

CONSULTATION

Regulating Digital Functional Skills Qualifications

Our proposals on the design, delivery, awarding and maintenance of standards of Digital Functional Skills Qualifications

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Foreword

We are pleased to present our consultation on regulating the new Digital Functional Skills Qualifications (Digital FSQs), which form a part of the government's plans to improve adult basic digital skills. The new qualifications will be available from September 2021 and will replace the existing Functional Skills qualifications in ICT.

The purpose of these qualifications, set out by government, is to provide reliable evidence of students' achievements against demanding content that is relevant to the workplace and real life. They also need to provide a foundation for progression into further study or employment.

In our regulation of these qualifications, we seek to secure innovative qualifications that are relevant to the workplace and real life, while taking approaches to promote comparability between awarding organisations and over time. We will be taking forward the improvements we made to Functional Skills in English and maths to do this.

The Department for Education (DfE) has determined that Digital FSQs should have common, detailed subject content, based on the new national standards for essential digital skills. This is designed to increase comparability across awarding organisations. The subject content is the responsibility of the government and is being consulted on separately by DfE.

Our consultation sets out our proposed approach to regulating Digital FSQs. We ask for views on their defining characteristics, including their design, delivery and award, and on the work that will be required in order to maintain standards on an ongoing basis.

If you have an interest in Digital FSQs now and in the future, please let us know what you think about the proposals we set out here. We look forward to hearing from you.

Sally Collier

Chief Regulator

Proposals at a glance

Digital FSQs are new qualifications that seek to provide learners with the core digital skills needed to fully participate in society. They are being introduced by the Department for Education (DfE) as part of their plans to improve adult basic digital skills and will sit alongside Essential Digital Skills Qualifications as part of the government's adult digital offer¹.

Digital FSQs will be introduced from September 2021 and will replace the existing Functional Skills Qualifications in ICT (FSQs in ICT). Unlike FSQs in ICT, which are available at 5 levels (Levels 1 and 2 and Entry levels 1, 2 and 3), Digital FSQs will only be awarded at Entry level 3 and Level 1.

Our proposals seek to encourage the development of innovative qualifications which enable learners to develop the digital skills needed for real life, employment and further study, as set out in the subject content. Alongside this, we are seeking to secure comparability between qualifications that are offered by different awarding organisations and over time, and to ensure that there is control over standards. We aim to strike the right balance between the controls that we put in place and the validity of the assessments to ensure that Digital FSQs fulfil their curriculum intentions. Our proposed approach is set out below.

Conditions and Guidance

As far as possible, we propose to regulate these qualifications and the awarding organisations which offer them, through our General Conditions of Recognition. But, to secure the government's curriculum intentions and our policy objectives for these qualifications, we propose to introduce Digital FSQ-specific Subject Level Conditions. We are proposing to include a qualification purpose statement for Digital FSQs to frame our final Subject Level Conditions.

Qualification design

The new Digital FSQs will have detailed subject content, developed by DfE which will be common across all awarding organisations. This content is drawn from the new national standards for essential digital skills and, in line with the national standards, has been developed at Entry level and Level 1 only. We plan to adopt DfE's subject content into our regulatory framework for Digital FSQs. We also propose to introduce rules relating to the interpretation and coverage of this subject content. This is to support comparability and the maintenance of standards between awarding organisations and over time.

We have asked for views on a set of high-level principles around assessment design which will inform the development of more specific design rules at a later stage. We would want our final design rules to support our intention for innovative and valid assessment of digital skills.

We propose to set other qualification design rules, such as the number of components, the number of assessments, and requiring the use of mark-based and

¹ <https://www.gov.uk/government/consultations/improving-adult-basic-digital-skills>

compensatory assessment approaches, to enhance comparability across awarding organisations. We are not proposing to set common rules around overall assessment time, though we are seeking views on this approach.

We also propose to set a bespoke Condition around Total Qualification Time and Guided Learning for Digital FSQs. This is to reflect DfE's expectation that the number of hours of Guided Learning for these qualifications should be 55 hours.

