

EPA Qualification Level Guidance

July 2018

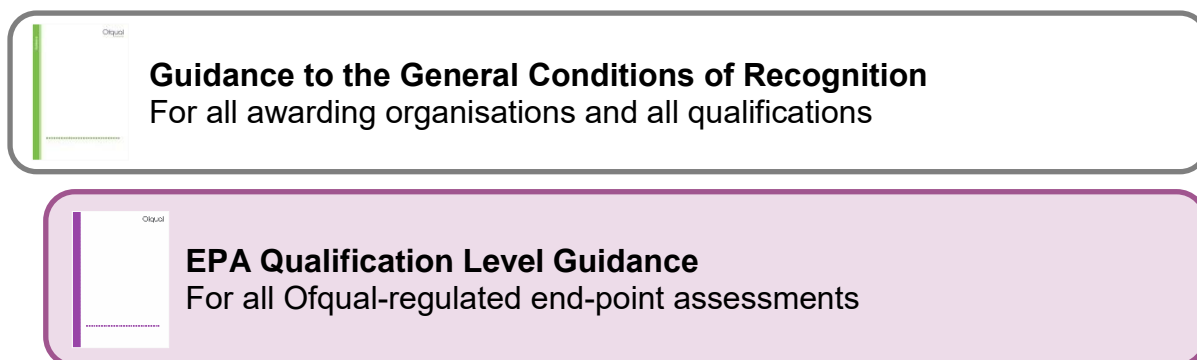


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Introduction

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



This document sets out guidance which applies to all EPAs, and which comes into effect at 00.01am on 27 July 2018.

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 www.gov.uk/government/publications/general-conditions-of-recognition

² www.gov.uk/government/publications/epa-qualification-level-conditions-and-requirements

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

A note on terminology

The terms used in this guidance follow those that are used elsewhere in Ofqual's regulatory framework. Where a generic term is used in the guidance, it should be read as referring to the relevant term in the context of EPAs.

For example, 'awarding organisations' will be end-point assessment organisations, a 'qualification' will be an EPA, and 'results' will be the summary of results published by an end-point assessment organisation.

Guidance for EPAs

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 EPAs. 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 at an individual level.
- d) Ensuring that processes and procedures in relation to the delivery of the apprenticeship 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 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.

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.

A Centre can be involved in the delivery of an assessment even where it does not mark that assessment.

For example, a Centre will deliver an assessment where no person employed or contracted by the awarding organisation is present while the assessment is being taken. In such a case the Centre would have responsibility for administering the assessment and would undertake some or all of the following tasks, as relevant –

- a) taking delivery of written question papers in advance of the assessment,
- b) handing out written question papers to Learners,
- c) setting up online assessments,
- d) delivering instructions to Learners before the assessment commences,
- e) ensuring that the awarding organisation's rules in relation to the conditions under which the assessment is taken are adhered to, including Invigilation, and
- f) collecting written responses to assessment and sending to the awarding organisation.

In those 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.

By contrast, in some cases, no part of an EPA will be delivered by a Centre as the awarding organisation will deliver the 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).

Guidance on Condition E3 Publication of a qualification specification

Content of the 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 as set out below.

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 Apprenticeship Standard and Assessment Plan for an EPA. So, for example, it is likely that an Apprenticeship 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 3.2(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.

Publication of the specification

Condition J1.7 states that where an awarding organisation is required to publish a document it must be published in a way which is –

- a) clear to its intended audience,
- b) accurate, and
- c) reasonably accessible (including by way of publication, if available, on the awarding organisation's website).

We will expect an awarding organisation to publish its specification on its website. Our default position is that this should be in an area of the website which is available to all Users and potential Users of the qualification (i.e. not in a restricted section of the website). However, we accept that there may be circumstances in which it is appropriate to restrict access to the specification, or elements of it. This could be, for example, where certain elements of the specification are commercially sensitive or where the nature of the qualification is such that the specification should not be available to the general public. In such cases we would expect as much of the specification as possible to be publicly accessible, with only those elements which it is appropriate to restrict being housed on a secure section of the website.

We note that in order to meet the requirements of Condition E3, a specification published in accordance with Condition J1.7 need only contain the information set out in Condition E3.2. Where an awarding organisation chooses to go beyond that information it will be free to decide for itself how to make that additional information available.

We will expect an awarding organisation to be able to justify its approach to publication if asked to do so.

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(a) to adhere to the requirements set out in the relevant Assessment Plan.

A key aspect of validity is that a qualification 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 EPA1.1(a), read together with 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 Plans⁴, 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

⁴ Which is published alongside our Qualification Level Conditions for EPAs.

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 the apprenticeship assessment plan (which is not contained in our List of Assessment Plans).

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

Under Condition EPA3.1, an awarding organisation must notify Ofqual where it believes that an event has occurred or is likely to occur which could have an Adverse Effect. This means that an awarding organisation must notify Ofqual even where an event has not yet happened, so long as the awarding organisation considers that it is likely to happen.

Issues arising during the design of EPAs

There may be occasions during the design stage of an EPA where an awarding organisation uncovers potential Adverse Effects if the EPA is designed in a certain way in accordance with the Assessment Plan.

Where a range of design options are available to an awarding organisation – all of which are capable of complying with the Assessment Plan, but some of which could lead to an Adverse Effect – we will expect the awarding organisation to choose a design option that will not lead to an Adverse Effect. Where it does so, there will be no need for the awarding organisation to notify Ofqual of the potential Adverse Effect that would have been caused had it chosen a different design option.

By contrast, the Assessment Plan may leave no design option available to the awarding organisation that would avoid an Adverse Effect. In such circumstances, the awarding organisation must notify Ofqual under Condition EPA3.2(k).

Under Condition EPA3.4, an awarding organisation must also notify Ofqual, at the same time, or as soon as possible afterwards, of any steps that it has taken or intends to take to prevent, correct or mitigate the Adverse Effect.

There may be circumstances in which there are no steps that an awarding organisation can itself take to prevent, correct or mitigate the Adverse Effect because, for example, it cannot change the requirements of an Assessment Plan. The Awarding Organisation must notify Ofqual under Condition EPA3.4 of any such concerns.

Issues arising during the review of an Assessment Plan by the Institute for Apprenticeships

Under Condition EPA3.3, an awarding organisation must promptly notify Ofqual if a review of the Assessment Plan is proposed or initiated. At that point Ofqual will liaise with the Institute with respect to the review.

There is no requirement under Condition EPA3 for an awarding organisation to notify Ofqual of any Adverse Effect that could result from proposed changes to an

Assessment Plan as part of the subsequent review by the Institute. An awarding organisation is of course free to share any such concerns with Ofqual (and is encouraged to do so) and Ofqual may ask awarding organisations for their views as part of its own consideration of proposed changes.

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, 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.

For example:

[AO name] Level 2 End-point assessment for ST0072 Customer Service Practitioner
[endorsements if applicable]

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, 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 or more 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 or more 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.

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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