

Ofqual response to Institute for Apprenticeships’ Operational Plan

February 2017



Executive summary

1. The Institute for Apprenticeships’ vision for high quality, credible apprenticeships that will deliver the skilled workforce that employers demand is welcome. This vision reflects the government’s long-term programme of reform, giving employers more control over the content and assessment of apprenticeships with the aim to raise quality and quantity.
2. The creation of the Institute as an employer-led public body with overarching responsibility for securing quality is a positive and important initiative. The ability of the Institute to draw on the knowledge and experience of employers and industry experts is key to driving up the quality and relevance of apprenticeships. For our part, we are committed to ensuring that assessments within apprenticeships are consistent and of high quality. We are able to bring to bear unique experience, expertise and regulatory powers in pursuit of quality assurance.
3. The Institute’s draft Operational Plan sets out ambitious intentions for collaboration. Rightly, the Institute has a leading role. The proposed collaborative working between the key partners is reflected in the ‘Quality Partnership’ described in the Government’s Strategic Guidance to the Institute. This partnership is fundamental to achieving high quality apprenticeships and the longer-term aims set out by Government. We consider it essential that the operational plan draws effectively on the strengths of the partner organisations and minimises duplication.
4. That said, it is clear that the current responsibilities and accountabilities within the apprenticeship system are blurred. This view is echoed in the recent scrutiny of the Technical and Further Education Bill in the Lords debate. We support the view that the apprenticeship landscape must be clear and easy to navigate. This is crucial if we are to enable apprentices, employers and those involved in developing and delivering apprenticeships to understand the system, use it effectively, and have confidence in those securing quality.
5. The government steer provided the opportunity for the Institute to clarify the situation in relation to quality assurance. The steer noted that the Institute:
‘needs to satisfy itself that all (EQA) options will ensure consistent assessment and require a high standard from all apprentices. The Institute may wish to consider whether all of the currently available EQA options should continue’.

We consider the immediate clarification of the role of external quality assurance (EQA) critical to the effective delivery of apprenticeships.

External Quality Assurance

6. The draft Operational Plan reflects our role as one of four external quality assurance (EQA) options. Our approach to fulfilling this role is described in Annex A. However, the Operational Plan fails to make the distinction between the EQA function and the substantial regulatory powers that are uniquely available to us as a statutory regulator. Where an Apprenticeship End Point Assessment (EPA) falls within a regulated Awarding Organisation's scope of recognition, we will regulate the EPA, no matter who is providing the EQA. In doing so, we will provide the same degree of quality assurance to EPAs that we give to the qualifications we regulate.
7. We believe that the Institute, Ofqual and the other key partners in the system should work together to develop an appropriate EQA landscape. The starting point for these discussions should be the aspiration to provide appropriate choice but to avoid duplication of responsibilities, minimise regulatory burden and secure value for money. Only by drawing on the finite skills, strengths and existing capabilities that different partners bring will we collectively deliver the high quality and efficient apprenticeships that we all desire.
8. It is therefore important to be clear about the distinction between EQA options; the EQA options presented in the draft operational plan are not the same and do not offer similar levels of control. For example, the EQA service Ofqual provides draws on the use of a range of regulatory tools and powers given to us in statute.
9. We are exploring how we can work in partnership with employers and professional bodies as providers of the EQA role. Employers that we have spoken to have said that they can see considerable benefit in including Ofqual in their process, drawing on the experience, expertise, regulatory framework and statutory powers that we provide. This provides a mechanism to protect employers' choice of the most appropriate EQA provider for their context, supported by the powers and expertise Ofqual has in place.
10. Our work with Trailblazer groups to date suggests that designing an assessment plan presents a number of challenges. In developing an assessment plan, employers are well-placed to identify the right knowledge, skills and behaviours that apprenticeships need to have but they do not necessarily have the relevant experience in assessment. Our work to date has shown that our expertise can play an integral part in supporting employers in their development of assessment plans, and these have improved considerably as a result. Annex B provides a summary of our findings.

