

CONSULTATION DECISIONS

Arrangements for the assessment
and awarding of Vocational and
Technical Qualifications and Other
General Qualifications in 2021 to
2022



Department
for Education

ofqual

Contents

| | |
|---|----------|
| Introduction | 3 |
| Consultation details | 4 |
| Summary of decisions | 4 |
| Decisions | 4 |
| Part A - Arrangements for academic year 2021 to 2022..... | 4 |
| Part B - Regulatory arrangements for academic year 2021 to 2022 | 14 |

Introduction

The government's intention is that exams and assessments including for vocational and technical qualifications (VTQs) and other general qualifications¹ will go ahead in the academic year 2021 to 2022.

The government recognises, however, that students who will be taking exams and assessments have experienced significant disruption to their education and that these students may also need continued support in the face of any further disruption.

The Department for Education (the Department) and Ofqual's joint [consultation on the arrangements for the assessment and awarding of Vocational and Technical Qualifications and Other General Qualifications in 2021 to 2022](#) took place between 12 July and 26 July 2021. A copy of the consultation and our analysis of responses is available on the Ofqual website.

In Part A of the consultation, the Department set out its policy position and scope of adaptations to assessments and qualifications for VTQs approved for inclusion in performance tables, Functional Skills qualifications (FSQs) and T Levels that may be necessary to address the ongoing impact of the coronavirus (COVID-19) pandemic in the academic year 2021 to 2022. The Department consulted on the equalities impacts of this policy.

In Part B of the consultation, Ofqual set out the minor changes to its regulatory arrangements to implement the Department's policy position, as set out in Part A of the consultation. Ofqual consulted on the impact of changing the categorisation of qualifications in its regulatory framework, the [Vocational and technical qualifications contingency regulatory framework](#) (VCRF), so that qualifications could not be awarded based on teacher judgement (Teacher Assessed Grades) and would only be awarded based on evidence from exams and other assessments taken after 1 September 2021. Awarding organisations would be permitted to make adaptations to their qualifications and assessments, and to carry forward any adaptations from academic year 2020 to 2021 where they were still necessary and appropriate. Ofqual also consulted on minor updates to the drafting of the framework to reflect the context of academic year 2021 to 2022 and a change in the arrangements for appeals.

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

¹ Other General qualifications are academic in nature and are often taken in schools and colleges as part of secondary and tertiary education. Often the aim of these qualifications is to secure a body of knowledge and progress learners through to higher levels of academic study. Examples are baccalaureates, the Cambridge Pre-U, core and free-standing mathematics and entry level qualifications in academic subjects.

Consultation details

The consultation ran between 12 July 2021 and 26 July 2021. The consultation included 13 questions and was published on the Ofqual and Department for Education websites with an online form for responses. We received 259 responses to the consultation. A full analysis of the responses is published alongside the consultation.

Summary of decisions

Following this consultation, the Department for Education (the Department) has confirmed its' policy position that exams and other assessments should go ahead in academic year 2021 to 2022. It has also confirmed the permitted scope of adaptations for VTQs included in performance tables, FSQs and T Levels.

Ofqual will therefore withdraw the Category B qualification classification in the VCRF from 1 September 2021 so that all qualifications will be awarded based on evidence from exams and other assessments. Results for exams and other assessments taken after 1 September 2021 will not be based on Teacher Assessed Grades (TAGs) for qualifications which previously fell into Category B. Awarding organisations will however be permitted to make adaptations to their assessments and qualifications to assist in mitigating the ongoing impact of the pandemic.

Ofqual will also implement the minor changes to the drafting of the VCRF to reflect the context of 2021 to 2022 and the change to arrangements for appeals.

The Department and Ofqual will also work together to consider any contingency arrangements, beyond the permitted adaptations set out in the consultation document, which may be necessary in the event of any potential worsening public health situation that results in significant disruption to student's ability to take their exams and assessments. We aim to communicate these contingency plans as soon as possible in the autumn term.

Decisions

Part A - Arrangements for academic year 2021 to 2022

This section is written by the Department for Education (the Department).

Summary of arrangements set out in the consultation

The government is committed to ensuring exams and assessments go ahead in the academic year 2021 to 2022. However, we recognise that students who will be taking exams and assessments in 2021 to 2022 have had significant disruption to their education since March 2020, and we will continue to support students in the face of any further disruption.

Many vocational and technical qualifications and other general qualifications are used for progression to further study, employment, or to demonstrate occupational competency. The government therefore believes that all content should be taught, as far as is feasible, so that students are as well-prepared as possible for progression to the next stage of their education, training or employment. Given the disruption to students' education that will be carried over into 2021 to 2022, to support education recovery it may be necessary and appropriate for adaptations to be made to assessments to free up time to focus on catch up and teaching the remaining qualification content.

The variety in assessment structures and delivery across the VTQ landscape mean that a one-size-fits-all approach is not suitable for these qualifications.

We also expect awarding organisations to consider how making some adaptations now could make their VTQs more resilient to any further disruption as a result of a changing public health situation, so that exams and assessments could continue as planned as far as possible.

There should be a consistent approach across different awarding organisations for similar qualifications, where possible and appropriate. For other qualifications used alongside or instead of GCSEs, AS and A levels to support progression to further or higher study, awarding organisations should have reference to the suite of adaptations that are permitted to VTQs approved for inclusion in 2022 performance tables, as set out in the consultation document. Ofqual's regulatory arrangements require awarding organisations to design and implement adaptations that are appropriate for their qualifications. The principles contained within Ofqual's framework help to promote consistency of approach across awarding organisations where relevant.

VTQs approved for inclusion in the 2022 performance tables

The arrangements outlined in the consultation document under the headings 'Permitted adaptations under the Technical Guidance' are for VTQs approved for inclusion in 2022 performance tables as Technical Awards, Technical Certificates, Tech Levels or Applied General qualifications. The scope of the adaptations for 2022 performance tables qualifications includes all students who will be taking assessments for these qualifications in the academic year 2021 to 2022.

These adaptations are for the academic year 2021 to 2022 only and it should not be assumed that adaptations to assessments approved for 2020 to 2021 or for 2021 to 2022 will continue in 2022 to 2023. It is our firm intention that exams and assessments will return to normal in the academic year 2022 to 2023. For the avoidance of doubt, a student who has received a CAG or a TAG in either 2019 to 2020 or 2020 to 2021 will also be able to carry this result forward.

Functional Skills Qualifications (FSQs)

As with other VTQs, we expect all Functional Skills qualifications (FSQs) exams and assessments to go ahead in 2021 to 2022 and the full subject content to be taught across all levels.

Our expectation is that awarding organisations will continue to put in place adaptations relating to the delivery of FSQ exams and assessments where necessary, as they did in 2020 to 2021.

T Levels

The arrangements for T Levels set out in the consultation are, in line with other VTQs, that exams and assessments should go ahead in 2021 to 2022.

Monitoring the public health situation and contingency planning

There is, of course, continued uncertainty about the path of the pandemic, including whether further disruption may occur over the course of the 2021 to 2022 academic year. Even if some public health restrictions were to be needed over the next academic year, we believe it will still be possible for students to take exams safely, but we need to have plans in place for the unlikely event that is not possible. There also remains a small risk that there is further disruption to education during the 2021 to 2022 academic year which is so extensive that, even with remote education in place and the adaptations proposed, going ahead with exams would not be the fairest approach for students.

