

CONSULTATION

The General Qualifications Alternative Awarding Framework

Technical consultation on Conditions and
Requirements for GCSE, GCE, AEA and Project
qualifications in summer 2021

ofqual

Contents

Proposals at a glance	3
Audience	3
Consultation arrangements	4
<i>Duration</i>	4
<i>Respond</i>	4
Introduction	5
<i>The General Qualifications Alternative Awarding Framework</i>	5
<i>Condition GQAA1: Application, interpretation and definitions</i>	6
<i>Condition GQAA2: Assessments under the GQAA Framework</i>	8
<i>Condition GQAA3: Results for GQ qualifications</i>	9
<i>Condition GQAA4: Appeals</i>	12
<i>The Proposed GQAA3.2(a)(i) Requirements</i>	15
Equality impact assessment	19
Regulatory impact assessment	19
Annex A: Your data	20
<i>Privacy notice – February 2021</i>	20
Annex B – Ofqual’s role, objectives and duties	24
<i>The Apprenticeship, Skills, Children and Learning Act 2009</i>	24
<i>The Equality Act 2010</i>	25

Proposals at a glance

We must set a framework of conditions and requirements to require awarding organisations to deliver and award qualifications in accordance with the policy decisions we have announced following our joint consultation with the Department for Education in respect of the awarding of GCSE, AS and A level qualifications in summer 2021.

This consultation explains the conditions and requirements we propose to set, and incorporates two further draft documents which we intend to publish to support centres (the ‘centre guidance’¹ and the ‘objectivity guidance’²). We are seeking views on the proposed framework of conditions and requirements, the proposed ‘centre guidance’ and the proposed ‘objectivity guidance’. We are not seeking views on the underlying policy decisions, which we explained in our [analysis and decisions documents](#).

Audience

This consultation is open to anyone who may wish to make representation but may be of most interest to awarding organisations, teachers, schools, colleges and others who deliver qualifications, as well as students and their parents and carers.

We received over 100,000 responses to our policy consultation, conducted jointly with DfE, which expressed a wide range of views on the options and proposals we put forward. We recognise therefore that some potential respondents to this consultation will disagree with the policy decisions which the draft conditions and requirements reflect. We would invite respondents to confine responses to this consultation to the proposed framing of the conditions and requirements, as well as the draft centre guidance. We will read all responses to this consultation, but will not include in our analysis any responses which concern only the [underpinning policy decisions](#), which are now settled.

¹ Annex D: '[Information for heads of centre, heads of department and teachers on the submission of teacher assessed grades: summer 2021](#)'

² Annex E: '[Information for centres about making objective judgements](#)'.

Consultation arrangements

Duration

This consultation will be open for two weeks starting on 25 February 2021 and ending on 11 March 2021 at 23:45.

Respond

Please respond to this consultation by [completing the online response form](#).

For information on how we will use and manage your data, please see 'Annex A: Your data'.

Introduction

Between 15 and 29 January 2021 we consulted jointly with the Department for Education in respect of a proposed approach to awarding GCSE, AS and A level qualifications in summer 2021, following government's announcement that the summer exam series would not go ahead as planned (the policy consultation). At the same time, we consulted on a proposed approach for vocational and technical qualifications.

We [published our policy decisions](#) on 25 February 2021. We are now proposing to set conditions, requirements and guidance which give effect to those policy decisions by regulating the way qualifications must be awarded this summer. We intend to set two extraordinary regulatory frameworks. This technical consultation explains our proposals for conditions and requirements in respect of GQ qualifications. A separate technical consultation explains our proposals for VTQ qualifications.

The General Qualifications Alternative Awarding Framework

In summary, we propose to set an extraordinary regulatory framework to be known as the General Qualifications Alternative Awarding Framework (GQAA).

The [proposed framework is reproduced at Annex C](#) to this consultation.

The proposed GQAA includes a relatively small number of key conditions which set the high-level framework for awarding GQ qualifications this summer. Further detail of the steps an awarding organisation must take before results are issued is then set out in requirements.

We describe the effect of the conditions and requirements below. We have not repeated or explained in this consultation every facet of the proposed conditions and requirements but have instead summarised the main features, or those aspects which differ from our usual regulatory approach. We would encourage consultees who are concerned about the detail of the regulatory requirements to which the awarding organisations will be subject to carefully review the proposed regulatory documents alongside the text which follows.