Partnering opportunities – an appropriate EQA paradigm?

11. The relationship between different providers of EQA is something that should be explored urgently. There is a real opportunity to develop meaningful partnerships that bring together sector and assessment expertise and deliver the high quality assurance that is being called for. The government's strategic guidance to the

Institute sets out an opportunity for it to look further at the purpose and practice of EQA as well the options open to trailblazers. We would welcome the opportunity to work in collaboration to explore this further.

12. We acknowledge that employer groups may wish to choose an EQA option, other than Ofqual, endorsed by sector and professional bodies. Our view is that these organisations make up a vital part of the system. We can see a future where Ofqual enters into productive working arrangements with some of these bodies, to provide assessment expertise and regulatory powers to support employers to get what they need and want. We are already developing such partnership arrangements that would allow us to support consistent quality assurance where we do not provide the EQA function. Where Ofqual is not involved in regulating EPAs, the Institute will want to be satisfied that the quality assurance function enables similar levels of assurance and control over standards to be applied.

End Point Assessments

13. We agree with the government steer that it is essential for assessments to be undertaken by an independent third party that has not been involved in the training or line management of the apprentice. Our experience, including in the reform of qualifications, has shown that this independence is important to securing valid assessment and, consequently, gives assurance to users (such as employers, apprentices and their parents) that the result of that assessment can be relied on.
14. As the statutory regulator, we work to secure and maintain the standards of qualifications and assessments. We have noted within the Institute's draft Operational Plan that government expects that the outcomes of Apprenticeship EPA should be reliable and consistent between assessment organisations, regardless of where and when an assessment is conducted. We have tools and powers that would underpin this outcome. We would be happy to work with the Institute to put in place the right controls to support the maintenance of standards over time for EPAs. This would give employers greater assurance about the Apprentices they employ, and would support portability of these apprenticeships. Again, where Ofqual is not involved, the Institute will wish to be certain that external quality assurance organisations provide similar levels of control to avoid divergence.

Quality Criteria for Apprenticeship Assessment Organisations

15. For Ofqual to regulate an EPA we require an assessment organisation to be formally recognised by us. This means that they have been subject to a series of rigorous checks. Once recognised, that assessment organisation is then subject to Ofqual's established regulatory framework, entitled the General Conditions of Recognition.
16. Our recognition criteria and process are currently distinct from those required to join the Register of Apprentice Assessment Organisations (RoAAO) maintained by the Skills Funding Agency (SFA). We are looking at how we might modify our approach in relation to organisations solely offering end point assessments. We also see opportunities for the key partners to explore how any burden within the system arising from register requirements could be minimised or removed, and are already in dialogue with the SFA to this end.

17. If an assessment organisation is recognised by us, employers can have increased confidence in the provision of the end-point assessment delivery, as the assessment organisation is subject to specific recognition criteria and subsequent regulatory control. At the time of writing, 52% (23 of 44) of the assessment organisations on the RoAAO are Ofqual recognised. They are delivering End Point Assessments for 80% of the standards listed on the register.

Taking action to ensure quality

18. Where we regulate EPAs, including in partnership with another EQA provider, we can use a range of regulatory tools to pre-empt or address any issues of quality that may arise. Our tools include the ability to visit assessment organisations and undertake thematic or specific audits to check quality. We have the ability through our regulatory framework to, for example, require assessment organisations to take immediate action to address issues identified, in line with our requirements, to protect the interests of apprentices and employers alike. Should we receive information that would lead us to undertake targeted investigations, we have the flexibility to conduct these at pace, requiring the assessment organisation to produce any material we feel is necessary. If an assessment organisation is found wanting, in addition to requiring any shortcomings to be rectified, we have the ability to hold organisations to account and can impose a range of sanctions, including financial penalties. This creates a powerful disincentive towards shortcomings in the first place.