Assessment availability

We recognise that the flexibility of current qualification delivery is highly valued by users and anticipate that this will be the case for the reformed qualifications. We therefore do not propose to restrict the availability of assessment opportunities for Digital FSQs. This means that, depending on the approach taken by awarding organisations, learners will be able to take their assessments whenever they wish, as at present. We do however propose to require awarding organisations to have processes in place to manage the issues that may arise as a result of this flexibility, and we are specifically proposing to prohibit paper-based, on-demand assessment because of the difficulty in restricting access to live assessment materials and to reflect the digital nature of the subject.

Setting, marking and adaptation of assessments

We propose that:

- Level 1 assessments will be required to be set and marked by the awarding organisation, allowing for a high level of control over these assessments, reflecting their use to support progression to, or use within, employment or further study
- Entry level assessments will be required to be set by the awarding organisation but can be centre-marked or marked by the awarding organisation. They can also be adapted by centres. This lower level of control reflects the lower level of risk attached to their use to support progression to Level 1 study.

Setting and maintaining standards

We are not proposing to prescribe a single approach to standard setting as this is dependent on the awarding organisation's approach to the design and delivery of qualifications. We have however set out certain expectations around the evidence that awarding organisations must rely on in their approach. We also propose to set requirements to ensure that initial standards are set appropriately and to permit post-results scrutiny of outcomes.

Grading and assignment of qualification levels

The subject content has been developed at Entry level and Level 1. We propose that Digital FSQs should only be available at Level 1 and the highest Entry level, Entry level 3, only.

We also propose to require pass/fail grading for Digital FSQs. This reflects the curriculum intention that these qualifications are intended to certify that learners

have, overall, acquired sufficient digital skills to progress into further study or employment.

Assuring the approach to assessment

We propose to carry out a technical evaluation of the new qualifications, likely before the new qualifications are made available. This evaluation will consider the design and proposed delivery of the new qualifications and will give us assurance about the new qualifications at the outset. To support technical evaluation, and ongoing regulation, we propose to require awarding organisations to develop an assessment strategy document which explains their overall approach to each Digital FSQ

Transitional arrangements

We propose a maximum 12 month overlap period between the current FSQs in ICT and Digital FSQs. This is to ensure that the transition to the new qualifications takes place as soon as possible, but in a way which minimises the risk of disadvantaging learners.

Disapplication of certain General Conditions

We also think it will be necessary, and helpful, for us to disapply a small number of General Conditions in line with the proposals set out above.

Audience

This consultation is for anybody with an interest in improving digital skills for adults, including:

- awarding organisations
- education and training providers, including further education colleges, independent training providers, adult and community education providers
- teachers and tutors
- subject specialists
- learners
- employers

Consultation arrangements

Duration

This consultation will be open for 10 weeks starting on 16 May 2019 and ending on 26 July 2019.

Respond

Please respond to this consultation by using one of the following methods;

- complete the online response at www.gov.uk/government/consultations/regulating-digital-functional-skills-qualifications
- email your response to consultations@ofqual.gov.uk - please include the consultation title in the subject line of the email and make clear who you are and in what capacity you are responding

For information on how we will use and manage your data, please see Annex A.

Introduction

Introducing Digital Functional Skills Qualifications

As part of their plans to improve adult digital skills², DfE is proposing to introduce new Digital FSQs. They will be funded as part of a national entitlement to basic digital skills training and will be available for teaching from September 2021. They will replace FSQs in ICT.

Digital FSQs will sit alongside Essential Digital Skills Qualifications. DfE has set out different purposes and curriculum intentions for Essential Digital Skills Qualifications and Digital FSQs, leading us to consider different regulatory approaches³.

For Essential Digital Skills Qualifications, the Minister of State for Apprenticeships and Skills prioritised flexibility, recognising that this might lead to different approaches to assessment⁴. This was to take account of the diverse needs of learners with no or low digital skills. As explained below, the Minister has set different expectations for Digital FSQs, prioritising comparability between awarding organisations and over time.

The purposes of Digital FSQs

In January 2019, the Minister of State for Apprenticeships and Skills wrote to us setting out the purposes of Digital FSQs, and the range of factors we should take into account when determining our regulatory approach⁵.