Condition GQAA1: Application, interpretation and definitions

Application

The [proposed GQAA Framework](#) will apply to 'GQ qualifications' which for the purposes of that framework are:

- GCSE qualifications
- GCE qualifications – AS and A Level
- Project qualifications at all levels
- Advanced extension award qualifications (AEA)

Project qualifications are those qualifications designed, delivered and awarded in accordance with the [Project qualification level conditions and requirements](#).

The GQAA Framework will have immediate effect once it is set and published. We have not proposed a specific end date for the framework because it is possible some measures will be required for longer than others. Instead we propose that the GQAA Framework will apply until we publish a notice setting an end date.

The framework allows us to use notices flexibly, in relation to one or more GQ qualifications and in relation to one or more of the conditions within the GQAA Framework. This would allow us to carefully manage a transition back to the usual regulatory framework.

Interpretation

We propose that the General Conditions of Recognition, Qualification Level Conditions and relevant Subject Level Conditions should continue to apply alongside the [GQAA Framework](#), unless a requirement in the GQAA Framework is inconsistent with a requirement in a provision elsewhere in the regulatory framework.

Where there is such an inconsistency, which means that an awarding organisation cannot comply with both requirements, the requirement in the GQAA Framework will prevail and an awarding organisation does not have to comply with the other requirement.

We recognise that some awarding organisations may prefer us specifically to disapply those pre-existing conditions which will be inconsistent with the GQAA Framework. However, for us to attempt to make such decisions in the abstract, and at one remove from an awarding organisation's operations, would risk unintentional consequences. Such consequences could include removing requirements important to maintaining the integrity of qualifications this summer or causing unforeseen

effects elsewhere in the framework where the operation of another provision is dependent on the existence of the one disapplied.

Awarding organisations are familiar with the conditions that apply to their qualifications in the normal course of events, as well as how they seek to comply with those requirements through their own procedures. The new obligations imposed by the [proposed GQAA Framework](#) are relatively prescriptive in terms of the actions an awarding organisation must take and that specificity will assist awarding organisations in their consideration of what provisions elsewhere in our regulatory framework are temporarily suspended with respect to this summer.

Where an awarding organisation can comply with the requirements in the GQAA Framework and those elsewhere in our framework, it should do so. Where, as now, a requirement simply does not apply to a particular situation, then an awarding organisation does not need to comply with that requirement in relation to that situation.

Definitions

We have also proposed some new definitions to aid interpretation of the GQAA Framework. These include definitions of the terms Private Candidate and Relevant Centre which differ from the definitions in the Qualification Level Conditions and will apply instead of those pre-existing definitions for GQ qualifications awarded this summer.

Question 1

Do you have any comments on proposed Condition GQAA1?

Condition GQAA2: Assessments under the GQAA Framework

Proposed Condition GQAA2 gives effect to government's decision that exams for GQ qualifications will not take place in England this summer. For consistency, and given the similar decisions made by the devolved administrations, we propose that exams for the GQ qualifications we regulate should be prevented throughout the UK this summer.

We anticipate that where appropriate Non-Exam Assessment (NEA) will be used to support the judgements teachers and centres make this year. A centre's marking of NEA must, in a normal year, be subject to moderation by the awarding organisation before a learner's NEA performance can form part of their result. The condition gives effect to our decision to suspend the requirement for moderation in respect of GQ qualifications this summer.

Awarding organisations will be able to make exams available outside the UK, should they wish to do so.

The proposed condition also reflects our decision to consult on arrangements for an autumn examination series.

Question 2

Do you have any comments on proposed Condition GQAA2?

Condition GQAA3: Results for GQ qualifications

Proposed Condition GQAA3 sets the framework for results to be awarded for GQ qualifications this summer.

Eligibility

GQAA3.1 explains that all learners who enter for a GQ qualification before 18 June 2021 will be eligible to receive a result for that qualification this year. In addition, awarding organisations will be permitted to issue results to learners who anticipated taking a GQ qualification but where no entry was made by that date (or at all), for example because of a centre error.

Determining results

GQAA3.2 specifies that an awarding organisation must determine the results it issues this summer in accordance with any requirements we specify. Where it is not possible for an awarding organisation to issue a result in compliance with the requirements, for example because no information is received from a centre for a particular learner, no result may be issued.

