

# **Consultation on withdrawing our rules for Principal Learning and Diploma qualifications**



March 2017

Ofqual/17/6181

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## Summary of proposals

We propose to:

- withdraw all our qualification-specific rules and guidance for Principal Learning qualifications, including the *GCSE, GCE, Principal Learning and Project Code of Practice*<sup>1</sup>; and
- withdraw all our qualification-specific rules for Diploma qualifications.

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<sup>1</sup> We are also [consulting](#) on withdrawing the *GCSE, GCE, Principal Learning and Project Code of Practice* for Project qualifications; taken together, these proposals will mean it is withdrawn altogether, as we withdrew the Code in respect of GCSEs and GCEs in August 2016.

## Introduction

### About this consultation

We propose to withdraw all of the rules for Principal Learning and Diploma qualifications. This is because:

- our rules for these qualifications are redundant as there are no longer any Diploma qualifications available or awarded in England and we are not aware of any plans by awarding organisations to make such qualifications available in the future;
- the only Principal Learning qualifications being awarded in England are being withdrawn<sup>2</sup>, and we believe we can regulate them effectively using our *General Conditions of Recognition* until they are withdrawn.

### Principal Learning qualifications

Principal Learning qualifications are made up of a number of components, most of which are assessed and marked by centres. There are 10 Principal Learning qualifications still awarded in England,<sup>3</sup> none of which are available to new students. All 10 will be completely withdrawn by the end of September 2018. There were approximately 1,500 certificates awarded in 2014/15, which is the most recent year for which we have published data.

### Rules for Principal Learning qualifications

The qualification-specific rules for Principal Learning qualifications are currently set out in 30 different documents:

- the *GCSE, GCE, Principal Learning and Project Code of Practice*<sup>4</sup> sets out principles and practices for assessment and quality assurance,
- the *Criteria for Foundation, Higher and Advanced Diploma Qualifications*<sup>5</sup> contains rules about content, assessment, grading and awarding, and
- for each of the 14 Principal Learning subjects, two separate documents (*Criteria* and *Performance Descriptions*) set out additional rules for content and grading.

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<sup>2</sup> The last active Principal Learning qualification will be withdrawn in September 2018

<sup>3</sup> For more details, see the [Register of Regulated Qualifications](#)

<sup>4</sup> [www.gov.uk/government/publications/gcse-gce-principal-learning-and-project-code-of-practice](http://www.gov.uk/government/publications/gcse-gce-principal-learning-and-project-code-of-practice)

<sup>5</sup> [www.gov.uk/government/publications/criteria-for-foundation-higher-and-advanced-diploma-qualifications](http://www.gov.uk/government/publications/criteria-for-foundation-higher-and-advanced-diploma-qualifications)

## Withdrawing our rules for Principal Learning qualifications

As noted above, all the Principal Learning qualifications available in England are being withdrawn.

When a regulated qualification is withdrawn, our *General Conditions of Recognition* impose on awarding organisations requirements to protect students. In particular, General Condition D7 requires the awarding body offering that qualification to:

take all reasonable steps to protect the interests of Learners in relation to that qualification

[...]

promptly prepare, maintain and comply with a written withdrawal plan, which must specify how the interests of Learners in relation to that qualification will be protected

Our view is that these additional safeguards, combined with the rest of our *General Conditions of Recognition*, will allow us to regulate Principal Learning qualifications effectively whilst they are being withdrawn.

We believe there is no need to retain any of our existing qualification-specific rules for Principal Learning qualifications. The withdrawal will also simplify our rules.

So we propose to withdraw:

- the *GCSE, GCE, Principal Learning and Project Code of Practice* for Principal Learning qualifications;<sup>6</sup>
- the parts of *Criteria for Foundation, Higher and Advanced Diploma Qualifications* which apply to Principal Learning qualifications;<sup>7</sup> and
- all of the following documents:
  - *Criteria for Diploma Qualifications in Business, Administration and Finance*

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<sup>6</sup> We are also [consulting](#) on withdrawing the *GCSE, GCE, Principal Learning and Project Code of Practice* for Project qualifications; taken together, these proposals will mean it is withdrawn altogether as it has already been withdrawn for GCSE (A\* to G) and pre-reform GCE qualifications.