The Department and Ofqual will therefore work together to consider contingency plans, beyond the adaptations set out in the consultation, for scenarios where exams or assessments cannot be held for any reason, either locally or nationally.

Equalities considerations

What we said

In developing our policy position, we sought to ensure that the approach does not disadvantage students and other learners, including on the basis of sharing a

protected characteristic, those who receive SEND (special educational needs and disabilities) support and those from disadvantaged backgrounds.

We set out in detail these considerations in the consultation document and sought views on them. Ofqual has conducted an equality impact assessment of their regulatory approach in part B of the consultation.

We asked:

Question 1: Are there any other equalities impacts that we have not identified and should consider?

Responses received

Of the 259 responses received for this consultation, a total of 74 comments were submitted. Responses to question 1 largely related to qualifications and their assessments that were in scope of this consultation, although 15 responses were focused on GCSEs and A levels, which are out of scope. Many respondents used this question to highlight the ongoing impact of lost learning which is explained in more detail below.

There was a consensus among respondents that the Department's consideration of equality impacts was thorough and welcomed. Many awarding organisations and some students and teachers highlighted the need for any decisions on adaptations and contingencies to be communicated as early as possible and ideally before the start of the academic year.

The majority of responses recognised that COVID-19 had disrupted learning in multiple ways. This included the lack of exam preparation, face-to-face learning, time for practice of practical skills and for work placements. It was also highlighted, largely by teachers, who were the largest stakeholder group to submit comments on question 1, that the impacts have differed depending on where students and centres were geographically in the country, for example some regions had more public health restrictions in comparison to others.

A significant proportion of the comments from awarding organisations and an equalities organisation expressed that due consideration should be given to students or learners who have SEND) or are from a disadvantaged background or have protected characteristics, given that these are students who will have been affected the most.

A number of respondents argued that insufficient support had been given to students. A key area highlighted was technology support, recognising that there are several factors that can affect digital inclusion and literacy, including region, background and language. It was also noted, by an awarding organisation, that students are often extremely adept at using leisure devices such as mobile phones but less able to use business devices such as laptops. Additionally, it was reported by some awarding organisations, that digital inequality has affected some FSQ students being assessed via remote invigilation, for example, where there are limited devices, or specialist equipment or software, and/or disrupted access to the internet.

Several responses from teachers, parents and some awarding organisations, expressed concern for the mental health of students, including anxiety that could be caused by having to take exams and assessment under public health restrictions, or when they felt they had not been sufficiently prepared for them.

One representative body argued that FSQs are as demanding as GCSEs therefore any contingences considered should apply equally to FSQs as they would GCSEs.

Our decisions

It remains our firm intention that exams and assessments go ahead in 2021 to 2022. In order to maximise teaching time and education recovery, we recognise that adaptations will continue to be needed. Within the context of Ofqual's regulatory framework, our approach to performance table qualifications, T Levels and FSQs seeks to ensure as much fairness as possible for VTQ and other general qualifications students compared to their GCSE and A level peers. However, given the nature of VTQs and other general qualifications, the precise adaptations used, and the timing of their implementation may not be exactly the same as for GCSEs and A levels.

Similarly, it is important that there is as much fairness as possible across VTQ students taking similar qualifications. However, the adaptations awarding organisations put in place for individual qualifications may be slightly different for similar VTQs as the variety of assessment structures and delivery means awarding organisations will need to consider for each of their qualifications. Despite these nuances, the Department wants to see as much consistency as possible across similar VTQs and Ofqual is continuing to work with awarding organisations to support them in taking similar approaches where relevant and appropriate.

For VTQs most like GCSEs, AS and A levels, it is the Department's policy that these are awarded on the basis of alternative arrangements similar to those that will be used for GCSEs, AS and A levels. This is to seek to ensure as much fairness between VTQ students and their GCSE, AS and A level peers. Assessments for GCSEs, AS and A levels are subject to a separate consultation that closed on 1 August. The response to this will be published in the autumn.

For VTQs approved for inclusion in the 2022 performance tables, the Department is currently reviewing the additional adaptations that some awarding organisations have proposed for delivery in 2021 to 2022. We will confirm our decisions as soon as possible. As set out in the consultation document, any adaptations approved for 2022 performance tables qualifications will only be approved for use in 2021 to 2022. It should not be assumed that any adaptations will continue in 2022 to 2023. For the avoidance of doubt, a student who has received a CAG or a TAG in either 2019 to 2020 or 2020 to 2021 will be able to carry this result forward

The impacts identified by respondents reflected those we had considered in the consultation document. Many highlighted the broad impact of the pandemic on lost learning and mental health.

Recognising these impacts, the government has committed to a long-term education recovery plan and is investing over £3billion in a package of measures to support education recovery. Further details are included in the decision section for question 2.

Additionally, as set out in the consultation document, the permitted adaptations to assessments are intended to assist in minimising any differential education experiences of all students including those identified as being at risk of greater disruption than others.

Awarding organisations are subject to the Equality Act and must therefore take their decisions about adaptations in compliance with Equality Act obligations. They are also subject to Ofqual's General Conditions, which include measures to ensure accessibility, reasonable adjustments and minimising bias. Ofqual requires awarding organisations to keep a record of any adaptations they make, and the rationale for them. Where appropriate, Ofqual can take action against an awarding organisation that introduces an adaptation without justification which disadvantages students with particular protected characteristics.

In proposing changes to exam and assessment arrangements for VTQs approved for the inclusion in performance tables, we have taken care to consider how any changes might have an impact on SEND students who will have reasonable adjustments when taking their exams and assessments. We consider that the adaptations made by awarding organisations should not affect the accessibility of these qualifications.

However, as we set out in the consultation, while we are taking the necessary steps to minimise any differential education experiences, the permitted adaptations cannot fully address the differential education experiences of all students.

We need to strike the right balance so that students and other learners are equipped to progress to the next stage of their lives. Going further than the adaptations we have set out, for example reducing the amount of taught content, could risk their

ability to progress. In addition, there are health and safety risks to the general public in, for example, reducing content of qualifications which allow a learner to demonstrate occupational competence.

Having carefully considered the responses together with our own assessment, we consider that the current set of adaptations strikes the right balance, with the exception of T Levels where we are permitting a new adaptation – see the decision section for question 2.

We asked:

Question 2: Do you have any views on how any potential negative impacts on particular groups of students could be mitigated?

Responses received

Of the 259 responses to the consultation, a total of 141 submitted a comment for question 2. Twenty seven of the 141 were out of scope of the consultation, referring mainly to GCSE, AS and A level assessments.

The majority of responses set out different types of adaptations and where they would be useful, for example reducing content of qualifications or assessments, adding optionality to exams or assessments, or having fewer internal or external assessments in a qualification. Some responses from teachers, students and parents suggested that grading boundaries should be reviewed and lowered.

Many respondents, across all stakeholder groups, argued that any such adaptations should be communicated as early as possible and preferably in advance of the academic year 2021 to 2022.

A significant number of parents' and teachers' responses were about teacher assessed grades, where the majority said they should either continue or a hybrid of exams and assessments and teacher assessed grades should be put in place, due to the impacts of lost learning and pressures on students.