DfE have also confirmed that the purposes of Digital FSQs are to provide:

- reliable evidence of a student's achievements against demanding content that is relevant to the workplace and real life
- assessment of students' underpinning knowledge, as well as their ability to apply this in different contexts
- a foundation for progression into employment or further education and develop skills for every-day life

The Minister also expects that employers and learners should have confidence that the level of qualification achieved is comparable irrespective of the awarding organisation they choose or the year in which assessments are taken, and that Digital FSQs benefit from the improvements we have made to FSQs in English and maths. Here we have introduced subject level conditions, which work with our General Conditions of Recognition, setting out specific design features for the reformed FSQs in English and maths and providing for increased oversight over standard setting to support comparability between awarding organisations and over time.

² <https://www.gov.uk/government/consultations/improving-adult-basic-digital-skills>

³ <https://www.gov.uk/government/consultations/regulating-basic-digital-skills-qualifications>

⁴ <https://www.gov.uk/government/publications/basic-digital-skills-letters-from-dfe-and-ofqual>

⁵ <https://www.gov.uk/government/consultations/regulating-digital-functional-skills-qualifications>

The Minister also stated that to reinforce understanding of the Functional Skills brand, Digital FSQs should:

- use a pass/fail grading system
- be the same size as the new FSQs in English and maths

The qualifications should also be available at 2 levels - Entry level and Level 1.

There is also a confirmation that these qualifications will not play a part in the government's accountability system, with the exception of qualification achievement rates. Unlike the current FSQs in ICT which are part of the apprenticeship frameworks being withdrawn, Digital FSQs are not a mandatory design feature of apprenticeship standards.

Ofqual's role in introducing Digital FSQs

We hold awarding organisations to account for designing, delivering and awarding qualifications that are fit for purpose. We are proposing rules and guidance for reformed Digital FSQs, and propose regulating awarding organisations and their qualifications against those rules. In particular we will decide the specific design features that will apply to the qualifications, and will have oversight of the approaches awarding organisations will take to maintaining the standard of the qualifications so that they are comparable between awarding organisations and over time.

This consultation is the first step in determining our regulatory requirements for reformed Digital FSQs. It sets out our proposed approach to regulating Digital FSQs, which takes account of the government's intentions for Digital FSQs, and our statutory objectives and duties.

Throughout the consultation, where we have identified potential or actual regulatory or equalities impacts, we have included questions addressing those impacts. We have also included a series of questions at the end of the consultation asking for any further views regarding the possible impact of our proposals.

Using the responses that we receive from this consultation, we will make decisions on our regulatory approach. We will then consult on the detailed rules and guidance that will implement our approach.

New national subject content

The DfE has determined that Digital FSQs should have common subject content. The DfE is responsible for producing this content and is currently consulting on it⁶.

Whilst we welcome comments addressing our approach to the assessment of the subject content, please respond to the DfE's consultation if you have any comments that relate specifically to their content.

⁶ <https://consult.education.gov.uk/>

1. Our approach to regulating Digital FSQs

- 1.1 In developing our regulatory approach, we have considered the government's intentions for Digital FSQs, alongside our objectives and duties. These include our statutory objectives set out in the Apprenticeship, Skills, Children and Learning Act 2009, the duty not to impose or maintain unnecessary burdens and our public sector equality duty.
- 1.2 We set out below the key policy considerations that have influenced our overall approach to regulating Digital FSQs. We welcome your views on these considerations.

Links to other reform programmes

- 1.3 We have been asked by the Minister to take forward the improvements we have made to FSQs in English and maths, and to reinforce understanding of the Functional Skills brand. Therefore, unless there are subject-specific reasons why we should not do so, our proposals for Digital FSQs will mirror those implemented already for the reformed FSQs in English and maths.
- 1.4 We have also taken account of the bespoke Conditions and Guidance introduced for Essential Digital Skills Qualifications. While we are in large part proposing to regulate Digital FSQs differently to the way we regulate Essential Digital Skills Qualifications, given the steers from the DfE, there are some areas where we have proposed the same regulatory approach because both qualification types are based on similar content. For example, while we would not look for Digital FSQs to prioritise flexibility over comparability as we did for Essential Digital Skills Qualifications, we are proposing to take the same approach to the availability of the qualifications at Entry level 3 and Level 1.

