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## Open consultation

# Consultation on autumn assessment opportunities for VTQs

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## Background

The impact of the coronavirus (COVID-19) pandemic has led the Department for Education (the Department) to reach the policy view that it is not viable for external exams to go ahead for some vocational and technical qualifications (VTQs) and other general qualifications.

We consulted on our proposed arrangements for awarding VTQs and other general qualifications in 2021 in 2 stages.

The [first consultation sought views on which qualifications would be in scope if the Department's policy intention and on the overall regulatory approach to be put in place for the award of VTQs in 2021](#). It ran from 15 January to 29 January 2021.

Following the first consultation, the [Secretary of State issued a direction](#) to Ofqual setting out his policy intention for how results should be awarded for 3 broad groups of VTQs and other general qualifications.

We then [consulted on the detail of the regulatory framework](#) we proposed to put in place to enable awarding organisations to issue results to learners in line with the approaches set out in the direction. This regulatory framework will be called the VTQ Contingency Regulatory Framework (VCRF). This consultation ran between 25 February 2021 and 11 March 2021.

## Autumn assessment opportunities

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

Therefore, as part of our second consultation, we sought views on what arrangements we could put in place to provide this opportunity.

We described the approach we took last summer in the context of the Extraordinary Regulatory Framework (ERF) when learners also received a result through teacher judgement. In [Condition VTQCov10 of the ERF](#) we required awarding organisations:

- who normally provide assessment opportunities between September and December of any year, to additionally make those assessments available to learners who were eligible to receive a result based on a 'Centre Assessment Grade' and those who would ordinarily take an assessment at that time
- who do not normally provide assessment opportunities between September and December, to provide those opportunities where it reasonably considers there is sufficient demand and would be manageable to both the awarding organisation and centres

We invited views on whether the same approach would still be appropriate in 2021 and so should be reflected in the VCRF.

## Feedback from the consultation

In our consultation on [Regulatory arrangements for the awarding of vocational and technical and other general qualifications in 2020-2021](#), the majority of respondents agreed that we should put in place the same arrangements for the provision of assessment opportunities in 2021 as in 2020. Some respondents said assessments should be made available to learners in autumn 2021, citing the need for parity between VTQ and other general qualification learners and their peers taking GCSEs, AS and A levels. Respondents also commented that arrangements for autumn 2021 should follow a similar pattern to that in 2020.

Awarding organisations questioned whether there would be demand for additional assessment opportunities beyond those already provided for through the year. They suggested decisions about further assessment opportunities should be left to awarding organisations. Last year, while some awarding organisations did offer additional autumn assessment opportunities, they reported that uptake was extremely low.

Some respondents also noted that many VTQs and other general qualifications are assessed by both examinations and internal assessments, and a single exam or assessment resit may therefore not lead to a change in result, especially in the context of 'qualification level' Teacher Assessed Grades. For some qualifications, the point was also made that it may not be manageable for centres or learners to complete or resit internal assessments in the autumn term because of the nature and size of the assessments.

## Our decision

Taking into account this feedback, we have decided that a very similar approach to last year should be adopted. We plan to include a condition within the VCRF (proposed Condition VCR8) to put this policy decision into effect. This condition requires awarding organisations:

- who normally provide assessment opportunities between September and January of an academic year, to additionally make those assessments available to learners who were eligible to receive a result through a Teacher Assessed Grade as well as those who would ordinarily take an assessment at that time
- who do not normally provide assessment opportunities between September and January to provide those opportunities where it reasonably considers there is sufficient demand and would be manageable to both the awarding organisation and centres

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

We consider that this will serve the need for learners to access opportunities to sit assessments this autumn, and balances any potential burden for centres and awarding organisations that will result from this. We have made some changes to the drafting used last year to reflect the context of 2021, including to permit awarding organisations, where appropriate, to make adaptations to assessments offered in the autumn and to revert to the arrangements for appeals that have been disapplied in the VCRF.

[Draft Condition VCR8 is included in Annex A.](#)

## Impact of our proposals

### Regulatory Impact Assessment

The Apprenticeships, Skills, Children and Learning Act 2009 requires recognised awarding organisations to comply with the conditions and requirements we set.