Many respondents argued for improved support mechanisms, including technology support, pastoral support, mental health care, additional funding and education recovery support, particularly for SEND, those with English as an additional language and students from lower socio-economic backgrounds. Some argued that additional support should be for all students and learners, whilst others argued that those who had been most affected by COVID-19 should receive the greatest amount of support.

Some respondents thought that remote assessments for FSQs worked well in some circumstances. Others highlighted challenges in delivering FSQ assessments via remote invigilation, including the cost to set up, ability to deliver at scale in colleges, and a requirement to have the necessary equipment. One representative body argued that adaptations for FSQs need to be comparable with those for GCSEs because FSQ Level 2 can be just as demanding as GCSEs, therefore if GCSEs make formulae sheets available then they should also be available for FSQs.

For T Levels, some respondents suggested further adaptations to the Autumn core assessments are needed. Others have pointed out that because the delivery of Industry Placements was disrupted last academic year, for many learners, this means all the Industry Placement hours must now be delivered in the second year. As such, a number of respondents suggested the need for greater flexibility in the delivery of Occupational Specialism assessments to maximise students' opportunity to prepare for these assessments whilst completing their Industry Placements. This may include, for example, pushing the set time for occupational specialism assessments back further in the academic year so learners have more time to develop required skills.

Our decisions

The majority of adaptations suggested by respondents are permissible under the VCRF and as such awarding organisations could apply to use those in their qualifications, where valid and appropriate. These would then be assessed for approval in the usual way.

Although some respondents suggested either retaining teacher assessed grades for 2021 to 2022 or using a hybrid approach of teacher assessed grades and assessments, the government's view remains that exams and assessments are the best way to assess students and is committed to ensuring that they can go ahead in 2021 to 2022. We will, however, ensure that the responses received to this consultation are fed into the work we are doing with Ofqual to consider contingency arrangements should there be any additional COVID-19 restrictions during the 2021 to 2022 academic year. We aim to communicate these contingency plans as soon as possible in the Autumn Term.

With regard to grading, Ofqual is considering how best to grade qualifications in academic year 2021 to 2022 in a way that will be as fair as possible to students in that year, those who took qualifications in previous years, and those who will take them in future. Ofqual has statutory responsibility for the maintenance of standards and for public confidence in qualifications, while having regard to government policy. Ofqual will make a decision once academic year 2020 to 2021 results are known and will announce its decisions in the autumn.

Our expectation is that FSQ exams and assessments will go ahead. We expect awarding organisations to continue to put in place adaptations to delivery to conduct exams in line with public health measures or via remote invigilation without the need for further adaptations. One adaptation suggested for FSQs were maths formulae sheets, in the interests of parity, given they are one of the potential adaptations currently being consulted on separately for GCSEs. We have considered, including seeking the views of Ofqual and FSQ awarding organisations, whether any introduction of formulae sheets for GCSE maths would suggest they would be needed for FSQ maths.

The purpose and subject content of FSQs are different to GCSEs. GCSE maths subject content requires students to memorise mathematical formulae and provides a specific list. FSQs have a reduced subject content that test the ability to apply skills and demonstrate application of methodology in different contexts, with less reliance on recall of formulae. In addition, the on-demand nature of FSQ assessments would make it difficult to manage comparability between students who completed in the same year should formulae sheets be introduced.

As a result of these differences and to maintain comparability between exam results, we will not be permitting the use of formulae sheets for FSQs.

For T Levels, the autumn 2021 core assessments are likely to be taken by a very small number of students who were not entered for assessment in the summer or have chosen to appeal the results of their teacher assessed grade. Providers who responded have not raised concerns about student preparation for these assessments and it should be noted that the autumn is not the final opportunity for learners to be assessed on the core as there is a further retake opportunity in the summer 2022. Therefore, we do not envisage any changes to the autumn 2021 core assessments.

However, in response to calls to maximise students' opportunity to complete their Industry Placements and allow learners to prepare for Occupational Specialism assessments next academic year, we will now permit adaptations to the delivery of Occupational Specialism assessments. This may include, for example, pushing the set time for occupational specialism assessments back further in the academic year so learners have more time to develop required skills.

Any adaptations proposed by an awarding organisation would need to be agreed by Ofqual and the Institute for Apprenticeships and Technical Education (the Institute). Given Occupational Specialisms assess students' level of competence, only changes to delivery of assessment, for example to timing (as above), will be permitted - not adaptations to content which, for example, 'streamline' the skills which are taught or assessed.

Education recovery more broadly

Reflecting the consultation responses, we recognise the disruption to teaching and learning that many have faced, and the multiple factors that mean some have been more severely disrupted than others. We also appreciate the huge efforts made by teachers, employers, assessors and awarding organisations to support students and learners to progress.

Many young people aged 16 to 19 have lost a significant amount of learning during the pandemic. It is essential we support this group of young people to catch-up as they have the least time left before progressing into the labour market or onto higher education.

In addition to an extension of the 16 to 19 tuition fund for 2021 to 2022 announced in February 2021, we will provide a further £222 million to continue the 16 to 19 tuition fund for an additional 2 years from the 2022 to 2023 academic year, allowing access to one-to-one and small group catch up tuition. Young people will be able to catch up in subjects that will benefit them the most, including maths, English and vocational courses.

To ensure that those with the least time left have the opportunity to progress, the government will give providers of 16 to 19 education the option to offer students in year 13 (or equivalent) the opportunity to repeat up to one more year if they have been particularly severely affected by the pandemic.

Through the Get Help with Technology programme, over 1.35 million laptops and tablets have been distributed to schools, trusts, local authorities and further education providers for disadvantaged children and young people as part of a £400 million government investment to support access to remote education and online social care services.

Part B - Regulatory arrangements for academic year 2021 to 2022

This section is written by Ofqual.

Changes to the categorisation of qualifications

What we said

In March 2021, we introduced the [Vocational and Technical Qualifications Contingency Regulatory Framework](#) (VCRF) to regulate the awarding of qualifications in summer 2021 in light of the government's decision that it was not viable for exams for some qualifications to go ahead.

When we introduced the VCRF, we included conditions, requirements and guidance addressing 2 categories of qualifications.

For qualifications in Category A, exams and other assessments were expected to continue but awarding organisations were permitted to make adaptations to their assessments and qualifications to take account of the ongoing impact of the pandemic, where they could do so without undermining the validity and reliability of the qualifications. These were those qualifications which assess occupational or professional competency, proficiency, or act as a licence to practise, where it would not be safe to award these qualifications using alternative evidence, such as teacher judgement. Performing arts graded examinations were also included in this category.

For qualifications in Category B, awarding organisations were permitted to award results using alternative evidence, including Teacher Assessed Grades (TAGs), where students were not able to complete all their assessments. Qualifications in this category were those which are used for progression to further or higher study or into employment, where the issuing of results to students needed to be prioritised. It included those qualifications used alongside or instead of GCSEs, AS and A levels, where we expected awarding organisations to award results in a similar way to those qualifications, examples of which are Applied Generals, Technical Awards and Tech Levels. Awarding organisations were also permitted to make adaptations to assessments and qualifications in Category B where assessments continued.

By including the 2 separate categories permitting different approaches to assessment and awarding, our intention was that the VCRF would be sufficiently flexible to enable it to regulate qualifications beyond summer 2021 without requiring major changes to the regulatory framework.

