

Proposed EPA Qualification Level Conditions

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Compliance with Assessment Plans and gateway requirements

EPA1.1 In respect of each EPA which it makes available or proposes to make available, an awarding organisation must –

(a) comply with any requirements, and have regard to any guidance, contained in the relevant Assessment Plan, and

(b) interpret that Assessment Plan in accordance with any requirements, and having regard to any guidance, which may be published by Ofqual and revised from time to time.

EPA1.2 An awarding organisation must take all reasonable steps to ensure that each Learner meets any relevant Gateway Requirement prior to taking an assessment for an EPA which it makes available or proposes to make available

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Condition EPA2 Disapplication of certain General Conditions of Recognition applying to EPAs

EPA2.1 In respect of each EPA which an awarding organisation makes available or proposes to make available, the following General Conditions of Recognition do not apply –

- (a) Condition B3,
- (b) Condition E1,
- (c) Condition E7,
- (d) Condition E8,
- (e) Condition E9,
- (f) Condition I3, and
- (g) Condition I4.

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Condition EPA3 Notification to Ofqual of certain events in relation to EPAs

Notification where an event could have an Adverse Effect

EPA3.1 An awarding organisation must promptly notify Ofqual when it has cause to believe that any event has occurred or is likely to occur which could have an Adverse Effect

Specific examples of events which could have an Adverse Effect

EPA3.2 For the purposes of this condition, such events may in particular include those where –

- (a) there is a substantial error in the awarding organisation's assessment materials,
- (b) there has been a loss or theft of, or a breach of confidentiality in, any assessment materials,
- (c) the awarding organisation cannot supply assessment materials for a scheduled assessment date,
- (d) there has been a failure in the delivery of an assessment which threatens Assessors' ability to differentiate accurately and consistently between the levels of attainment demonstrated by Learners,
- (e) the awarding organisation will be unable to meet a published date for the issue of results or the award of a qualification,
- (f) the awarding organisation has issued incorrect results,
- (g) the awarding organisation believes that there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification which it makes available or could affect another awarding organisation,
- (h) the awarding organisation has (for any reason, whether inside or outside its control) incurred an increase in costs which it anticipates will result in an increase in its fees of significantly more than the rate of inflation,

- (i) the awarding organisation is named as a party in any criminal or civil proceedings or is subjected to a regulatory investigation or sanction by any professional, regulatory, or government body,
- (j) a Senior Officer of the awarding organisation is a party to criminal proceedings (other than minor driving offences), is subject to any action for disqualification as a company director, or is subject to disciplinary proceedings by any professional, regulatory, or government body, or
- (k) the Awarding Organisation believes that the Assessment Plan has or could have an Adverse Effect, including in particular where the Assessment Plan has given, or could give, rise to an assessment that is not fit for purpose,
- (l) the Awarding Organisation cannot, or is unlikely to be able to, deliver an assessment effectively, including in particular where the Awarding Organisation does not have an adequate number of Assessors to deliver the assessment effectively, and
- (m) the Awarding Organisation believes that it is, or is likely to be, unable to deliver or award an EPA in accordance with its Conditions of Recognition as a result of unexpected rise in demand for the qualification.

Notification of specified events in all cases

EPA3.3 An awarding organisation must promptly notify Ofqual if –

- (a) it is, or if it has cause to believe that it is likely to be, subject to –
 - (i) a material change in its governance structure or legal status,
 - (ii) a change of control,
 - (iii) a merger between it and another body,
 - (iv) any insolvency or bankruptcy proceedings,
 - (v) removal from the Register of End Point Assessment Organisations,

- (b) a review of the Assessment Plan for an EPA which it makes available or proposes to make available, is proposed or initiated, or
- (c) any change is made, or proposed, to the Assessment Plan for an EPA which it makes available or proposes to make available, whether following a review or otherwise.

EPA3.4 An awarding organisation must promptly notify Ofqual if it proposes to make available a qualification which is substantially different in type or content to any which it has previously made available.

Further requirements on the timing of notifications

EPA3.5 When it notifies Ofqual of an event in accordance with this condition, or as soon as possible afterward, an awarding organisation must also notify Ofqual of any steps that it has taken or intends to take to prevent the event having an Adverse Effect or to correct or mitigate that Adverse Effect if it occurs.

EPA3.6 An awarding organisation must not delay making a notification to Ofqual in accordance with this condition because relevant information is unavailable, but must notify based on all the information that it has and provide further information to Ofqual once it becomes available.