We can specify requirements at any time and will usually publish those requirements. We are seeking views on requirements we propose to specify as part of this consultation (see below, The Proposed GQAA3.2(a)(i) Requirements). The proposed requirements provide that all results must be based on a Teacher Assessed Grade.

The proposed condition also requires an awarding organisation to have regard to any guidance we set in relation to the determination of results. We are not currently proposing to set any guidance for awarding organisations but will keep this under review.

Guidance for Centres

GQAA3.3 gives effect to our policy decision that awarding organisations must provide guidance for centres in relation to their role in the determination of results for learners this year, as well as a route for a centre to obtain further assistance from the awarding organisation.

The condition allows us to review the guidance an awarding organisation provides or proposes to provide, and to give feedback to which the awarding organisation must have regard.

Quality assurance

GQAA3.4 gives effect to our policy decisions in respect of the quality assurance which must take place before results are issued. Quality assurance has two stages:

1. Awarding organisations will ensure quality assurance takes place at the centre by requiring the Head of Centre to sign a declaration that appropriate internal quality assurance has taken place.
2. Awarding organisations will conduct their own quality assurance prior to issuing any results.

An awarding organisation will not issue results until any concerns which are identified through (internal or external) quality assurance have been resolved.

Further details about quality assurance are set out in the requirements we propose to set under Condition GQAA3.2(a)(i).

Confidentiality

Proposed Condition GQAA3.5 requires an awarding organisation to take all reasonable steps to ensure that the proposed results provided by centres are kept confidential by the awarding organisation and by centres and teachers.

The proposed condition would affect only the judgement made by the centre in respect of the Teacher Assessed Grade to be submitted for a learner. We want to encourage teaching and learning to continue for as long as possible and do not intend that teachers should be prevented from marking and providing feedback to learners on work completed, even where this might form part of the determination of a Teacher Assessed Grade. We consider teachers should be encouraged to discuss with learners the evidence which will be used to determine Teacher Assessed Grades.

In practice, we would anticipate awarding organisations taking proactive steps to protect the confidentiality of Teacher Assessed Grades, as well as treating any breach as malpractice and/or maladministration (GQAA3.6).

Question 3

Do you have any comments on proposed Condition GQAA3?

- a. Eligibility
- b. Determining results
- c. Guidance for Centres

- d. Quality assurance
- e. Confidentiality

Condition GQAA4: Appeals

Proposed Condition GQAA4 gives effect to the policy decisions we announced to allow students to appeal the results they are awarded for GQ qualifications this summer.

The proposed condition describes a two-stage review and appeal process, the first stage managed by the centre and the second by the awarding organisation.

The centre review

GQAA4.1(a) sets out the first appeal stage by requiring awarding organisations to take all reasonable steps to make sure centres put in place effective arrangements for a learner to request a review of a result on the basis of a procedural or administrative error by the centre. Conditions GQAA4.2 and 4.3 explain further information about the centre review stage.

Where the centre identifies a procedural or administrative error and considers a result should be changed, it will submit the proposed new result to the awarding organisation and explain why it considers the change is necessary. Proposed Condition GQAA4.4 provides that the awarding organisation will decide whether or not to revise the learner's result and, where it is revised, what the new result will be.

Appeal to the awarding organisation

GQAA4.1(b) sets out the second appeal stage by requiring awarding organisations to put in place a process to appeal a result to the awarding organisation, after the centre review, on the basis of a procedural failing by the centre or on the basis that a result reflects an unreasonable exercise of academic judgement by the centre.

Whether a centre's academic judgement was unreasonable will be for an awarding organisation to consider on a case-by-case basis, in the context of the diverse range of evidence which might be used to arrive at Teacher Assessed Grades this year, compared to typical years where grades are determined solely by students' performance in exam board set (and largely marked) assessments. In practice, we anticipate an awarding organisation will only revise a student's grade on appeal where it considers the evidence on which a result was determined cannot reasonably support that grade, rather than as a result of differences of opinion. The appeals arrangements will therefore provide an important safety net in what we expect to be a small number of cases where schools and colleges might make significant errors in determining grades.