In the consultation we stated that, in light of the government's intention that exams and assessments would take place in the academic year 2021 to 2022, we had decided that all Category B qualifications would fall under Category A of the VCRF

from 1 September 2021. This would mean that awarding organisations would only be permitted to issue results using evidence from exams and other assessments. Results would no longer be awarded based on TAGs. Awarding organisations would be permitted to continue with any adaptations they had already made to their qualifications or to make further adaptations where this can be done without undermining the validity and reliability of the qualifications, to address the ongoing impact of the pandemic.

To achieve this change in classification, we set out our intention to issue a notice to awarding organisations to withdraw the designation of Category B qualifications from 1 September 2021. We would also make minor drafting changes to the VCRF Conditions to reflect this change (VCR1.3 and the Interpretations and Definitions section of the revised VCRF accompanying the consultation).

We said that although we were withdrawing the designation of Category B qualifications, we would retain the Category B conditions, requirements and guidance within the VCRF. This would allow us to future-proof our regulatory framework. If there was a future change in government policy in response to a worsening public health situation, and it was decided that it is not viable for exams and assessments to take place at any point in the future, we would be able to reintroduce the Category B qualification designation and to permit the awarding of results using alternative evidence such as TAGs. We therefore confirmed we would not be making any substantive changes to the VCRF where it refers to Category B.

We asked:

Question 3: Do you have any comments on the impact of our decision to withdraw the designation of Category B qualifications at this time and to move all qualifications under Category A?

Responses received

Of the 259 submissions received for this consultation, a total of 99 respondents commented on this question. Nine out of those 99 responses were out of scope for this consultation, with the majority of these referring to GCSE, AS and A level assessment.

Respondents were divided as to whether this was the right time to withdraw the Category B qualification designation and so prohibit the use of TAGs. About a third of respondents said that they agreed with the approach but about a third of respondents, including many students, parents or carers and teachers, felt that it

was premature to do so. It was felt that TAGs could help to mitigate against differential learning loss across students and provide an 'insurance policy' against a worsening public health situation.

Most awarding organisations understood our decision to withdraw the Category B designation within the VCRF, and welcomed that it could be re-introduced, should this be necessary if the public health situation worsened. Some however expressed concern that changing qualification categories could be confusing for qualification users. There was also a general consensus amongst awarding organisations, that there was insufficient clarity around who and what would lead to the reintroduction of the Category B designation and the use of TAGs.

The continuation of adaptations to assessments and qualifications was welcomed by many respondents, including awarding organisations.

Many respondents commented on individual and organisational experiences of teaching and assessment in the context of the COVID-19 pandemic, and how this had impacted student learning.

Many teachers said that there was a need to both reduce course content for the academic year 2021 to 2022 as well as internal assessment. They reported that students were already behind with their coursework, this having been brought about, for example, by 'bubble closures', needing to self-isolate, and having limited access to other teaching arrangements, thereby leading to learning loss.

Concerns were also raised that students could not catch up on their outstanding coursework for this current academic year whilst studying the course content in the coming academic year. This same argument was also used to justify why it would be impractical to make students, who should have taken internal assessments in the academic year 2020 to 2021, (but for some reason, like bubble closures, couldn't), take them in the academic year 2021 to 2022.

There was also some confusion amongst some respondents about whether it was permissible for mid-flight learners (those not certificating in summer 2021) to carry forward TAGs into subsequent academic years.

Some respondents commented on a perception of unfairness for those students taking more practical courses who have been significantly impacted by differential learning loss, especially in comparison to those students taking GCSE, AS and A level subjects.

Respondents also set out the challenges related to the safe delivery of exams and assessments. The need for consistency of approaches between awarding organisations, in particular when adaptations came into effect was also emphasised.

Respondents felt that there was risk of further learning disruption over the academic year 2021 to 2022, be that local, regional or national disruption. They argued that

comprehensive contingency plans therefore needed to be in place should a change of approach become necessary. The need for timely decisions about future arrangements was also stressed by many respondents to allow for effective implementation of any changed approach.

Our decisions

Government's intention is that exams and other assessments should go ahead in academic year 2021 to 2022. As set out in the consultation, we have therefore decided that all Category B qualifications will now fall under Category A of the VCRF in 2021 to 2022.

The Category B qualification designation was introduced this summer for some qualifications to permit the use of alternative evidence, including TAGs, in the award of qualifications only because students were not able to complete all exams and assessments. Now that exams and other assessments are expected to go ahead, we require that awards are based on evidence from those exams and other assessments.

We therefore will proceed with our plan to publish a notice to withdraw the Category B qualification designation at this time.

We recognise however that in the context of any worsening public health situation, it may be necessary to reintroduce TAGs and that is why we have retained the conditions, requirements and guidance for Category B qualifications in the VCRF, should it be decided that this course of action is required. In those circumstances we would be able to reintroduce the Category B designation and consequently permit awarding organisations to issue results based on alternative evidence, including TAGs. We note the requests from respondents for clarity on how and when any such change in to awarding would be implemented in the event that it is not considered appropriate for exams and assessments to take place. We will continue to work with the Department to develop detailed contingency arrangements.

We understand that there is a risk that changing regulatory qualification categories could be confusing for qualifications end-users. We think that the risk is minimised by having 2 broad categories of qualifications and now that all qualifications fall into Category A, there is probably no need to reference our regulatory categories at all in communications. We do not require awarding organisations to refer to our regulatory categories in their communications with centres (and many did not this summer), we only require awarding organisations to explain to their centres how their qualifications will be assessed and awarded.

Many respondents highlighted the need for greater clarity about arrangements for the next academic year, in particular for mid-flight (non- certifying learners).

We therefore confirm that mid-flight students can carry forward results based on TAGs (or CAGs) into the next (or subsequent) academic years. Where students have received a result based on a TAG, they are not required to sit that assessment next (or any subsequent) academic year, the TAG result stands unless the student wishes to resit to improve their TAG grade.

We also recognise the ongoing impact of the pandemic on teaching and learning and the implications for assessment. In line with the Department's policy position, through the VCRF, we require awarding organisations to consider whether they need to make adaptations to their assessments and qualifications to assist in mitigating the impact of the pandemic. This may be to free up time for teaching and learning and educational recovery activities and to build in resilience in case of further disruption. For VTQs included in performance tables and used alongside or instead of GCSEs, AS and A levels, these adaptations may include streamlining assessments (to reduce duplication of testing of a particular skill or knowledge) or reducing the number of internal assessments. However, the Department's expectation is that all the content for these qualifications should be taught to support student progression to further study or employment.

For professional, occupational, proficiency or licence to practise qualifications, adaptations are also permitted where necessary and appropriate. Again, we expect all content to be taught to maintain the validity of those qualifications, and any adaptations to assessments for those qualifications should be supported by sector or professional bodies.

The Department regularly reviews the public health guidance issued to schools, colleges and training providers². We expect the new guidance will make it easier for centres to carry out practical assessments as well as to hold exams.