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Condition EPA4 EPA levels

- EPA4.1 An awarding organisation must –
- (a) assign one or more levels to each EPA which it makes available or proposes to make available,
 - (b) ensure that each level which it assigns is the same as the level or levels of the relevant Apprenticeship Standard, and
 - (c) following any change to a level of the relevant Apprenticeship Standard, review each level which it has assigned to the qualification and revise that level to ensure that it continues to comply with Condition EPA4.1(b).

Management of the revision of a level assigned to a qualification

- EPA4.2 An awarding organisation must take all reasonable steps to –
- (a) give Ofqual reasonable notice of its anticipated revision of a level assigned to an EPA, and
 - (b) notify Ofqual of such a revision prior to the time at which it provides that information to any Users of the EPA.
- EPA4.3 Where an awarding organisation is obliged to revise a level assigned to an EPA, it must either –
- (a) withdraw that qualification, or
 - (b) follow the process outlined in conditions EPA4.4 and EPA4.5,
- and must give to Ofqual reasonable notice of which of these two courses it intends to follow.
- EPA4.4 Where an awarding organisation is obliged to revise a level assigned to an EPA, and does not intend to withdraw that qualification, it must take all reasonable steps to –
- (a) protect the interests of Learners in relation to that qualification,

- (b) promptly prepare, maintain, and comply with a written revision plan, which must specify how the interests of Learners in relation to that qualification will be protected, and
- (c) provide clear and accurate information about the revision to Users of the qualification who are likely to be affected by the revision.

EPA4.5 An awarding organisation must ensure that any revision plan which it prepares complies with any requirements which Ofqual has communicated to it in writing.

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Condition EPA5 Technical Evaluation

- EPA5.1 In respect of each EPA which it makes available, or proposes to make available, an awarding organisation must –
- (a) comply with the terms of any written notice served by Ofqual requiring the awarding organisation to provide Ofqual with information, and
 - (b) comply with any requirements specified to it by Ofqual in relation to the qualification.
- EPA5.2 For the purposes of Condition EPA5.1(a), a notice given by Ofqual may –
- (a) specify the time within which the information is to be provided,
 - (b) specify a form in which the information is to be provided, and
 - (c) require an awarding organisation to provide information whether that information is already in its possession or has to be created or obtained by it.

Condition EPA6 Interpretation and Definitions

- EPA6.1 The rules of interpretation and definitions outlined in General Condition J1 shall apply to the EPA Qualification Level Conditions.
- EPA6.2 Except in the circumstances described in Condition EPA6.3, the requirements imposed by the EPA Qualification Level Conditions apply in addition to the requirements imposed by the General Conditions of Recognition.
- EPA6.3 To the extent that there is any inconsistency between a requirement of a EPA Qualification Level Condition and a requirement of a General Condition of Recognition, such that an awarding organisation could not comply with both such requirements, the awarding organisation must comply with the requirement of the EPA Qualification Level Condition and is not obliged to comply with the requirement of the General Condition of Recognition.
- EPA6.4 In these Conditions, the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

Assessment Plan

The version of an apprenticeship assessment plan, published by the Institute for Apprenticeships under section A2(1) of the Act, which is specified in a list published by Ofqual which may be revised from time to time.

Assessment Standard

A standard for an occupation published by the Institute for Apprenticeships under section ZA11(1) of the Act.

Gateway Requirement

A requirement which, under the relevant Assessment Standard, must be completed before a Learner undertakes an assessment for an EPA. This may include any requirements in relation to –

- (a) attainment in English and mathematics,
- (b) attainment of another qualification,
- (c) evidence generated by a Learner, or
- (d) confirmation from a Learner's employer that the Learner is ready to undertake the assessment.

Register of End-Point Assessment Organisations

The register of that name maintained by the Education and Skills Funding Agency.

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List of Assessment Plans

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List of Assessment Plans

Condition EPA1.1 requires an awarding organisation to comply with any requirements, and have regard to any guidance, contained in the relevant Assessment Plan for each EPA that it makes available or proposes to make available.

Under Condition B3.3, as amended by EPA3.2, an awarding organisation is also required to notify Ofqual where the Assessment Plan for one of its EPAs is reviewed or amended.

An Assessment Plan is defined in Condition EPA 6.4 as the version of an apprenticeship assessment plan, published under section A2(1) of the Apprenticeships, Skills, Children and Learning Act 2009, which is specified in a list published by Ofqual and revised from time to time.

We set out the list of Assessment Plans below. Please note that only the versions of apprenticeship assessment plans listed below will meet the definition of an Assessment Plan in Condition EPA6.4. Ofqual will review any subsequent version of a plan listed below and, where appropriate, amend the list to include that subsequent version.