<sup>7</sup> We are also consulting on withdrawing the remaining parts of *Criteria for Foundation, Higher and Advanced Diploma Qualifications* for Project qualifications. Taken together, our proposals mean we will withdraw the whole of this document.

*Consultation on withdrawing our rules for Principal Learning and Diploma qualifications*

- *Criteria for Diploma Qualifications in Construction and the Built Environment*
- *Criteria for Diploma Qualifications in Creative and Media*
- *Criteria for Diploma Qualifications in Engineering*
- *Criteria for Diploma Qualifications in Environmental and Land-Based Studies*
- *Criteria for Diploma Qualifications in Hair and Beauty*
- *Criteria for Diploma Qualifications in Hospitality*
- *Criteria for Diploma Qualifications in Information Technology*
- *Criteria for Diploma Qualifications in Manufacturing and Product Design*
- *Criteria for Diploma Qualifications in Public Service*
- *Criteria for Diploma Qualifications in Retail Business*
- *Criteria for Diploma Qualifications in Society, Health and Development*
- *Criteria for Diploma Qualifications in Sport and Active Leisure*
- *Criteria for Diploma Qualifications in Travel and Tourism*
- *Performance Descriptions for Principal Learning Qualifications in Business, Administration and Finance*
- *Performance Descriptions for Principal Learning Qualifications in Construction and the Built Environment*
- *Performance Descriptions for Principal Learning Qualifications in Creative and Media*
- *Performance Descriptions for Principal Learning Qualifications in Engineering*
- *Performance Descriptions for Principal Learning Qualifications in Environmental and Land-Based Studies*
- *Performance Descriptions for Principal Learning Qualifications in Hair and Beauty*
- *Performance Descriptions for Principal Learning Qualifications in Hospitality*

- *Performance Descriptions for Principal Learning Qualifications in Information Technology*
- *Performance Descriptions for Principal Learning Qualifications in Manufacturing and Product Design*
- *Performance Descriptions for Principal Learning Qualifications in Public Service*
- *Performance Descriptions for Principal Learning Qualifications in Retail Business*
- *Performance Descriptions for Principal Learning Qualifications in Society, Health and Development*
- *Performance Descriptions for Principal Learning Qualifications in Sport and Active Leisure*
- *Performance Descriptions for Principal Learning Qualifications in Travel and Tourism*

**Question 1: To what extent do you agree or disagree with our proposal to withdraw all our qualification-specific rules for Principal Learning qualifications?**

## **Withdrawing our rules for Diploma qualifications**

Our qualification-specific rules for the 14-19 Diploma are set out in the following documents:

- the whole of Requirements from 'Arrangements for Awarding and Setting Standards in the Diploma'<sup>8</sup> and
- the parts of *Criteria for Foundation, Higher and Advanced Diploma Qualifications* which relate to Diploma qualifications.

All existing Diploma qualifications were withdrawn in 2014 and we are not aware of any intention by awarding organisations to offer a new Diploma qualification. This is partly due to the closure of the Diploma Aggregation Service in September 2013, which had been used to calculate Diploma results.

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<sup>8</sup> [www.gov.uk/government/publications/requirements-from-arrangements-for-awarding-and-setting-standards-in-the-diploma](http://www.gov.uk/government/publications/requirements-from-arrangements-for-awarding-and-setting-standards-in-the-diploma)

Because there are no longer any Diploma qualifications offered in England, and none are likely to be offered in the foreseeable future, our view is that our rules for these qualifications are redundant. We are therefore proposing to withdraw them.

**Question 2: To what extent to you agree or disagree with our proposal to withdraw our remaining qualification-specific rules for Diploma qualifications?**

## **Equality analysis**

### **Ofqual's role, objectives and duties**

We are subject to the public sector equality duty. Appendix A sets out how this duty interacts with our statutory objectives and other duties.