We also recognise the need for awarding organisations to take consistent approaches to adaptation for similar qualifications, as far as possible. The VCRF requires awarding organisations to ensure that VTQ learners are not advantaged or disadvantaged compared to their peers taking similar VTQs or GCSEs, AS and A levels. However, differences in the assessment design and delivery of VTQs (which existed before the pandemic) will mean that different approaches to adaptation across awarding organisations may be justifiable or appropriate. The VCRF does not

² Public health guidance for schools, colleges and training providers:

[Schools COVID-19 operational guidance](#)

[Actions for FE colleges and providers during the coronavirus outbreak](#)

[Public health guidance to support exams from January 2021](#)

prescribe a set of adaptations, it sets out guiding principles to inform awarding organisations' decisions about appropriate adaptations for their qualifications. However, we do expect awarding organisations to work together to develop consistent approaches where possible, and to ensure that any adaptations are manageable for their centres and are communicated in a clear and timely way.

As we have done throughout the pandemic, we will continue to monitor and work with awarding organisations to support the development of consistent approaches. We will also look at whether it is possible for awarding organisations to take common approaches to the format and timing of communications and to operational deadlines.

Requirements and guidance in relation to adaptations

What we proposed

We considered that the requirements and statutory guidance within the VCRF on adaptations already sufficiently addressed the Department's expectations:

- around the need for consistency of approach to adaptation across awarding organisations
- around the need for awarding organisations to take into account manageability for their centres and to communicate with them in a clear and timely manner
- that VTQ students should not be advantaged or disadvantaged in comparison to their peers taking other VTQs and/or GCSEs, AS and A levels

Therefore, we proposed to make the following minor drafting changes to the statutory guidance in relation to the adaptation of vocational and technical qualifications:

- to update the introductory section to reflect the context of academic year 2021 to 2022
- to update our guidance on delaying or rescheduling assessments to reflect the expectation that exams and assessments will take place
- recognising that awarding organisations may already have taken steps to develop their understanding of their centres and learners, to update and retitle the guidance related to this

We asked:

Question 4: Do you have any comments on the proposed changes to the drafting of the statutory guidance on adaptation in the revised VCRF?

Responses received

Of the 259 submissions received for this consultation, a total of 50 respondents commented on this question. Eight of those 50 responses were out of scope for this consultation, with the majority of these referring to GCSE, AS and A level assessment. Overall, over half of respondents did not comment specifically on the changes to the guidance, a third were broadly in agreement with the changes, and a very small proportion said that they disagreed with the proposed changes. Of those that disagreed, they used this question to comment on the need to retain TAGs.

In the consultation we said that we did not propose to make changes to the principles for Category A qualifications but some awarding organisations raised concerns over the wording of the principles, in particular Principles A3 and A4.

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.

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.

Even though Principle A3 includes the caveat 'as far as possible', some respondents felt that it would not be possible to maintain standards with previous years because of the variable educational experience students have had compared to previous cohorts. We were also asked to clarify whether Principle A3 was intended to refer to standards in specific previous years.

Similar points were made in relation to Principle A4. Some respondents said that the obligation not to advantage or disadvantage students against those taking qualifications in previous years, was complex because of the use of Centre Assessed Grades and TAGs in awarding in summer 2020 and 2021 and the need to ensure the parity with GCSEs, AS and A levels.

One awarding organisation suggested that it would be helpful to include the words 'reasonable steps' in each principle to recognise the challenges of meeting each principle.

Respondents welcomed the retention of adaptations which they felt would help to mitigate the impacts of differential learning loss and could also help to promote psychological well-being. However, the lack of a consistent approach to adaptations across awarding organisations was highlighted as a concern by some respondents. It was felt that one way to address this would be to reduce the content to be taught to students. There was also concern that awarding organisations might withdraw adaptations at different times, should the public health situation improve, creating unfairness and challenges for centres. The need for teachers, students and awarding organisations to have certainty about arrangements for next year was also emphasised by respondents.

Some awarding organisations also asked for clarity on Ofqual's expectations around how they should work together to develop consistent approaches. It was also suggested by one respondent that a new principle should be added - that awarding organisations communicate all adaptations by a common deadline, agreed with Ofqual.

Responses from organisations working with more disadvantaged students thought that awarding organisations needed to receive more guidance on types of adaptations that could best mitigate against such students becoming further disadvantaged, especially for ESOL Skills for Life and SEND students and other students who normally experience greater disadvantage.

Our decisions

We do not propose to make any further changes to the guidance on adaptation and will publish as final the version which accompanied the consultation. We consider that the current requirements and guidance on adaptation already address the need for awarding organisations to take consistent approaches where possible and our focus will be on monitoring how awarding organisations implement any adaptations. This will build on the engagements and schedule of meetings we already have in place to work with awarding organisations.

We have also decided not to make any changes to the principles for Category A qualifications.

We recognise the challenges around maintenance of standards and approaches to standard setting arising from Principle A3, both in the particular circumstances of 2021 to 2022 and more generally across similar qualifications where the mechanisms to do this are not currently in place. We do not consider however that it would be appropriate to make any changes to this principle. Awarding organisations

are already under an obligation to consider the standard of similar qualifications made available by other awarding organisations under General Condition H3 (Monitoring the specified levels of attainment for a qualification). It requires awarding organisations to do so 'as far as possible' so it already acknowledges that awarding organisations may not be able to set inter-awarding organisation standards for some VTQs, even where they are similar. We will however take forward a programme of work around developing a shared understanding of maintenance of standards in the context of 2021 to 2022. Also, to clarify, Principle A4 does not refer to 'previous years'. Its focus is primarily on arrangements within an academic year and again it recognises that awarding organisations can only do so 'as far as possible'. We already have wording in the stem to the principles, which says "An awarding organisation must take all reasonable steps to comply with the principles below...".

Awarding organisations are required to take into account access to reasonable adjustments when introducing any adaptations and we will continue to work with equalities and other expert bodies to support awarding organisations' understanding in this area.

Arrangements for 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 included statutory guidance on compliance with Condition I1 expecting 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.

In the consultation, we proposed:

- to remove the discretion provided by VCR7.3 (allowing awarding organisations to use the guidance in the General Conditions to decide whether or not it is appropriate to correct an incorrect result discovered during an appeal) in a notice
- a drafting amendment to VCR7.1 (which disapplied Condition TQ1.1(c) of the qualification-level conditions for Technical Qualifications) so that the condition only remains in place for any appeals stemming from qualifications that fell within Category B before the designation was removed

We asked:

Question 5: Do you have any comments on the proposed changes to arrangements for appeals in the revised VCRF?

Responses received

Of the 259 submissions received for this consultation, a total of 24 respondents commented on this question, although some comments were out of scope of this question and others didn't specifically address the proposed changes to the arrangements.

Over a third of respondents commented to say they supported the proposals. A small number of awarding organisations said that they would not be affected by the change because they did not make use of the provisions under VCR7.1.

Some respondents were concerned that the proposed changes meant that appeals against results based on TAGs could not continue after September and so they thought it was important that VCR7.3 was applied to these appeals and that we could address this through drafting rather than by publishing a notice. One awarding organisation expressed concern that if TAGs continued in 2021 to 2022, appeals against TAGs would be operationally challenging.

Some respondents also emphasised the need for a consistent approach to appeals between qualifications (including between VTQs and GCSEs, AS and A levels) and awarding organisations, particularly if TAGs were reintroduced in the context of a worsening public health situation.

An equality organisation commented that it is important to ensure that arrangements for appeals are clearly communicated to students to avoid disadvantage, including ESOL learners who might not understand the process or that it is possible and acceptable to appeal following a stated procedure. The respondent felt that some learners may not feel comfortable questioning authority in this way.