Balancing comparability and control with validity and innovation

- 1.5 The government has set out an expectation that employers and learners should have confidence that the level of Digital FSQ achieved is comparable irrespective of the awarding organisation they choose or the year in which the assessments are taken. This focus on comparability leads towards a regulatory approach which limits flexibility in the design of qualifications.
- 1.6 However, we recognise that if we introduce restrictive rules around elements of assessment design, either in a drive for strong controls or to secure comparability, we could end up preventing more valid approaches to assessment. This approach may also prevent awarding organisations

from taking innovative approaches to assessment design or delivery in a subject area where the use of technology could be maximised.

- 1.7 We therefore recognise that there is a fine balance to be struck in deciding which rules we should set in respect of these qualifications

Considering the different uses of Entry level and Level 1 Digital FSQs

- 1.8 In the draft subject content for Digital FSQs, DfE sets out the purposes and learning aims for the different qualification levels. We have taken into consideration the different uses, aims and associated risk factors when developing the rules we put in place for the qualifications at the different levels.
- 1.9 This has led us to propose a higher level of control by awarding organisations for Level 1 Digital FSQs, because of their use to support progression to employment and further study.

Conditions and Guidance

- 1.10 Our General Conditions of Recognition were designed to enable us to regulate a wide range of qualification types. We therefore propose, as far as possible, to regulate Digital FSQs and the awarding organisations that deliver them against the General Conditions.
- 1.11 We do however think that we will need to introduce some Digital FSQ-specific Conditions and Guidance. This is in order to achieve the government's curriculum intentions, to ensure public confidence in the qualification, and the maintenance of standards over time and between awarding organisations.
- 1.12 In addition, we are proposing to disapply a small number of General Conditions, either to reduce unnecessary regulatory burden on awarding organisations, or where this is necessary because we are proposing to produce bespoke Digital FSQ Conditions and Guidance.

Question 1 Do you have any comments on our proposed approach to regulating Digital FSQs?

Our proposals

2. Qualification design

Qualification purpose

- 2.1 We think it is important for a qualification to have a well-defined purpose so that users are clear about what the qualification should do. The purpose is also helpful to determine if the qualification is sufficiently valid and is measuring what it is intended to measure.
- 2.2 The government has set out the intended purpose for these qualifications in the ministerial steer letter to us and in the introduction to the draft subject content, and we propose that the qualification purpose for Digital FSQs should be consistent with these intentions.
- 2.3 While Digital FSQs are primarily intended for use with adult learners, they may be used in a wider range of contexts than originally intended. We therefore feel that it is appropriate to build in the necessary controls up front to cover a range of potential uses. This is reflected in our proposed purpose statement.
- 2.4 In other qualifications, such as the reformed FSQs in English and maths, and Essential Digital Skills Qualifications, where the government has set out an intended purpose, we have set the purpose out alongside our regulatory requirements.
- 2.5 Having a purpose statement helps us to focus policy and qualification development and we propose to take the same approach for Digital FSQs.
- 2.6 We do not propose to make the purpose statement a rule. Instead, it will sit within the introduction to our Conditions and will frame and provide context for all our rules for Digital FSQs.
- 2.7 We propose that the purpose statement should set out that Digital FSQs will:
 - through sufficiently robust controls, provide reliable evidence of an individual's achievements against demanding content that is relevant to the workplace and real life
 - provide assessment of an individual's underpinning knowledge as well as their ability to apply this in different contexts
 - provide a foundation for progression into employment or further education, and develop skills for everyday life

Question 2: Do you have any comments on the qualification purpose statement for Digital FSQs?