Title	Reference number (including version tracking reference)
[Recruitment Consultant - Level 3: End Point Assessment	[ST0320/AP01]

Proposed EPA Qualification Level Guidance

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Introduction

About this document

This document (highlighted in the figure below) is part of a suite of documents which outlines our guidance for awarding organisations offering EPAs.

[Hierarchy graphic]

This document sets out guidance which applies to all EPAs, and which comes into effect at 00.01am on [date].

This guidance supports both the *General Conditions of Recognition*¹ and the *EPA Qualification Level Conditions and Requirements*.²

This document constitutes guidance for the purposes of section 153 of the Apprenticeships, Skills, Children and Learning Act 2009 (the '2009 Act').

An awarding organisation has a legal obligation under the 2009 Act to have regard to this guidance in relation to each EPA that it makes available or proposes to make available.

An awarding organisation should use the guidance to help it understand how to comply with the General Conditions of Recognition, as they apply to EPAs, and the EPA Qualification Level Conditions and Requirements.

An awarding organisation must also have regard to the *Guidance to the General Conditions of Recognition*³ which applies to all qualifications. However, in the event of any inconsistency between that guidance and the guidance contained in this document, an awarding organisation must have regard to the guidance in this document.

¹ <https://www.gov.uk/government/publications/general-conditions-of-recognition>

² [LINK]

³ <https://www.gov.uk/government/publications/guidance-to-the-general-conditions-of-recognition>

Guidance on Condition A4 Conflicts of interest

Condition A4.3 requires an awarding organisation to take all reasonable steps to ensure that no conflict of interest that relates to it has an Adverse Effect. We note that the requirement to take all reasonable steps is an intentionally high standard for awarding organisations to meet. With respect to EPAs, reasonable steps on the part of an awarding organisation are likely to include the following –

- (a) Adhering to relevant requirements, and having regard to relevant guidance, set by the Institute for Apprenticeships and the Education and Skills Funding Agency on conflicts of interest in relation to EPA. This includes any relevant requirements or guidance in an Assessment Plan or the apprenticeship standard on which an Assessment Plan is based.
- (b) Ensuring insofar as possible that, where a conflict of interest cannot be avoided, each assessment remains fit for purpose within the meaning given to that term in Condition D1.2. In particular, each assessment should remain valid.
- (c) Managing organisational conflicts of interest, as well as those on an individual level.
- (d) Ensuring that processes and procedures in relation to the delivery of the course of study are sufficiently separate from assessment, and that assessment processes and procedures are sufficiently separate from each other, so as to avoid any conflict of interest having an Adverse Effect.

Condition A4.5 requires an awarding organisation to take all reasonable steps to avoid any part of the assessment of a Learner being undertaken by any person who has a personal interest in the result. In many cases with respect to EPAs, an employer or training provider preparing a Learner for an assessment will have a personal interest in the result of the assessment.

There will be some situations in which the involvement of a person with a personal interest cannot be avoided, even having taken all reasonable steps. This could be where an employer is the only person who could competently or safely assess the Learner. We expect awarding organisations to have in place arrangements to identify and manage the rare situations in which this may be the case.

In some cases the involvement of a person with a personal interest may be required by the Assessment Plan. In such cases an awarding organisation must adhere to the requirements of the Assessment Plan under Condition EPA1.1. These requirements will take precedence over Condition A4.5.

In any case where a person with a personal interest plays a role in the assessment, Condition A4.6 requires that the relevant part of the assessment must be subject to scrutiny by another person (unless the Assessment Plan states otherwise).

In addition, we will expect awarding organisations to be alive to the risks inherent in reciprocal arrangements whereby two organisations each assess Learners prepared for the assessment by the other. In line with Condition A4.5 such arrangements should be avoided where possible. Where this is not possible, an awarding organisation must take all reasonable steps to prevent any Adverse Effect that could arise from such an arrangement (as per Condition A4.3), including ensuring scrutiny by another person (as per Condition A4.6).

Finally, awarding organisations should also be alive to any financial incentive that there may be for the awarding organisation, or individual Assessors, to mark in such a way as to increase the amount of times that a Learner takes a qualification.

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Guidance on Condition C2 Arrangements with Centres

A Centre is any organisation that delivers part of a qualification on behalf of an awarding organisation. In an EPA context an employer that delivers or marks an assessment or part of an assessment will meet the definition of a Centre.

Condition C2 applies only where a Centre delivers part of a qualification on behalf of an awarding organisation. Usually this will be where a Centre delivers assessments on behalf of an awarding organisation.