Our decisions

We note that some respondents were concerned that the proposed changes to appeals would disadvantage students who were eligible to receive results based on TAGs. We confirm that the notice we plan to publish and the drafting change to VCR7.1 will not disadvantage students who were eligible to receive a result based on TAGs. They will still be able to progress an appeal against a result based on a TAG.

We also confirm that should TAGs or any other contingency arrangements be introduced then we will ensure that there is a consistent basis for appeals across VTQs and with GCSE, AS and A level students. We also note the need to ensure that students understand their right to appeal and will continue to develop student-facing communications to explain arrangements for appeals.

We therefore will publish the notice to remove the discretion provided by VCR7.3 (allowing awarding organisations to use the guidance in the General Conditions to decide whether or not it is appropriate to correct an incorrect result discovered during an appeal) and take forward the drafting change into the final version of the VCRF.

Changes to the statutory guidance on remote invigilation

What we proposed

Since the guidance on remote invigilation in the VCRF was drafted in 2020, we have worked with awarding organisations to develop a shared understanding of the term remote invigilation (RI) and the related term of remote assessment (RA).

We therefore proposed to update the statutory guidance on adaptation to include these definitions and to make some further minor adaptations to the wording for consistency.

We confirmed that these changes would not have any practical implications for awarding organisations or centres around the delivery of assessments using RI or RA but would provide greater clarity and consistency.

We asked:

Question 6: Do you have any comments on the proposed changes to the guidance on remote invigilation and the introduction of guidance on remote assessment in the revised VCRF?

Responses received

Of the 259 submissions received for this consultation, a total of 36 respondents commented on this question.

The majority of respondents did not comment on the proposed changes to the statutory guidance. Instead, they provided their views on remote invigilation and

remote assessment. Some respondents had also misunderstood the question and thought the guidance applied to the delivery of GCSEs, AS and A Levels.

Those in favour of remote invigilation and remote assessment emphasised that removing these measures would disadvantage some students, including those isolating due to COVID-19. They said that these adaptations had provided a very positive experience and much needed flexibility to meet individual circumstances.

Those not in favour of remote invigilation and remote assessment raised concerns around the increased ability to cheat or plagiarize work, due to the lack of live invigilation. Other respondents raised concerns that these adaptations disadvantaged different groups of students, including those from low-income backgrounds, students without access to the necessary equipment and students suffering from illnesses, including those suffering from 'long COVID'. Some respondents commented on the difficulties of using remote invigilation and remote assessment, partly because of the lack of information received from awarding organisations and also because of the cost of implementation.

A number of respondents also raised concerns about how Ofqual could ensure consistency in the implementation of remote assessment and remote invigilation across awarding organisations. Respondents commented on the need for further guidance and clarity for all parties, including awarding organisations, teachers and students.

Where respondents did address the question, the majority agreed with the changes to the statutory guidance, welcoming the increased clarity and consistency in the guidance. Some respondents also asked for more specific guidance to be provided by Ofqual, rather than just the addition of the definitions. It was also suggested that awarding organisations would benefit from the guidance being embedded into the General Conditions of Recognition after the end of the pandemic.

Our decisions

We note the differing views on and experience of respondents towards remote invigilation and remote assessment and the desire for consistency across awarding organisations and for more detailed guidance.

We consider that the definitions of the terms are a helpful starting point in supporting consistency across awarding organisations and we think that additional guidance is likely to be useful in the future.

As such, we have decided to publish the guidance on remote invigilation and remote assessment we consulted on without any further changes at this time. However, we plan to build on this guidance over the next year, drawing on the outcomes of our research into the use of remote invigilation and remote assessment and our engagement with awarding organisations. We are also reflecting on whether and

how to embed any guidance on remote invigilation and remote assessment within our General Conditions of Recognition.

Monitoring the public health situation and contingency planning

What we said

In Part A of the consultation document, the Department set out that it will work with Ofqual to develop contingency plans for scenarios where exams and other assessments cannot take place owing to further disruption as a result of the pandemic.

We confirmed that we were retaining the provisions for Category B qualifications to allow us to future-proof the VCRF. If there is a change in government policy in response to a worsening public health situation, and it is decided that it is not viable for exams and assessments to take place at any point in the future, we would be able to reintroduce the designation of Category B qualifications. This would permit awarding organisations to issue results based on alternative evidence, including the use of teacher judgement, TAGs.

We accepted however that should there be further disruption but not a national lockdown, for example extended regional lockdowns, that it may be necessary to consider further adaptations to take account of differential learning loss³.

As such, we confirmed that we were considering whether it may be necessary and appropriate to introduce additional arrangements to address differential learning loss arising from regional disruption. Should we conclude that this is the case, we stated we would consult later in 2021.

We asked:

Question 7: What factors do you think we may need to consider in developing any contingency plans?

³ Learning loss is an overall reduction in the level of attainment that a learner achieves by the end of their course of study (for example, lower attainment in GCSE maths) attributable to both direct and indirect impacts from COVID-19. There will be many varied causes of learning loss and learners affected differently by these different causes.

Responses received

Of the 259 responses received for this consultation, 181 respondents provided comments in response to this question. A small number of the responses were out of scope for this consultation, with responses referring to arrangements for GCSE, AS and A levels.

Respondents identified a wide range of factors that they felt we should consider when developing any contingency plans.

The majority of respondents who commented said that the most important factor in developing any contingency plans was the need for early communication.

Responses centred around the need for:

- decision making to be done as soon as possible and the timelines for the decision making to be communicated clearly
- as much advance notice of any contingency arrangements as possible to promptly to prepare teacher, staff, and students of any disruptions to avoid burden
- as much notice as possible on the reintroduction of TAGs and the processes involved to allow for workload planning
- alignment of processes and procedures across awarding organisation in order to maintain public confidence
- lessons learnt from 2020 and 2021 to be fully realised into the next stages of contingency planning for academic year 2021 to 2022
- communications to centres to ensure that evidence is being collected now in case TAGs are implemented later in the academic year

The need for timely communications was also mentioned by awarding organisations so that they could make the necessary arrangements to implement any contingency plans.

Another key theme highlighted by teachers was the need to build in flexibility into any contingency arrangements. It was felt that a 'one size fits all' approach is not appropriate for VTQs and the uneven impact of COVID-19 on individual schools meant that there must be flexibility in the arrangements to allow an element of local discretion by individual schools and teachers.

Many respondents commented on regional differences in the impact of the pandemic, highlighting that any contingency plans must be flexible and responsive in their approach to address variable local, regional or national circumstances.

Respondents in schools or colleges also commented on the need for better support from awarding organisations. Respondents said that earlier guidance and support on

the collecting of evidence for TAGs was needed. More guidance was also needed from awarding organisations as to what assessments need to take place. The need for the arrangements which the awarding organisations had put in place to free up consistent amounts for teaching time was also mentioned - it was felt that this was not the case with existing adaptations.

Respondents also emphasised the need for consistency across awarding organisation processes and procedures and that this should be facilitated by Ofqual. It was also felt important to test adaptations ahead of implementing any contingency plans as this would save time further down the line.