### **Equality impact analysis of proposed withdrawal of rules and guidance for Principal Learning and Diploma qualifications**

We considered the likely impact of our proposals on people because they share certain protected characteristics.<sup>9</sup>

We do not expect our proposed withdrawal of rules and guidance for Principal Learning and Diploma qualifications to have any impact (positive or negative) on persons who share a protected characteristic, this is because these rules and guidance are redundant. There are no longer any Diploma qualifications available, and our General Conditions of Recognition will allow us to regulate the few remaining Principal Learning qualifications until they are withdrawn.

**Question 3: We have not identified any ways in which the proposed changes would impact (positively or negatively) on persons who share a protected characteristic. Are there any potential impacts we have not identified?**

**Question 4: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?**

**Question 5: Do you have any other comments on the impacts of the proposals on persons who share a protected characteristic?**

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<sup>9</sup> 'Protected characteristic' is defined in the Equality Act 2010. Here, it means disability, racial group, age, religion or belief, pregnancy or maternity, sex, sexual orientation and gender reassignment.

## Regulatory impact

We considered the regulatory impact of our proposals, and all the proposals in this consultation will remove requirements that previously applied. This will simplify our regulatory framework, making it easier to understand and navigate.

Ordinarily, we would also expect this to result in a reduction in burden on awarding organisations, and more opportunities to innovate and develop alternative, perhaps more efficient or effective, ways to meet our requirements.

In this case, our view is that our proposed changes will not result in a significant impact of this kind. This is because:

- all the Principal Learning qualifications available in England are being withdrawn, so the additional requirements in General Condition D7 are engaged. Our view is that these requirements, together with requirements elsewhere in our *General Conditions of Recognition* mean that awarding bodies offering Principal Learning qualifications will continue to deliver them in the same way;
- there are no longer any Diploma qualifications available in England (or elsewhere in the UK) and we do not anticipate any being offered in the foreseeable future. As a result, our view is that the rules which previously applied to these qualifications are redundant, and removing them cannot have any impact.

We did not identify any other regulatory impacts that will result from these proposals.

**Question 6: To what extent do you agree or disagree with our assessment of the regulatory impact of our proposals? Are there any regulatory impacts that we have not identified?**

**Question 7: Are there any additional steps we could take to minimise the regulatory impact of our proposals?**

**Question 8: Are there any costs or benefits associated with our proposals which we have not identified?**

## Responding to this consultation

### How to respond

The closing date for responses to this consultation is **18 April 2017**.

Please respond to this consultation in one of three ways:

- complete the online response (click 'Respond online' on the [consultation homepage](#))
- download the response form from the [consultation homepage](#) and either:
  - email your response to [consultations@ofqual.gov.uk](mailto:consultations@ofqual.gov.uk) – please include the consultation title *Principal Learning Consultation 2017* in the subject line of the email and make clear who you are and in what capacity you are responding; or
  - post your response to: *Principal Learning Consultation 2017*, Ofqual, Spring Place, Herald Avenue, Coventry, CV5 6UB, making clear who you are and in what capacity you are responding.

### Evaluating the responses

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the information page.

Any personal data (such as your name, address and any other identifying information) will be processed in accordance with the Data Protection Act 1998 and our standard terms and conditions.

We will publish the evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

**Please respond by 5:00pm on 18 April 2017.**

## **Appendix A – Ofqual’s role, objectives and duties**

Our statutory objectives include the qualifications 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.

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.

As a public body, we are subject to the public sector equality duty<sup>10</sup>. This duty requires us to have due regard to the need to:

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

The exam boards that design, deliver and award GCSE, A level and AS 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.

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<sup>10</sup> Equality Act 2010, s.149

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.

Legislation therefore sets out a framework within which we must operate. We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, from time to time, 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 we can both secure 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, rational decision.

Qualifications cannot be used to 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 mark in an assessment, our influence is limited to the way the qualification is designed and assessed.

We require the exam boards to design qualifications to give a reliable indication of the knowledge, skills and understanding of those on whom they are conferred. We also require the exam boards 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 exam boards to monitor whether any features of their qualifications have this effect.

In setting the overall framework within which exam boards will design, assess and award GCSE, A level and AS qualifications, we want to understand the possible impacts of the proposals on persons 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

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

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