Subject content

- 2.8 As set out above, Digital FSQs will be developed from subject content, derived from the new national standards for essential digital skills. DfE is currently consulting on this draft subject content⁷, alongside our policy consultation.
- 2.9 The subject content is divided into five skills areas, reflecting the national standards for essential digital skills:
- using devices and handling information
 - creating and editing
 - communicating
 - transacting
 - being safe and responsible online
- 2.10 It is intended to cover the skills and knowledge needed to develop an individual's confidence and ability when using digital devices in everyday life, and those which are relevant to the workplace and the evolving needs of employers. It addresses recent technological advances (such as smart devices and cloud-based storage), the different ways in which we use technology (such as using the internet as the principal source of information, or communicating through social media rather than by email), and the risks, rights and responsibilities associated with the increasingly on-line world in which we live. This content therefore differs significantly from the content of the current FSQs in ICT.

Adopting the subject content into our regulatory framework

- 2.11 The DfE has a clear expectation that Digital FSQs developed by awarding organisations will comply with the subject content. As such we have considered whether to adopt the DfE's subject content into our regulatory framework for Digital FSQs. Taking this approach would mean that all awarding organisations developing Digital FSQs would need to comply with the subject content requirements.
- 2.12 We did this for all GCSEs and A levels where bespoke subject content was produced, and also took this approach in relation to the reformed FSQs in English and maths. However, we did not adopt the national standards into our regulations for Essential Digital Skills Qualifications, primarily because they were national standards rather than specific subject content developed for a single set of qualifications.
- 2.13 We think that, in order to secure comparability and to regulate Digital FSQs effectively, we need to adopt the subject content into our regulatory framework. Before we are able to do this we must first ensure that it can be regulated. In order to reach this decision, we must be confident that:

⁷ <https://consult.education.gov.uk/>

- the demand of the content is appropriate for the level and size of the qualification
- it is possible to assess the knowledge, understanding and skills that the content contains in a sufficiently valid way
- the content requirements are specified in a way that is sufficiently clear for us to regulate against them

2.14 We are satisfied that we can regulate the Digital FSQ subject content such that it could be adopted into our regulatory framework, and we propose to do so in line with the approach taken in other qualifications where specific subject content has been developed.

Question 3: To what extent do you agree or disagree that we should adopt the DfE's subject content into our regulatory framework?

Interpretation and coverage of subject content statements

- 2.15 The subject content document sets out content statements within each of the five skills areas. These content statements are written as either as knowledge statements⁸ or as skills statements.⁹ We would want awarding organisations to take the same approach to interpreting these subject content statements (i.e. treating all knowledge statements as knowledge statements, and all skills statements as skills statements for the purpose of assessment), as otherwise Digital FSQs offered by different awarding organisations will not be comparable.
- 2.16 We also recognise that demonstration of some of the skills statements is likely to be difficult to assess in formal assessment situations, such as *'Entry level, 1.4 Locate an application, download it to a device and install it, and Entry level, 3.3 Initiate and participate in a video call'*. In such instances, we think that it would be a better approach for a learner's ability to be demonstrated and assessed through the course of study, and for evidence of this to be presented to the awarding organisation, rather than be included within the formal assessment.
- 2.17 Again, in order that comparable approaches are taken, we would want to be clear about which content statements should be treated in this way, or awarding organisations could take different approaches.
- 2.18 We therefore think that we should set out rules and guidance which makes clear how the different subject content statements should be interpreted for the purpose of assessment.

⁸ For example Entry level 1.8, Know internet terminology (website, domain name, HTML, URL, hyperlink, cloud, browser, download, upload).

⁹ For example, Entry level 3.2 Compose and reply to on-line communications comprising text and other digital content to individual and multiple recipients.

Question 4: To what extent do you agree or disagree that we should set rules and guidance around how awarding organisations should interpret and treat the subject content statements for the purpose of assessment?

Question 5: To what extent do you agree or disagree that we should require certain content statements to be covered within the course of study, rather than in the formal assessment?