Concerns around maintaining grading standards were raised by several respondents and the need for fairness and consistency across all students and across qualifications, including between VTQs and GCSEs, AS and A levels. The point was also made that if a regional contingency plan is implemented, it would be important to ensure that student outcomes are comparable to those sitting assessments as normal and that students are not unfairly advantaged or disadvantaged dependent on when they complete their assessments. Some respondents also commented on the need to maintain the grading standards used in previous years regardless of the levels of disruption caused by the pandemic.

The issue of access to ICT because of digital inequality and variable funding for ICT equipment was raised by several respondents, mainly teachers, parent/carers and students. This unequal access to ICT would impact students' ability to access and engagement with online learning.

A number of respondents suggested that awarding organisations should reduce the volume of content to be taught, and that they should state from the onset what content is essential. In addition, awarding organisations sought clarification on the Department's position around coverage of content and whether the Department's expectation was that all content must be taught unless there is further disruption and new contingencies are put into place. They also stated that if a reduction in the teaching of content was allowed it would need to be reflected in the Department's technical guidance on VTQs included in performance tables.

In addition, a small minority of respondent's commented on issues related to practical assessments and work experience, including that it is important to:

- consider alternative ways to complete practical assessments safely so that students' have the expertise and confidence in taking up a future job
- acknowledge placement opportunities may not be as readily available in some sectors, for example Health and Social care, especially if there is further disruption as a result of the pandemic

- consider the impact on pandemic on courses that carry a vital work experience component
- provide additional funding to provide 'catch-up sessions' for practical skills before an assessment

Respondents in all groups commented on the need to take into account the burden of any contingency arrangements on students, teachers, and awarding organisations.

Many respondents highlighted the need to consider the impact on student mental health and the additional stress placed upon teachers arising from the decision to cancel exams. Respondents also commented on the amount of disruption to teaching and learning, in particular as a consequence of the need for teachers and students to isolate, and on the impact of this on learners' ability to generate evidence for TAGs. It was suggested that indicators such as the average number of student and staff in-person days that have been lost due to isolation, infection levels, vaccination rates and hospitalisation rates should be factored into developing contingency plans.

A small number of respondents said that awarding organisations should be allowed to make their own decisions on the contingency arrangements for their qualifications, with one awarding organisation stating that they felt that TAGs may not be the most reliable method for determining results in 2022.

One representative body stated that if additional regional contingency arrangements are put in place, these should be dealt with separately to the current arrangements for Special Consideration to avoid confusion. Currently, arrangements for Special Consideration apply when students have temporarily experienced an illness or injury or some other event outside their control which means that they cannot access assessments as normal, not as a result of disruption to teaching and learning.

One respondent said that any contingency plans should ensure that students are not treated differently because of the type of qualification they are taking. For example, contingency plans for students studying English and maths should be consistent across both GCSEs and FSQs.

Our decisions

We note the broad range of factors raised by respondents, in particular the importance of timely and clear decision making and communications about any contingency measures, the need to ensure that arrangements are manageable and fair and to learn from the experiences of the last 18 months.

We also note the particular challenges for students taking occupational, professional or licence to practise qualifications. For these qualifications, students are required to demonstrate the full range of skills and understanding for the safe and valid award of those qualifications, unlike in other qualifications where contingency arrangements can more easily compensate for learning loss and disruption to assessments.

We will continue to work with the Department to develop our contingency plans and to ensure that arrangements are consistent as possible across VTQs, GCSEs, AS and A level.

Equality impact

We set out in our consultation that although we were withdrawing the Category B qualification designation and making minor amendments to the wording of our regulatory framework, we had not identified any additional equality impacts, although we noted that some of the equality impacts previously identified as part of the [consultation on alternative arrangements for the award of VTQs and other general qualifications in 2021](#) and the [consultation on regulatory arrangements for the awarding of vocational and technical and other general qualifications in 2020 to 2021](#) would be likely to continue to exist.

The equality impacts we had identified were:

- the differing impact of the pandemic on particular groups of students and socio-economic factors
- mental health
- access to equipment
- nature of assessment
- race
- special educational needs

In the consultation we asked respondents whether there were any potential positive or negative equality impacts, apart from those we had explored and if so, what they were and how might they be mitigated.

Responses received

Of the 259 responses received for this consultation, 40 respondents provided comments for this question, although not all were relevant to the question we asked.

Many respondents agreed with the issues we had identified as part of the equality impact assessment in our consultation, while others highlighted additional issues that they did not feel had been considered.

The key themes across responses included:

- differential learning loss
- physical and mental health issues
- the impact on students with special educational needs and protected characteristics
- increasing disadvantage
- mid-flight students

Differential learning loss

A number of respondents, including teachers, raised concerns about differential learning loss experienced by students, including those in different parts of the country, those from ethnic minorities, those forced to isolate for longer, and students shielding due to health conditions.

Physical and mental health issues

Respondents commented on the mental health issues some students experienced. They suggested that these issues might be exacerbated by the domestic and financial pressures that had arisen because of the pandemic, and that the impact of withdrawing the Category B qualification designation (and thereby TAGs) on these students had been underestimated. They also suggested that the impact on students with mental health issues could be mitigated significantly by planning contingencies earlier and communicating the different options. Other respondents noted that students with mental health issues might need greater flexibility in the types of evidence required by awarding organisations when applying for access arrangements, as it might take time for these students to obtain a diagnosis. The need to take account of teacher mental health was also made.

Impact on students with special educational needs and protected characteristics

A small number of respondents commented on the experiences of students with special educational needs, including that access arrangements may come too late for some students who were newly diagnosed.

It was also suggested that decision to withdraw the Category B qualification designation at this time might be positive for students taking Functional Skills

qualifications, as it would lead to a level playing field and consistent application of reasonable adjustments.

Increasing disadvantage

Some respondents commented that the withdrawal of TAGs would compound the challenges disadvantaged students already experienced. They suggested that this might be mitigated by a significant reduction in assessment to allow all learners to be assessed fairly but with sufficient time to cover all content.

Concerns were also raised over the lack of parity between cohorts from different years, given the different approaches to assessment in 2020, 2021 and 2022 and the different approaches taken by awarding organisations to reducing coursework.

One awarding organisation commented that TAGs potentially mitigated inequity in the impact of learning loss to a greater extent than adapted assessments, as teachers had more flexibility to choose evidence.

Some respondents also pointed out that not all centres were open and able to deliver teaching and run assessments, such as prisons and community learning centres, whilst some employers were restricting access to the workplace. They stated that both FSQ and ESOL Skills for Life students were less likely to have access to the equipment required for remote invigilation or assessment.

The need to take account of the impact of the pandemic on those with caring responsibilities was also raised.

Mid-flight students

Some respondents commented on the potential impacts on mid-flight students, querying the impact of decision to withdraw the Category B qualification designation at this time, on these learners. The point was also made that students on modular courses might need to make decisions about resits before finding out the grades that they had achieved through the TAGs process and so might be at a disadvantage.

Our decisions

Having considered these responses, we do not believe there are any additional equality impacts beyond those identified in the consultation.

We explained in the consultation that we had developed the VCRF to ensure that as far as possible, students are not disadvantaged, including as a result of sharing a protected characteristic. Given the overall impact of the disruption, and the fact that it has been experienced differently by different students, it is unlikely that any adaptations will fully mitigate these disadvantages. However, we are retaining requirements relating to equalities considerations, that awarding organisations must

ensure that, in any approach to adaptations, they minimise bias as far as is possible. This means that they will need to ensure that the assessment does not produce unreasonably adverse outcomes for students who share a protected characteristic. We will also continue to remind awarding organisations of the other obligations that they must meet relating to equalities considerations under the General Conditions and the provision of reasonable adjustments.