Where an awarding organisation considers that a result should be changed, proposed Condition GQAA4.5 specifies that it must explain that decision to the centre as well as issuing any revised result. The awarding organisation may, should

it consider it appropriate in a particular case, seek the centre's views as to the appropriate revised result. The awarding organisation will have the final decision as to what result to issue to the learner, whether or not the centre is consulted.

Proposed conditions GQAA4.6 to 4.9 specify certain procedural matters in respect of the appeal to the awarding organisation. The majority of these reflect the appeals process which is usually in place for GQ qualifications although we have removed the usual requirement for a final decision to involve someone at one step removed from the awarding organisation³, because appeals this year will not involve the awarding organisation reviewing decisions taken by any of its employees or assessors. GQAA4.6 provides that a centre should submit an appeal to the awarding organisation on behalf of any learner who wishes to appeal, regardless of the centre's view of the merits of that appeal.

Grade protection

Proposed Condition GQAA4.10 reflects the possibility that the appeals process might cause an awarding organisation to consider that a result issued to the learner who appealed was too high.

The proposed condition requires that an awarding organisation must have regard to our [guidance on correcting incorrect results](#) and, informed by that guidance, decide whether or not to correct that learner's result. Any replacement result may be lower, higher, or the same.

Learners who did not appeal, but who might have been issued results which are too high, will be protected by the proposed condition which provides that an awarding organisation must take all reasonable steps to prevent results being lowered as a result of the appeals process for learners who did not consent to an appeal. This would not prevent an awarding organisation from lowering results where it concludes through another process, for example the investigation of malpractice or maladministration, or the application of routine quality assurance, that those results were incorrect.

Guidance

GQAA4.11 sets out a number of matters in relation to reviews and appeals in respect of which an awarding organisation must publish guidance.

³ For example, Condition GCSE18.5(c) requires: the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it.

Question 4

Do you have any comments on proposed Condition GQAA4 in relation to:

- a. The centre review
- b. Appeal to the awarding organisation
- c. Grade protection
- d. Guidance

The Proposed GQAA3.2(a)(i) Requirements

We propose setting requirements under Condition GQAA3.2(a) in relation to the determination of results. The purpose of the requirements is to set out in greater detail the steps we consider an awarding organisation must take to realise our policy decisions in relation to the determination of results for GQ qualifications this summer.

Many of our policy decisions reflect actions which will be taken by teachers and leaders at schools and colleges (centres). We do not regulate centres and cannot impose requirements on them or their staff. Instead, we require an awarding organisation to have in place a written and enforceable agreement with each centre which delivers its qualifications. We specify what must be included in that agreement, as well as requiring awarding organisations to monitor and enforce compliance with the agreement.

The requirements we propose to set in relation to the determination of results describe the interaction between an awarding organisation and centres. The requirements broadly fall into three categories:

1. Requirements which specify an action which an awarding organisation must take.
2. Requirements which specify the guidance which an awarding organisation must provide for its centres.
3. Requirements which specify that an awarding organisation must take all reasonable steps to ensure a centre takes specific action or delivers a specified outcome.

Taking all reasonable steps in relation to the requirements will include providing effective guidance (in accordance with Condition GQAA3.3) and taking additional steps, for example monitoring.

In this section, we briefly explain the effect of each part of the proposed requirements using the headings in the text.

Introduction

This section sets out the starting principles:

- results for GQ qualifications taken in the UK this summer must be determined by awarding organisations on the basis of judgements by schools and colleges (centres) in respect of their learners
- if an awarding organisation makes exams available for GQ qualifications taken outside the UK this summer, results following those exams must be determined in accordance with the normal regulatory framework

Teacher Assessed Grades

This section requires awarding organisations to request from each centre a ‘Teacher Assessed Grade’ in respect of each learner or private candidate eligible to receive a result for a GQ qualification and provides further information about Teacher Assessed Grades.

In particular, the section refers to our proposed ‘centre guidance’⁴ which describes how we consider teachers should make the necessary judgements and in turn refers to our objectivity guidance.⁵

We are seeking views on the consulting on the proposed centre guidance document and proposed objectivity guidance as part of this technical consultation.

Additional assessment materials

This section gives effect to our policy decision that awarding organisations must make available a suite of assessment materials that centres may choose to use to inform the judgements they will make to support Teacher Assessed Grades, as well as to our decisions about what the assessment materials should include.