Sampling subject content

- 2.19 For those subject content statements that will be covered in a formal assessment (rather than those which would be assessed through the course of study), we would expect awarding organisations to take a consistent approach to the sampling of subject content. The starting expectation with all subject content is that it should all be covered in each set of assessments, as this is the best way to ensure that all of the expected subject content has been taught, and that learners have the knowledge, skills and understanding expected.
- 2.20 However, we know that in some cases it is not possible in a single set of assessments for all subject content to be covered, for example because the amount of content set out would require very long assessments in order to ensure full coverage. In these cases, we would expect a sampling approach to be adopted by awarding organisations.
- 2.21 In the case of Digital FSQs, we would expect all of the subject content statements that would be part of the formal assessment to be covered in each set of assessments.
- 2.22 However, where individual content statements have a wide scope of knowledge or skills listed in brackets, for example, '*Entry level 1.8, Know internet terminology (website, domain name, HTML, URL, hyperlink, cloud, browser, download, upload)*', we would expect that the content in brackets is sampled over time.
- 2.23 We propose to develop sampling rules in line with the above position.
- 2.24 We note that in some content statements, the content listed in brackets is illustrative only, such as 'Level 4.1 Know how to verify the legitimacy of an online retailer (for example check for the padlock next to the URL in the browser, check if the website appears professional with a legitimate domain name, check reviews of the retailer)'. In these instances, the expectation would not be for the illustration to be sampled, rather it is simply an example of how a particular content statement could be covered. We propose to clarify the approach awarding organisations should take where the content in brackets is illustrative only.

Question 6: To what extent do you agree or disagree that we should set rules around the sampling of subject content?

Weightings of skills areas in the subject content

- 2.25 We have considered whether we should set weightings for the five skills areas covered in the subject content document.¹⁰ If awarding organisations take different approaches to the coverage of the subject content, then the assessments could look very different, which will not achieve the comparability expected for Digital FSQs.
- 2.26 Current FSQs in ICT include weightings for each of the three skills areas set out in the subject criteria. However, in the rules for reformed FSQs in maths we have not set weightings for the three content areas. This was in response to feedback to our policy consultation which suggested that such weightings would be likely to unduly constrain assessment design, particularly when the other assessment requirements we had proposed were taken into account. Instead of weightings, we decided to set a rule that each set of assessments should contain a reasonable balance between the three content areas. We considered that this approach balanced the need for comparability with ensuring that awarding organisations were able to design good assessments.
- 2.27 We propose to take the same approach in Digital FSQs, as we did for FSQs in maths. We do not propose to set weightings for the five skills areas, but we would expect awarding organisations to ensure that there is a reasonable balance across the skills areas within each set of assessments. We consider that this approach should aid comparability both between awarding organisations and over time, and should avoid placing undue constraints on assessment design.

Question 7: To what extent do you agree or disagree that we should not set rules around weighting of skills areas but should instead require awarding organisations to ensure a reasonable balance across the different skills areas?

Assessment design

Principles for assessment design

- 2.28 The criteria for current FSQs in ICT specify the design and format of the assessment at the different qualification levels.
- 2.29 We have considered whether we need to introduce any controls around assessment design for Digital FSQs, as otherwise assessments could be very different between awarding organisations which could impact on comparability. Additionally, the assessments could be designed to meet different priorities, for example whatever is most cost effective for an

¹⁰ Using devices and handling information; Creating and editing; Communicating; Transacting; Being safe and responsible online

awarding organisation, rather than being the most valid or innovative approach possible.

2.30 However, we recognise that there may be different valid approaches to assessment design and wish to avoid regulatory burden by introducing additional rules if not necessary.

2.31 We therefore are proposing some high-level principles that we would expect the assessments to be designed against. They are:

- learners should demonstrate their skills by using digital devices to complete tasks set in contextualised and authentic scenarios
- learners should have the opportunity to select approaches, techniques and tools to complete those skills-based tasks, using real-life applications and tools and with access to Internet
- as far as possible, knowledge and skills should be assessed together, reflecting real-life scenarios, and the number of assessments should be the minimum necessary to assess the subject content
- that said, only the knowledge statements in the subject content should be assessed through tests of knowledge (either via multiple choice questions or by providing open-ended answers to questions)
- assessments should be designed so that they can be delivered on-screen and/or on-line, reflecting today's digital world
- awarding organisations should make full use of recent advances in digital technology to enhance the quality and relevance of assessments

2.32 We may, at a later date, decide to set controls around assessment design, based on these principles.

2.33 We welcome comments on the principles and your views on whether they would support the design and delivery of qualifications which are innovative, fit for purpose and fulfil the intentions of the subject content. We also welcome any views as to the form that the assessments should take.