19. We can also undertake thematic and specific evaluations of assessment functioning. We can utilise our assessment expertise to undertake evaluation of Apprenticeship EPAs before they reach the market. We have experience of regulating when transitioning between legacy and new assessment standards, the maintenance of assessment standards over time, and securing comparability between assessment organisations. We feel that we are uniquely placed to play this part in the government's apprenticeship reform programme and are willing to work in partnership, with employers, professional bodies and the Institute, to deliver real value.

Technical qualifications

20. The final section of the Operational Plan describes the important part that Technical Education qualifications will play in the reformed landscape. Ofqual has an ongoing dialogue with the Department for Education about the reforms to these qualifications. Our role will be to regulate these qualifications in line with the curriculum intentions, and we will shape and adapt our regulatory framework as required as the reforms get underway, to secure sufficiently valid and reliable assessment that commands public and stakeholder confidence.

Annex A – Ofqual’s approach to the External Quality Assurance of Apprenticeship End Point Assessments through regulation

Upholding our purpose (our regulatory framework)

1. Ofqual’s statutory objectives include securing qualification standards and promoting public confidence in regulated qualifications in England. Using our General Conditions of Recognition (the Conditions) we consider the whole lifecycle of a qualification, aiming to verify that assessments are, and continue to be, sufficiently valid for:
 - delivering on the qualification purposes, testing the right things
 - enabling results to be trusted, confirming they accurately reflect achievement
 - ensuring grading is clear and defensible
 - requiring assessments to be regularly reviewed and improved.
2. Maintaining standards includes a commitment to securing sufficient comparability between assessments, both over time and between different awarding organisations. Our commitment to the efficient provision of qualifications also ensures we are mindful of the wider context in which qualifications sit: changes in the qualifications market and the pressures and burden on awarding organisations.

Considering a request to be an EQA provider (decision to regulate)

3. We are open to discussions with Trailblazers at any point of their development process, to outline our approach and encourage ongoing collaboration. It is most effective where we are engaged prior to submission for approval of an assessment plan when a Trailblazer decides their EQA route.
4. When a Trailblazer requests us to be the EQA provider for a particular standard we ask that they submit with their request the draft assessment plan for the relevant standard(s). Our early engagement is to ensure as far as is possible that the assessment plan is developed so that the future End-Point Assessments (EPAs) will be sufficiently valid.
5. Assessment plans should explain fully the way in which the competencies in the apprenticeship standard will be tested: our consideration of the plan is from the perspective of an assessment organisation who might want to develop an EPA. We also consider the potential for multiple assessment organisations to develop EPAs from one assessment plan with comparability in mind.
6. The EPA Technical Advisory Group (TAG) meets on a regular basis to consider assessment plans that have been submitted to us. The TAG focusses on how far the assessment plan sets out a suitable approach, in sufficient detail, that the knowledge, skills and behaviour in the standard could be effectively assessed. In forming a recommendation on whether a sufficiently valid EPA can be developed from the assessment plan, our assessment experts consider

whether anything set out in the plan might result in an EPA which is not sufficiently valid.

7. The kinds of questions asked by TAG are:
 - Does the plan accurately reflect the competencies outlined in the standard?
 - Will a pass in the EPA reflect the required knowledge, skills and behaviours for occupational competence?
 - Is the grade calculation coherent?
 - Is it clear how grades above pass should be differentiated by an assessor?
 - Might the level of detail in the plan result in significantly different approaches to assessment across different assessment organisations which might not be appropriately comparable?
8. Where we identify opportunities to strengthen an assessment plan, these are fed back to the Trailblazer and our recommended changes are usually made. As a result, in the majority of cases, we have been able to agree to be the EQA for the standard because we can have confidence that an assessment organisation could develop a sufficiently valid EPA based on the assessment plan.
9. Our acceptance of a request to be the EQA of choice is notified to SFA who then only allow Ofqual recognised awarding organisations onto the Register of Apprenticeship Assessment Organisations (RoAAO) against that particular standard. This ensures that assessment organisations developing EPAs for the standards where we are EQA are all subject to our rules, which are designed to secure sufficiently valid assessment and comparability.