We propose to require an awarding organisation to publish all of the additional assessment materials on or after a date which we will specify.

The section specifies that an awarding organisation must provide guidance for centres in respect of the use and marking of additional assessment materials.

Internal quality assurance by centres

This section specifies the arrangements we consider will be necessary for internal quality assurance by centres of the judgements they will make in relation to Teacher Assessed Grades.

Awarding organisations must take all reasonable steps to secure that centres have quality assurance arrangements in place which include the measures we specify in this section, including requiring that all centres grades are accompanied by a head of centre declaration.

Awarding organisations must provide guidance for centres in relation to internal quality assurance.

⁴ Annex D: [‘Information for heads of centre, heads of department and teachers on the submission of teacher assessed grades: summer 2021’](#)

⁵ Annex E: [‘Information for centres about making objective judgements’](#)

External quality assurance by awarding organisations

In this section we specify that an awarding organisation must have in place effective arrangements for external quality assurance and set out what those arrangements must include. Other than where this is not reasonably practicable, external quality assurance will include a check on the internal quality assurance processes at every centre as well as more detailed checks, including reviewing some of the evidence relied on by the centre, at a sample of centres.

Question 5

Do you have any comments on proposed the proposed Condition GQAA3.2(a)(i) requirements in relation to:

- a. Teacher Assessed Grades
- b. Additional assessment materials
- c. Internal quality assurance
- d. External quality assurance

Question 6

Do you have any comments on our proposed document: 'Information for heads of centre, heads of department and teachers on the submission of teacher assessed grades: summer 2021', in relation to:

- a. Standards in 2021
- b. Sources of evidence (other than in relation to private candidates)
- c. Sources of evidence (private candidates)
- d. Internal sign-off within the centre

Question 7

Do you have any comments on our proposed document 'Making objective judgements', in relation to:

- a. Objectivity in grading judgements
- b. Unconscious effects on objectivity
- c. Using previous data to check on the objectivity of judgements being made
- d. Reviewing judgements

Equality impact assessment

As a public body, we are subject to the public sector equality duty. Annex B sets out how this duty interacts with our statutory objectives and other duties.

We carefully considered whether any of our proposals might impact (positively or negatively) on students who share particular protected characteristics⁶ as part of the policy consultation, and again when we made our policy decisions.

In their own terms, the proposals in this consultation are technical in nature. We do not consider that there are any equalities impacts in relation to the specific proposals outlined in this consultation.

Question 8

Do you consider there are any equalities impacts arising from our technical proposals which we have not previously identified?

Regulatory impact assessment

We carefully considered the impact of our proposals on awarding organisations and on centres as part of our policy consultation and again when we explained our policy decisions.

The proposals in this consultation are technical in nature and reflect the policy decisions we have announced. We do not consider that there are any additional regulatory impacts in relation to the specific proposals outlined in this consultation.

Question 9

Do you consider there are any regulatory impacts arising from our technical proposals which we have not previously identified?

⁶ For the purposes of the public sector equality duty, the 'protected characteristics' are: disability, race, age, religion or belief, pregnancy or maternity, sex, sexual orientation, and gender reassignment.

Annex A: Your data

Privacy notice – February 2021

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

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). The relevant data protection regime that applies to our processing is the UK GDPR⁷ and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this Privacy Notice carefully as it contains important information about our processing of consultation responses and your rights.

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

Data Protection Officer at dp.requests@ofqual.gov.uk

Our legal basis for processing your personal data

Where you provide personal data for this consultation, we are relying upon the public task basis as set out in Article 6 (1) (e) of UK GDPR to process personal data which allows processing of personal data when this is necessary for the performance of our public tasks. We will consult where there is a statutory duty to consult or where there is a legitimate expectation that a process of consultation will take place. Where you provide special category data, we process sensitive personal data such as ethnicity and disability, we rely on Article 9(2) (g) of UK GDPR as processing is necessary for reasons of substantial public interest.