The regulatory framework we have put in place through the VCRF is flexible and allows, but does not require, assessments to be adapted. It remains possible therefore that for qualifications signifying occupational competence, where these are unable to proceed, in their normal or adapted form, some students may be delayed in receiving a result.

We also said that it is unlikely we can directly address the impact on students' mental health through our regulation. We are however aiming to reduce the impact where we can. We are doing this by allowing awarding organisations to take flexible approaches to the adaptation of assessments. We also require awarding organisations to communicate with their centres clearly and in a timely manner about arrangements for 2021 to 2022 and we will continue to provide relevant information as soon as we can.

When taking forward our planning for any contingency arrangements, we will also take into account the impact on the health and well-being of students, teachers and awarding organisations.

We note that respondents have raised particular issues related to the experience of mid-flight learners. We will work with awarding organisations to ensure that the needs of these students are considered in their arrangements.

Regulatory Impact

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 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 as a result of the proposals, and the associated costs or savings of these. In addition, we asked respondents whether they anticipated any changes to fees as a result of the proposals.

We set out in our consultation that although we were withdrawing the Category B qualification designation and making minor amendments to the wording of our regulatory framework, we had not identified any additional regulatory impacts, although we noted that some of the previously identified impacts, relating to the implementation of the VCRF, would be likely to continue to exist. Based on our

assessments of the impact of the implementation of the VCRF to date, our view was that while there may be some savings, overall, the regulatory burden was likely to be increased, and we expected this to continue. We previously conducted a regulatory impact assessment as part of our [consultation on alternative arrangements for the award of VTQs and other general qualifications in 2021](#) and [consultation on regulatory arrangements for the awarding of vocational and technical and other general qualifications in 2020 to 2021](#).

In our consultation, we set out those impacts which we expected would continue to apply. These included:

- Direct delivery costs
 - the cost of continuing with adaptations already in place and of putting in place adaptations for those qualifications where TAGs were available previously
 - the cost of communicating requirements to centres, and providing support to centres for their implementation
 - IT costs relating to the delivery of adapted assessments
- Provision of equipment and administration costs
 - the provision of resources and equipment required for the delivery of adapted assessments
 - potential photocopying and printing of additional materials
- Consistency of approach for qualification delivery
 - the potential additional costs and burden caused for teachers and centres if they had to follow multiple approaches that differed between awarding organisations
- Cost savings
 - the potential savings from activities that no longer take place as a result of the adaptations implemented
 - the potential for adapted assessments to be cheaper to deliver than the versions they replace

We were unable to assess the potential impact on qualification fees, as these would depend on the approaches taken by awarding organisations. We sought information from respondents about the potential impact on fees.

Responses received

We asked 5 questions relating to the regulatory impact of our proposals. We received responses to these questions from awarding organisations, schools,

colleges, academy chains, training providers, representative bodies, local authorities, teachers, centre staff, awarding organisation staff and parents or carers.

Many respondents felt it was too soon to comment fully on the impact of the proposals, as they did not yet know what adaptations awarding organisations intended to put in place. Of those who commented on additional activities, many agreed with those impacts we had identified and made comments that reiterated these.

In relation to the potential impacts, respondents identified:

- the impact on schools, colleges and training providers who decided to continue to gather evidence in case TAGs were required again in future
- the impact on staff in schools, colleges and training providers of having to deliver assessments under alternative arrangements
- the increased impact caused by a lack of certainty about what the arrangements would be
- the need for consistent approaches across awarding organisations where possible
- the impact of regulatory activities associated with the consultation on, and implementation of, alternative arrangements
- the impact of implementing alternative arrangements alongside other regulatory activities in which awarding organisations are involved
- the cost of additional support for students to prepare them for assessments
- the provision of equipment and resources to enable adapted assessments to take place
- the impact of potentially delivering adapted assessments in line with public health guidelines

In relation to new activities that may take place, respondents identified:

- the cost of providing the necessary technology, equipment and resources, and ensuring students were able to use these
- the cost of amending and producing revision guides and other materials to reflect adapted assessments
- the potential cost of continuing to collect and bank evidence in case of further disruption
- the cost of additional time for teachers and support staff to prepare for and deliver adapted assessments

- the additional preparation time needed to ensure students are ready to sit assessments

In relation to savings, respondents identified very few potential savings, and even where savings may be made, it was felt these would be offset by other costs. Those that were identified included:

- savings as a result of existing adaptation approaches being able to continue, therefore not incurring additional costs
- savings on administrative costs
- potential savings for schools, colleges and training providers if exam fees are reduced or refunded
- savings on invigilation costs where remote approaches are being used

In relation to fees there were mixed views. Many respondents felt unable to comment, and of those that did, some thought there would be no impact, some expected increases, and others thought fees should decrease. Some respondents answered this question based on what they thought should happen (typically that fees should decrease), whereas others commented on what they thought would happen (which tended to be that they thought fees would stay the same). Of those who thought fees may increase, this was due to the cost of investing in remote approaches, for example remote proctoring. Of those who felt they would decrease, this was typically schools, colleges and training providers who thought they were performing many of the activities normally done by awarding organisations, so should see a reduction in fees. Those who thought there was unlikely to be a change felt this was because savings in some places would be offset by costs in others.

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, schools, colleges, training providers, students and other users of qualifications.

The changes we have made to the approach already in place under the VCRF are minimal. We have removed the category B qualification classification, and made minor updates to the VCRF to reflect this. For the many of qualifications, awarding organisations will be able to continue to use the adaptation approaches they have already developed and implemented under the VCRF. As a result, it is likely that

much of the burden and cost will have already been incurred, although it is possible that some additional burden may occur if they decide to review or amend their approach in light of the continuation of the VCRF. We believe the VCRF continues to allow awarding organisations sufficient flexibility to do so in such a way that is manageable and deliverable for them and for schools, colleges and training providers.

There may be some additional burden for those qualifications previously in Category B where TAGs were used, but which will now no longer be permitted. In these instances, awarding organisations will need to decide whether it is possible to deliver qualifications as normal, or whether they need to be adapted. There will be some burden in developing and implementing their approaches, although this may be offset to the extent that approaches already in place for other qualifications may be appropriate. Again, we believe the VCRF is sufficiently flexible to allow awarding organisations to take this into account when determining their approaches.

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 many qualifications and assessments are having to be delivered with adaptations in place. We are continuing to seek to minimise 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 are working with awarding organisations to understand concerns about the impact related to other regulatory activities with which they are also involved, to help manage the cumulative effect of these activities. We are encouraging awarding organisations to ensure approaches are manageable and deliverable for centres, and where possible, are consistent across awarding organisations.

In relation to fees, it is not possible based on the information received to determine what, if any impact there will be on fees, and it will be for each awarding organisation to determine its approach. Earlier this year we published our Qualification price index 2020 publication. Our updated General Condition F came into effect on 18 January 2021, where we now require all awarding organisations to publish qualification fee information on their websites. We intend to continue our focus to improve price transparency and make qualification price information more accessible to a potential purchaser.



© 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