EQA in practice (regulation)

10. Once in delivery EPAs will be subject to our risk-based approach to regulation.
11. Assessment organisations delivering EPAs will be required to ensure that their assessments remain fit for purpose through all stages of their life-cycle: design, delivery, award and evaluation.
12. Awarding organisations will use the well-established process for notifying us of any events and adverse effects which relate to EPAs and we will manage any incidents in line with our normal approach.
13. We will continue to regulate on-programme qualifications within apprenticeships where their use is adopted by Trailblazers.
14. Our risk-based approach to regulation allows us to target assessments or organisations based on our wider understanding of the market, trends in qualifications, organisational changes within sectors and the broader assessment community.

15. We have a variety of tools at our disposal to hold awarding organisations to account and ensure systems, governance, expertise and controls are sufficiently maintained and appropriately employed, including:

- audits
- qualification and assessment scrutiny
- investigations in response to incidents or intelligence
- publication of findings to positively influence behaviours
- accepting undertakings, directing, fining or withdrawing an organisation's recognition, where it is appropriate and proportionate to do so.

Annex B – Findings from Ofqual’s Review of Apprenticeship Assessment Plans

Ofqual reviewed Assessment Plans generated from 31 Apprenticeship Standards between April 2016 and January 2017. These Assessment Plans covered a range of industries and were set at different levels. Some had been approved by government; others were waiting for approval.

Here we set out the overall themes that emerged from our review. This provides some insight into how assessment is being approached in new apprenticeships standards. We do not set out individual findings, many of which relate to technical detail, but we have given individual feedback to trailblazer groups to help them develop their plans further. We have also previously shared the common themes we found with government to help inform their approach.

Throughout our review, we found a very strong commitment amongst trailblazer groups to finding assessment methods that enable apprentices to demonstrate their knowledge, skills and behaviours effectively. A wide range of assessment methods are planned, including:

- showcases
- professional discussions
- interviews / vivas
- knowledge tests (often multiple choice)
- practical assessments
- observations
- projects
- portfolios

We have also found a range of issues with assessment plans. Some of these have been minor, others more significant. All of the issues we have found have been capable of being addressed. On the basis of our feedback to particular trailblazer groups, they have revised their assessment plans so that they can support the development of sufficiently valid end-point assessments and we can agree to act as EQA.

The issues we have found when reviewing Assessment Plans can be grouped into themes:

1. Risks to valid assessment

Validity is about the extent to which an assessment accurately measures what it is designed to measure¹. To be valid, an assessment must effectively assess the skills and knowledge that are required to meet the purpose of that assessment. In the case of apprenticeship EPAs, the purpose is clear: to indicate that someone is ready for a

¹ Validity is an overarching concept – it cannot be achieved if an assessment is not also reliable, manageable and comparable standards are maintained. For the purposes of explaining the key themes, we separate validity, reliability, comparability and manageability, whilst recognising that these concepts are interdependent.

particular professional role. The skills, knowledge and behaviours that must be assessed to meet that purpose are clearly defined in the Apprenticeship Standard.

We found some instances where Assessment Plans did not set out arrangements that would support end-point assessments that were sufficiently valid. For example, provision was not always made for apprentices to demonstrate achievement of all elements set out in the Standard. In these cases, the Apprenticeship End Point Assessments risked not assessing some of the key skills, knowledge or behaviours needed in order for the apprentice to be job-ready.

2. Risks to achieving reliable outcomes

Reliability is key to effective assessment. A highly reliable assessment will produce the same result in different circumstances, no matter where or when the assessment is taken, or which assessor is making the judgements.

