to equipment or resources during their course and that this could have impacted students in different ways
- making sure that students taking VTQs are not disadvantaged compared with those taking GCSEs, AS and A levels, in particular as it is not currently clear what the national standards for those qualifications will be, so awarding organisations may find it difficult to ensure vocational and technical assessments are graded at a similar standard
- ensuring that students are not disadvantaged as a result of awarding organisations not being required to report results for unit grades.

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

Our decisions

Having considered these responses, we do not believe there are any additional impacts or mitigations beyond those we have already identified.

Through the VCRF and our regulatory framework more generally, equalities issues are considered in a range of ways. The General Conditions impose obligations on awarding organisations to minimise bias as far as is possible. General Condition D2 requires that an awarding organisation ensures that it complies with the requirements of equalities law in relation to each of the qualifications which it makes available. They must monitor their qualifications to identify any feature that could disadvantage students because of a protected characteristic and remove those features where they cannot be justified, or maintain a record of such features which it believes are justified. Additionally, the General Conditions require that awarding organisations ensure their assessments permit reasonable adjustments to be made while minimising the need for them, and set a requirement, under General Condition G6 for awarding organisations to have in place clear arrangements for making reasonable adjustments in relation to qualifications which it makes available. In addition, the Equality Act 2010 imposes obligations directly on awarding organisations. Awarding organisations will need to ensure that they comply with their duties under the legislation in deciding whether to adapt any of their qualifications and what adaptations to make.

The VCRF is intended to be considered alongside the wider obligations in the General Conditions. The VCRF is designed to be flexible, so that awarding organisations can take account of equalities consideration when deciding their approach. These factors should be considered throughout the design, development, delivery and award of qualifications (including where adaptations are made), not just at a single point in time. The VCRF requires awarding organisations to ensure that any adaptations are sufficiently transparent to meet the reasonable needs of users of the qualification. It requires awarding organisations to keep a record of any adaptations they make, and the rationale for their decisions. Awarding organisations need to provide this to Ofqual on request, and can be held to account for any adaptations they make.

We are setting requirements in relation to Teacher Assessed Grades, and will require awarding organisations to provide guidance to centres on how these should be determined. We are also publishing guidance for centres to help ensure they make objective decisions when determining Teacher Assessed Grades. Awarding organisations will need to ensure they have appropriate quality assurance arrangements in place, and we would expect, through these, that they identify and take action where issues with Teacher Assessed Grades come to light.

In relation to standards, we have set requirements in the VCRF in relation to determining results. These cover the overall approach to awarding, determining results, identifying information, the minimum evidential threshold and taking account of differences in evidence for students taking the same qualification. We have also set out the principles that awarding organisations must follow when determining results, and specified, for qualifications where Teacher Assessed Grades will be used, the order of priority in which these must be considered. We will continue to engage with awarding organisations as they determine which categories their qualifications belong to, and will monitor the approaches taken.

While the steps we have taken and which are outlined above will go some way to minimising the disadvantage faced by some groups of students, it may not be possible to completely remove all disadvantage in all cases. In particular, it is unlikely that our arrangements will be able to address fully the differential impact of the pandemic and lost learning on individual students, or particular groups of students. As part of Ofqual's ongoing regulation of awarding organisations, the approaches they put in place will be monitored, and action taken where necessary.

The policy position for the approach to awarding Functional Skills and similar qualifications was set out in the [direction to Ofqual](#) and we have not consulted on this policy position in this consultation on the draft VCRF.

In line with General Condition of Recognition Condition D2 (accessibility of qualifications), when determining their approach to unit level certificates, an

awarding organisation must ensure that it complies with the requirements of Equalities Law and that students are not disadvantaged by the approach they put in place. We are not mandating awarding organisations to take a particular approach. We are providing AOs with the flexibility to issue qualification level results instead of unit or component level results where it would be unhelpful or not possible to issue results at unit or component level.

We will continue to work with partners, stakeholders, other regulators and government towards a coordinated system-wide approach to address the risks impacting on students' results.

7 Regulatory Impact Assessment

In our consultation we recognised that some of our proposals may have a regulatory impact. We asked respondents whether there were any regulatory impacts, costs or benefits associated with the implementation of the framework that were not identified in the consultation and whether there were any steps that could be taken to minimise the extent of any impacts. We also sought to gather additional information to understand what additional activities may take place, and what existing activities may no longer take place, as a result of the alternative arrangements, and the associated costs or savings of these. In addition, following a number of previous comments relating to the impact of any alternative arrangements on the fees centres pay to awarding organisations, we asked respondents whether they anticipated any changes to fees as a result of the alternative arrangements.

As set out previously, the approach we consulted on was intended to ensure students can receive results, while recognising the range and complexity of different assessment models used in VTQs. We also aimed for our approach to allow awarding organisations to build, where appropriate, on arrangements they had put in place previously under the ERF and Extended ERF.