We have considered the regulatory impact of our proposals and identified the following potential impacts. Where awarding organisations already offer autumn assessment opportunities, the additional regulatory impact of our proposed Conditions is likely to be minimal. It is possible however that for those awarding organisations who don't normally offer autumn assessment opportunities, and who choose to do so, the regulatory impact could be greater. Additionally, they could come under greater pressure from centres to offer such opportunities. These potential impacts could include the cost of designing, developing and delivering and marking additional assessments. The timing of the series may also create an impact if staff and contractors usually involved in such activities are involved in other activities at this time, such as teaching. In addition, there could be an impact on assessments where large or lengthy practical assessments and portfolios are required.

We think that the approach we have taken in draft Condition VCR8 balances the need to consider the impact on and manageability for awarding organisations and centres with the need for fairness for learners who wish to improve upon their result when it is based on a Teacher Assessed Grade. Our approach is flexible and allows awarding organisations to consider a range of factors when considering their approach. We consider that overall, while there will be an additional regulatory impact on some awarding organisations, this is proportionate to meeting the policy intention of ensuring that learners taking vocational and technical qualifications are provided with the same opportunity as GCSEs, AS and A level learners to sit an exam if they wished to improve on their Teacher Assessed Grade.

### Equalities Impact Assessment

We have considered whether these proposals might impact (positively or negatively) on students who share [protected characteristics](#).

It is possible that some students who share protected characteristics could be disadvantaged if they are unable to take additional assessments in the autumn. This could affect disabled students who may be required to shield for longer. Students with special educational needs or disabilities could be affected as they may require more time to prepare for assessments and to catch up on teaching and learning, having not had access to their normal support. The timing of any additional assessment opportunity will impact the extent to which this may be an issue, and the impact is likely to be different for different students.

Some students may be positively impacted by these proposals, including disabled students who may be able to take an assessment with their usual reasonable adjustments in place in the autumn, which may not have been possible in the summer. Additionally, students who were unable to take an assessment that went ahead in the summer as a result of sharing a protected characteristic (such as disabled students who may have been required to shield) may be able to take an autumn assessment so could be positively impacted.

Awarding organisations offering autumn assessments will continue to be subject to our wider equalities' requirements, and to wider equalities legislation. Our proposed Condition allow flexibility for awarding organisations to determine their approach to autumn assessments, so will be able to consider such factors when deciding their approach.

## Your views

We are seeking your views on the drafting of [Condition VCR8 in Annex A](#). We would also welcome your views on our assessment of the likely impact of our proposals, including whether there are any additional impacts we have overlooked, and any steps we could take to mitigate such impacts.

[You can respond to this consultation](#) from **24 March** to **7 April 2021**.

## Annex A

### Condition VCR8 Assessment opportunity in Autumn 2021

#### VCR8.1

In respect of the assessments to be taken for a VTQ which it makes available, an awarding organisation must ensure that –

- where it normally provides an opportunity between September and January of an academic year for Learners to take those assessments, it takes all reasonable steps to provide that opportunity in 2021 to each Learner –
  - to whom it would normally provide that opportunity
  - who was issued with a result under the VCR Conditions, and
  - who was or is registered to take an assessment, between 1 August 2020 and 31 August 2021, that would have led to a result being issued, but was not issued with a result, and
- where it does not normally provide an opportunity between September and January of an academic year for Learners to complete those assessments, it provides such an opportunity in 2021 to those Learners set out in Condition VCR8.1(a) where it reasonably considers that sufficient demand for that opportunity exists.

#### VCR8.2

The requirement in Condition VCR8.1(b) does not apply where an awarding organisation reasonably considers that providing that opportunity would be –

- impracticable, or
- would create a disproportionate burden on the awarding organisation or Centres.

#### VCR8.3

An awarding organisation must seek to ensure that its approach to an assessment provided under Condition VCR8.1 –

- minimises burdens as far as possible, and
- is as deliverable as possible, including by Centres and Teachers.

#### VCR8.4

An awarding organisation must comply with any requirements specified to it by Ofqual in relation to the provision of assessment opportunities for VTQs.

#### VCR8.5

In respect of each assessment it delivers under Conditions VCR8.1 and VCR8.3 –

- an awarding organisation must treat the qualification to which that assessment relates as a Category A Qualification for the purposes of compliance with Conditions VCR2 and VCR4 to VCR6, and
- Conditions VCR3 and VCR7 do not apply.

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