We found a number of examples where Assessment Plans did not detail assessment arrangements sufficiently to secure reliable end-point assessments. For example:

- Some assessments used criteria that were subjective and open to individual interpretation (for example, judgements about an apprentice's team-working or professionalism). With sufficient exemplification, it is possible to reliably assess these kinds of behaviours and skills, but some Assessment Plans did not clearly set out the evidence that would be required from apprentices. This risks different assessors making very different judgements.
- Some of the criteria to enable assessors to reliably differentiate between apprentices achieving a pass and those achieving a higher grade (merit and/or distinction) were somewhat unclear. This was often because similar words were used to describe outcomes at different grades, making it difficult for assessors to select the appropriate grade to award. Similarly, there were some instances where very narrow grade boundaries were suggested. This could mean the answer to just one or two questions could be the difference between one grade and the next. Both of these issues could result in unreliable and inconsistent judgements about which grade to award to very similar performances by different apprentices.
- Sometimes there was little or no detail given about how to aggregate the marks from different components into a final grade. There were cases where it was unclear how Apprentice Assessment Organisations could achieve the specified component weightings. For example, an assessment component that is not marked but is instead graded as pass/fail (such as the outcome from a professional interview) does not have a weighting in the same way as a component which is marked and then combined with other marked components to give an overall total – it is a 'hurdle' the apprentice must clear. Issues such as these risk final results received by apprentices not accurately reflecting their overall performance, and different assessors and Apprentice Assessment Organisations setting different standards.
- Where marks or grades from different components of the assessment needed to be aggregated, for example, a knowledge test and a practical assessment,

we saw some evidence of overly complex approaches to calculating final grades. This approach carries a high potential for confusion and error, as well as risk that different assessors may apply the rules in different ways.

- We have seen cases where a great amount of weight has been given to a relatively small part of the overall assessment; meaning it should have a larger than representative impact on the final grade. Conversely, we also saw cases where one aspect of an assessment had been weighted in a way that made that specific outcome largely insignificant to the overall grade.

3. Risks to securing comparable standards over time and between organisations

It is important that assessments used to demonstrate proficiency or competence maintain consistent standards over time and between different providers. Of course, assessments need to change over time to reflect new technical or professional practices, but the standard of a single apprenticeship end-point assessment should always be set such that a successful apprentice is considered to be job-ready. An apprentice should have confidence that standards will be consistently set and maintained no matter when an assessment is taken, or which Apprentice Assessment Organisation delivers the assessment.

A number of the examples given above also presented risks to the maintenance of standards. In addition to these, we found that in some Assessment Plans, there was a heavy reliance on online multiple-choice testing. This can be a very effective means of assessment, but it requires a great deal of preparation, such as pre-testing of each question and a sufficiently large bank of questions, to make sure that each test generated will secure consistent standards and avoid predictability over time.

However, in a number of assessment plans we reviewed, there was little detail on the required size of the test, the frequency of testing, how regularly questions should be used and the required size of the question bank. This information would be required by any organisation developing assessments to make sure that the assessments would set consistent standards and to effectively manage the risk that questions become easy to predict with time. (The complexities involved in delivering this type of assessment effectively may also deter some organisations from wanting to offer apprenticeship end-point assessments.)

4. Risks to manageable and fair assessments

Assessments should be manageable, so, for example, the amount of assessment time must be reasonable for the student, considering their ability to concentrate or be physically active for long periods of time. It must also be fair to students, for example, it should not discriminate against those with protected characteristics. The administration of assessments should also be financially feasible.

- When setting out the different assessment methods, some Trailblazers have chosen to specify the order in which assessments must be taken. Whilst not an issue in itself, this may create issues around the manageability of delivering the

assessments for employers or training providers, and may present risks to ensuring fair access to assessments for apprentices, particularly for apprentices who may need reasonable adjustments to be made owing to a disability.

- Some Assessment Plans set out an intention to cap grades on assessments that have been taken as a re-sit, for example, not allowing those apprentices to achieve more than a pass grade. In such cases, the rules must be absolutely clear to all involved, though the variation in approach between Trailblazers would make overall clarity difficult to achieve.
- We also noted that different approaches to re-sits are being taken by different Trailblazer groups. Some Trailblazers have chosen to impose time limits on when a re-sit can take place after the initial assessment, but others have not. Within reason, different approaches to re-sits being taken in different circumstances is not problematic. However, it is important to consider their implications for manageability and fairness; also that it is likely to be valuable for apprentices, employers and training providers to understand the rationale for a particular approach taken.