In developing our approach, we considered the potential regulatory impact of meeting our requirements, and the potential burden this could place on other stakeholders, for example, students, centres, employers and further and higher education institutions. We also considered those impacts that had previously been identified; you can see our previous impact assessment [on our website](#).

While we sought to minimise the regulatory impact of our proposals, given the need for alternative arrangements to be put in place, we recognised that some burden would be unavoidable. As part of our impact assessment, we identified the following main regulatory impacts:

- direct delivery costs – such as the cost of familiarisation with new requirements, developing and implementing alternative approaches, quality assuring the arrangements, communications with centres, the cost for centres and students of taking assessments in alternative ways, and the cost of providing equipment and resources needed to facilitate adapted assessments
- people and staff costs – such as the cost for awarding organisations and centres of developing and implementing alternative arrangements including staff workload and training costs
- opportunity costs – the impact on business-as-usual activities of meeting any new or amended requirements
- consistency of approach – the potential burden on centres if approaches are not consistent between awarding organisations

- transfer of costs – the movement of costs from one part of the system to another
- cost savings – the possibility that some alternative arrangements may be cheaper to deliver than those which they replace
- qualification fees – whether qualification fees would remain the same in light of the additional activities taking place under the alternative arrangements, or those activities that no longer take place

Responses received

We asked 5 questions relating to the regulatory impact of our proposals. Across these questions, we received 194 comments from a mixture of awarding organisations, schools, colleges, academy chains, training providers, representative bodies, local authorities, teachers, centre staff, awarding organisation staff and parents/carers.

Across these, many agreed with those impacts we had identified and made comments that reiterated these. In relation to new activities, or activities that may stop, and the associated cost of these, the main points raised included:

- general administrative costs of qualification delivery under alternative arrangements
- the cost for awarding organisations of familiarising themselves with new requirements
- costs of developing and implementing alternative arrangements under the VCRF
- costs associated with the delivery of assessments and teaching under public health guidelines
- additional quality assurance costs, including investment in remote invigilation systems
- system development costs for delivering assessments under the VCRF
- the impact on teacher workload of having to determine Teacher Assessment Grades

In relation to savings, generally respondents were of the view that savings would be minimal, and that any savings from activities that did not take place would be offset by the additional cost of new activities that happened in their place.

In relation to fees, there were mixed views:

- many respondents said it was too early to say, as the cost of delivering assessments under alternative arrangements is not yet clear
- centres were generally of the view that as many exams were not taking place, assessment fees should be reduced or refunded

- awarding organisations generally felt that the cost of alternative arrangements may be higher than those which they replace in many cases and to date, many had absorbed these costs. Where savings were made, these would be passed on where possible

In relation to other impacts and possible mitigations, the main points raised included:

- ensuring that qualifications are categorised consistently across awarding organisations
- ensuring communications from Ofqual are clear and easily accessible to awarding organisations
- considering the burden of other work awarding organisations are involved in, in particular data requests, the new Centre Assessment Standards Scrutiny requirements and future Statement of Compliance processes

Our decisions

Having considered these responses, we do not believe there are any additional impacts beyond those identified. We have set out previously that while we are mindful of the need to minimise the burden of our proposals, some cost and burden is unavoidable. We have sought, as far as possible, to balance the need for awarding organisations to deliver adapted assessments that are valid and reliable, with ensuring that any approaches to adaptations they develop are manageable for awarding organisations themselves, centres, students and other users of qualifications. We believe the approach in the VCRF is proportionate and strikes an appropriate balance between these considerations.

The opportunity for us to minimise regulatory burden is limited to the scope of our role in delivering as fair a process as possible for awarding organisations, within the current context in which exams and many other assessments are unable to take place as normal. We are seeking to minimise the burden through taking a risk-based approach to our oversight activities, working with awarding organisations to understand and minimise any additional burden and providing guidance and support where we can, to help awarding organisations understand our expectations.

We recognise the concerns raised by awarding organisations in relation to other activities that are also taking place alongside the implementation of the VCRF. In relation to data requests, we have established a forum to regularly engage with awarding organisations on the data we propose to request in order to share our rationale for collecting the data and to give them the opportunity to feedback on our proposals.

In relation to the implementation of the Centre Assessment Standards Scrutiny requirements, we have set out as part of that work, the importance of the arrangements awarding organisations have in place with centres, particularly given

the increased role of centres this year in determining results. The implementation of these requirements has been phased over a period of over 18 months, to allow awarding organisations time to develop, implement and communicate these requirements with centres. We have previously announced our intention to delay our monitoring of compliance with these activities to allow awarding organisations to focus on delivery of results. We will continue to work with awarding organisations to understand these concerns and how these can be addressed while recognising the importance of both the CASS requirements, and meeting the VCRF.

Following our recent [Qualification price index: 2020](#) publication we intend to continue our focus in the area and publish analysis on 2021 qualification prices later this year.

In terms of our wider work, to improve price transparency and to make qualification price information more accessible to a potential purchaser, we also recently updated the General [Condition F](#). We now require all awarding organisations to publish qualification fee information on their websites.



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