Question 8: Do you have any comments on the principles set out above, or as to the form the assessments should take?

Regulatory and equalities impacts of our high-level principles

2.34 We are aware that complying with some of these principles, such as requiring on-screen and/or on-line assessment, could impose a regulatory burden for awarding organisations who will potentially have to invest in more expensive delivery methods. It may also pose a burden on centres

who could be required to have access to more equipment and resources than is the case with FSQs in ICT.

- 2.35 We also recognise that there may be equalities impacts. For example, some learners, such as offender learners, requiring access to the internet to complete assessments could be very difficult. Also, some learners with particular disabilities may find it difficult to complete on-screen and/or on-line assessments.
- 2.36 We therefore wish to invite comments on any potential regulatory and equalities impacts arising from these principles.

Question 9: Are there any regulatory impacts arising from the proposed principles?

Question 10: Are there any equalities impacts arising from the proposed principles?

Number of components

- 2.37 The criteria for FSQs in ICT require qualifications to have a single component, emphasising the inter-related nature of the different skills areas set out in the criteria.
- 2.38 In the reformed FSQs in English and maths, to support comparability, we have set a requirement for a single component in maths and three components (reading, writing and speaking, listening and communicating) in English, all of which must be passed to achieve the qualification. We have not set any rules around the number of components for Essential Digital Skills Qualifications because we have prioritised flexibility of purpose, and hence of assessment design, over comparability.
- 2.39 We think that we should set a rule around the number of components for Digital FSQs to support comparability between awarding organisations.
- 2.40 We have considered whether a case could be made for requiring a separate component for each of the five skills areas within the subject content, each of which would have to be passed for the qualification to be achieved. We also considered whether knowledge and skills statements should be separately assessed and passed. However, we believe that the inter-related nature of the 5 skills areas and the knowledge and skills within the subject content would not support this approach.
- 2.41 Also, it is important that components are sufficiently large individually that they cover a meaningful amount of the subject content. There is the potential that having a large number of components can lead to technical issues. For example, if students perform unevenly between them, this can mean that expectations of a pass per component, have to be fairly low, or the overall pass rate will be low.

- 2.42 Therefore, as a starting point, we would suggest that Digital FSQs should be made up of a single overall component, though we would welcome views on this approach.

Question 11: To what extent do you agree or disagree that we should set rules around the number of components within Digital FSQs?

Question 12: To what extent do you agree or disagree that Digital FSQs should be made up of a single overall component?

Number of assessments

- 2.43 Although we think that a single component is likely to be appropriate at both qualification levels for Digital FSQs, we recognise that there may be more than one assessment in each component. For example, it might from a practical standpoint be necessary for there to be separate assessment of knowledge versus skills, simply because one could involve responses to questions, and the other the completion of a practical task on a digital device.
- 2.44 We recognise that there are different legitimate approaches that awarding organisations could take to determining the number of assessments that would be appropriate within Digital FSQs, and that setting a rule around the number of assessments could restrict the assessment design options available to awarding organisations.
- 2.45 On balance, we think we should set a requirement specifying the number of assessments for Digital FSQs to support the comparability of the qualifications offered by different awarding organisations, once we have finalised our expectations on assessment design. This is consistent with the approach taken with the reformed FSQs in English and maths where we have set rules around the number of assessments.
- 2.46 Again, we recognise that the rule cannot be set until we have finalised our expectations about the overall assessment design (see above), but in our high level principles, we have said that, as far as possible, knowledge and skills should be assessed together, reflecting real-life scenarios, and that the number of assessments should be the minimum necessary to assess the subject content.
- 2.47 Assessments need to remain manageable for learners and centres. We therefore expect there to be only a small number of assessments in each qualification.
- 2.48 We understand through our work on FSQs in English and maths, and from our review of specifications for FSQs in ICT, that at the Entry levels, awarding organisations sometimes permit centres to split an individual assessment into several shorter sessions, providing that the total time does not exceed the maximum overall time limit.