Why we are collecting your personal data

As part of this consultation process, you are not required to provide your name or any personal information that will identify you. However, we are aware that some respondents would like to provide contact information. If you or your organisation are happy to provide personal data, with regard to this consultation, please complete the details below. We would like to hear as many views as possible and ensure that we

⁷ Please note that as of 1st January 2021, data protection laws in the UK have changed. The General Data Protection Regulation (EU) 2016/679(GDPR) no longer applies to the UK. However, the UK has incorporated GDPR into domestic law subject to minor technical changes. The Data Protection, Privacy and Electronic Communications (Amendment etc.) EU exit Regulations (DPPEC) came into force in the UK on 1st January 2021. This consolidates and amends the GDPR and UK Data Protection Act 2018 to create the new UK GDPR.

are reaching as many people as possible. In order for us to monitor this, understand views of different groups and take steps to reach specific groups, we are asking for sensitive data such as ethnicity and disability to understand the reach of this consultation and views of specific groups. You do not have to provide this information and it is entirely optional.

If there is any part of your response that you wish to remain confidential, you will have the opportunity to indicate this in your response. Where you have requested that your response or any part remains confidential, we will not include your details in any published list of respondents, however, we may quote from the response anonymously in order to illustrate the kind of feedback we have received.

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients or including member of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response and assess this in accordance with applicable data protection rules.

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

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

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response. We will analyse all responses and produce reports of consultation responses. In the course of analysis, we will where possible avoid using your name and contact details. We will only process the body of your response, but we are aware that in some cases, this may contain information that could identify you.

Sharing your response

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

Where we share data, we ensure that adequate safeguards are in place to ensure that your rights and freedoms are not affected.

We use SmartSurvey to collect consultation responses and they act as our data processor. You can view SmartSurvey's privacy notice at <https://www.smartsurvey.co.uk/privacy-policy>

Your response will also be shared internally within Ofqual in order to analyse the responses and shape our policies and regulatory activity. We use third party software to produce analysis reports, which may require hosting of data outside the UK, specifically the US. Please note that limited personal information is shared. All personal contact information is removed during this process. Where we transfer any personal data outside the UK, we make sure that appropriate safeguards are in place to ensure that the personal data is protected and kept secure.

Following the end of the consultation, we will publish an analysis of responses on our website, www.gov.uk/ofqual. We will not include personal details in the responses that we publish.

We may also publish an annex to the analysis listing all organisations that responded, but will not include personal names or other contact details.

How long we will we keep your personal data

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

Your data

Your personal data:

- will not be sent outside of the UK unless there are appropriate safeguards in place to protect your personal data
- will not be used for any automated decision making

- will be kept secure

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

Your rights: access, rectification and erasure

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

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

If you would like to exercise your rights, please contact us using the details set out above. You can also find further details about Ofqual's privacy information [here](#).

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

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

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

Annex B – Ofqual’s role, objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has five statutory objectives, set out in the Apprenticeship, Skills, Children and Learning Act 2009;

- 1) **The qualification standards objective**, which is to secure that the qualifications we regulate:
 - a) give a reliable indication of knowledge, skills and understanding; and
 - b) indicate:
 - i) a consistent level of attainment (including over time) between comparable regulated qualifications; and
 - ii) a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) that we do not regulate
- 2) **The assessment standards objective**, which is to promote the development and implementation of regulated assessment arrangements which:
 - a) give a reliable indication of achievement, and
 - b) indicate a consistent level of attainment (including over time) between comparable assessments
- 3) **The public confidence objective**, which is to promote public confidence in regulated qualifications and regulated assessment arrangements
- 4) **The awareness objective**, which is to promote awareness and understanding of:
 - a) the range of regulated qualifications available,
 - b) the benefits of regulated qualifications to Students, employers and institutions within the higher education sector, and
 - c) the benefits of recognition to bodies awarding or authenticating qualifications

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

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

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant Students, including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

The Equality Act 2010

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

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

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

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

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

We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, sometimes conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a Student's knowledge, skills and understanding, a Student who has not

been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification.

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

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

Qualifications cannot mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, Students' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a Student's ability to achieve a particular assessment, our influence is limited to the qualification design and assessment.

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

In setting our proposed requirements, we want to understand the possible impacts of the proposals on Students who share a protected characteristic. The protected characteristics under the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage and civil partnerships
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

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



© Crown Copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.

To view this licence, visit

www.nationalarchives.gov.uk/doc/open-government-licence/

or write to

Information Policy Team, The National Archives, Kew, London TW9 4DU

Published by:

ofqual

Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

0300 303 3344

public.enquiries@ofqual.gov.uk

www.gov.uk/ofqual