In most cases, no part of an EPA will be delivered by a Centre as the awarding organisation will deliver assessments itself. This includes where an assessment takes place on an employer's premises, but the employer takes no part in the delivery of the assessment. In such circumstances the employer will not meet the definition of a Centre and Condition C2 will not apply (although Condition C1 will apply).

In the small number of cases where a Centre (for example an employer) does deliver part of an EPA an awarding organisation must comply with the requirements of Condition C2. This will include where the relevant Assessment Plan allows for Centre marking in circumstances where an employer is the only person who could competently or safely assess the Learner.

Guidance on Condition E3 Publication of a qualification specification

Condition E3.1 requires an awarding organisation to publish a specification for an EPA. However, not all of the information set out in Condition E3.2 will be required in all cases, and certain relevant information is likely to be contained in either the Apprenticeship Standard or the Assessment Plan.

Of the items set out in Condition E3.2, those which use the word 'any' need only be included in the specification where that item is actually relevant for the qualification. So, for example, as Conditions E7 and E8 have been disapplied in respect of EPAs, in no case will a specification set out information with respect to Total Qualification Time (Conditions E3.2(k) and (l)).

Likewise, where a qualification does not have any optional routes, or where an awarding organisation does not publish any specimen assessment materials, it will not need to include these in its specification under Conditions E3.2(d) and (i).

Many items in Condition E3.2 will be found in the relevant Assessment Standard and Assessment Plan for an EPA. So, for example, it is likely that an Assessment Standard may contain the relevant information in relation to the following –

- (a) any prior requirements/qualifications that a learner must have, or state that these are for individual employers to decide (Condition E3.2(c) and (e)),
- (b) the required knowledge, skills and understanding (Condition E3.2(f)), and
- (c) the qualification level (Condition E3.2(m)).

In addition, it is likely that the relevant Assessment Plan will contain information in relation to methods of assessment (Condition E3.2(g)) and specified levels of attainment (Condition E3.2(j)).

We will expect an awarding organisation to extract any relevant information from the Apprenticeship Standard and Assessment Plan and include it within its specification. It is not sufficient to simply provide information as to where the Apprenticeship Standard and Assessment Plan can be located, although an awarding organisation may additionally provide that information if it wishes.

Where information in relation to an item in Condition E3.2 is mandatory in all cases (i.e. it does not contain the word 'any') and it is not included in the Apprenticeship Standard or Assessment Plan, we will expect an awarding organisation to supplement the information which it draws from these documents in its specification.

Guidance on Condition D1 Fitness for purpose of qualifications, Condition E4 Ensuring an assessment is fit for purpose and can be delivered, and Condition G1 Setting the assessment

Awarding organisations should balance the requirements of Conditions D1, E4 and G1 with the obligation in Condition EPA1.1 to adhere to the requirements set out in the relevant Assessment Plan.

A key aspect of validity is that a qualification actually measures what it is intended to measure. What an EPA is intended to measure will be set out in the Assessment Plan. In most circumstances, compliance with the Assessment Plan is likely to be a factor in ensuring that an EPA is valid.

There may be cases in which the Assessment Plan allows scope for an awarding organisation to take design decisions when seeking to design an assessment which is fit for purpose. In such circumstances, we expect the awarding organisation to consider what additional steps it is required to take, within the parameters set by the Assessment Plan, in order to ensure that it meets the requirements of Conditions D1, E4 and G1.

In some circumstances the requirements of an Assessment Plan may create challenges for the design, setting and/or delivery of assessments which are fit for purpose. We note that, under Condition EPA3.2(k), an awarding organisation is required to promptly notify Ofqual where it believes that the Assessment Plan has or could have an Adverse Effect, including in particular where the Assessment Plan has given, or could give, rise to an assessment which is not fit for purpose.

Under Condition EPA6.3, where there is indeed a conflict between the requirements of the Assessment Plan and the requirements of Conditions D1, E4 and G1, an awarding organisation must comply with the Assessment Plan. However, in doing so it should seek to ensure that it meets the requirements of Conditions D1, E4 and G1 to the greatest extent that it can.

Where we have specified no relevant Assessment Plan for an EPA in our list of Assessment Plans, for example because we are not the EQA provider, an awarding organisation should adhere to the relevant apprenticeship assessment plan published by the Institute for Apprenticeships under section A2(1) of the Apprenticeships, Skills, Children and Learning Act 2009. However, the requirements

of any apprenticeship assessment plan which is not on our list of Assessment Plans will not prevail over the requirements in Conditions D1, E4 and G1.

This means that in such cases we will expect an awarding organisation to meet the requirements of these conditions even where this may lead an awarding organisation to design an EPA and set assessments which do not adhere to such an assessment plan.

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Guidance on Condition D3 Reviewing approach

As part of its review of an EPA under Condition D3.1, an awarding organisation should consider the functioning and performance of the qualification, including the extent to which any issues it identifies stem from the requirements of the relevant Assessment Plan.

Where the awarding organisation forms the view that an Assessment Plan gives rise to an Adverse Effect it must promptly notify Ofqual under Condition EPA3.2(k).

The Assessment Plan and apprenticeship standard on which each EPA is based will themselves be subject to periodic review by the Institute for Apprenticeships.

As part of the evidence to inform its own review, an awarding organisation should have regard to the outcomes of any review of an apprenticeship standard by the Institute for Apprenticeships, as well as any feedback from the Institute or Ofqual on the EPA itself.

However, where a review by the Institute leads to changes to an Assessment Plan, an awarding organisation should only make changes to its EPA based on that review where the new version of the assessment plan is included in Ofqual's list of Assessment Plans.

Guidance on Condition E2 Requirements on qualification titling

For the purposes of compliance with Condition E2.1 –

- (a) the level of the qualification included in the qualification title should be the level of the relevant apprenticeship standard as approved by the Institute for Apprenticeships,
- (b) the qualification type should be 'EPA', and
- (c) the concise indication of qualification content should replicate the title of the relevant apprenticeship standard.

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Guidance on Condition H1 Marking the assessment

Condition H1 applies both where an assessment is marked by an awarding organisation and where it is marked by a Centre. For many EPAs the Assessment Plan will require that assessments are marked by the awarding organisation.

Under Condition H1.1, an awarding organisation must ensure that the marking criteria for an assessment are understood by Assessors and applied accurately and consistently. This means that an awarding organisation should have in place arrangements to train Assessors and to standardise and monitor marking.

These arrangements should ensure that an awarding organisation is able to identify any issues in the application of marking criteria and to correct those issues to ensure accurate and consistent application. This will include the identification and mitigation (as appropriate) of any conflicts of interest.

Due to the specific risks around EPAs, we expect the arrangements to be impartial and to be separate from, and independent of, marking by Assessors. For example, an awarding organisation could use an independent team within its own organisation that does not conduct marking, or an external third party.

Under Condition H1.2, where an awarding organisation reasonably concludes that there is a material inconsistency in the Level of Demand between two optional tasks or assessments that would be likely to prejudice a group of Learners, it must make a reasonable alteration to its marking criteria to prevent that prejudice.

Under Condition EPA1.1, an awarding organisation is required to adhere to the requirements set out in the relevant Assessment Plan for an EPA. Depending on the content of the Assessment Plan, an awarding organisation may find it difficult to alter the marking criteria. However, we will expect an awarding organisation to take all reasonable steps within the parameters of the Assessment Plan to ensure that no material inconsistency between two tasks or assessments causes prejudice to a group of Learners.

Likewise, where the Assessment Plan itself could give rise to a potential material inconsistency, we will expect an awarding organisation to take all reasonable steps to prevent the inconsistency from arising while complying with the requirements of the Assessment Plan.

Guidance on Condition H2 Moderation where an assessment is marked by a Centre

Condition H2 applies only where an assessment, or any part of an assessment, is marked by a Centre rather than by the awarding organisation. In many cases assessments for EPAs will be marked by the awarding organisation and Condition H2 will not apply. This includes where an awarding organisation sends Assessors to assess a Learner at a Centre, but the Centre itself does not undertake the marking of the assessment.

There will be limited circumstances in EPAs where marking is undertaken by a Centre, for example an employer. This could include situations where marking by the Centre is permitted or required under the Assessment Plan where, for example, an employer is the only person who could competently or safely assess the Learner. Where marking is undertaken by the Centre, an awarding organisation must have in place clear and effective arrangements for the Moderation of the assessment, including the ability to make any necessary adjustments to the Centre's marking.

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Guidance on Condition H6 Issuing results

Under Condition H6.1 an awarding organisation must issue results for all EPAs. We expect an awarding organisation to issue results to the Education and Skills Funding Agency which will then issue the Learner with an apprenticeship certificate, where appropriate, on behalf of the Secretary of State.

An awarding organisation may also issue results to a Learner. Where it does so, it should make clear that what has been issued (for example a summary of results) is neither a Learner's overall result for his or her apprenticeship, nor a certificate for that apprenticeship.

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