- 2.49 We do not consider that such an approach will ensure that learners have demonstrated sound functional digital skills. However, we are unclear as to the reasoning behind the approach, and whether it is offered to routinely to all learners or only to those with disabilities. As such, we would welcome views on the benefits and risks of such an approach, to inform our policy in this area.

Question 13: To what extent do you agree or disagree that we should set rules around the number of assessments within Digital FSQs at both qualification levels?

Question 14: Do you have any comments on the number of assessments that should be permitted or required?

Question 15: What do you consider are the benefits and risks of permitting Entry level learners to split their assessments into different sessions? Are there any equalities issues that we should be aware of?

Assessment times

- 2.50 The current criteria for FSQs in ICT set minimum and maximum assessment times at each qualification level. We have also set minimum and maximum overall assessment times for FSQs in English and maths.
- 2.51 Having such requirements around assessment times is one way, as part of a set of measures, of increasing comparability of qualifications across the range of awarding organisations offering them. It might be undesirable to have awarding organisations providing assessments of very different lengths against what will be centrally defined subject content. Such differences in the length of assessments could create both actual and perceived differences in demand between specifications.
- 2.52 However, we do not think that the skills in the digital subject content are time-dependent and nor do we think that there is likely to be the same level of competition around assessment times as we see in certain other qualifications, which form part of accountability measures. There is perhaps not the need to specify assessment times in the way that we do for some GCSE subjects to ensure comparable levels of demand.
- 2.53 On balance therefore, we do not propose to specify minimum and maximum overall assessment times for Digital FSQ assessment.

Question 16: To what extent do you agree or disagree that we should not introduce rules around assessment times for Digital FSQs?

Assessment availability

- 2.54 We considered whether to restrict when, or how often, assessments can occur. For example, we could limit assessments to certain windows within a year. However, we recognise that restricting availability would reduce the flexibility that users of the qualifications are likely to value.
- 2.55 A key purpose of Digital FSQs is to give learners access to important digital skills that are needed for work and further study. Restricting when adult learners can take their assessments could lead to the commencement of employment or further study being unnecessarily delayed.
- 2.56 We therefore propose to take a flexible approach to assessment availability in Digital FSQs, allowing awarding organisations offering the qualifications to take a number of different approaches, including:
- set days when assessments are available
 - set periods when assessments are available
 - on-demand availability
- 2.57 This is consistent with the approach we have taken for the reformed FSQs in English and maths, and with Essential Digital Skills Qualifications.
- 2.58 We recognise that a flexible approach to assessment availability does create challenges for comparability, predictability and security of assessments. To help address these concerns, we propose to require awarding organisations to explain their approach to assessment availability.
- 2.59 Where an awarding organisation has several assessments available at a given period or on-demand, we will expect the awarding organisation to explain how they will ensure they are of the same demand. We also want awarding organisations to explain the steps they will take to manage issues of authenticity, predictability and security of assessments.
- 2.60 We also think it would be helpful to incorporate the guidance on assessment availability included in the bespoke Conditions for Essential Digital Skills Qualifications¹¹, within the bespoke rules for Digital FSQs.
- 2.61 Despite our position on assessment availability and assessment controls set out above, we consider that particular difficulties arise where assessments are paper-based and available on-demand (ie where a live assessment is available over an extended assessment window and is not unique to each assessment opportunity). This is because access to paper copies of assessment papers cannot be effectively restricted.
- 2.62 To help address these concerns, we propose to prohibit paper-based, on-demand assessment for Digital FSQs but to permit on-screen and/or on-line, on-demand assessment where test papers are either generated

¹¹ <https://www.gov.uk/government/consultations/regulating-basic-digital-skills-qualifications>

uniquely or where it is easier to restrict access to live assessment materials.

- 2.63 This is not something that we did for FSQs in English and maths, but given the digital nature of the subject, feels an appropriate approach. It is also consistent with our high-level principle set out above that Digital FSQs are delivered on-screen and/or on-line.

Question 17: To what extent do you agree or disagree that we should prohibit paper-based, on demand assessment in Digital FSQs at both qualification levels?

Question 18: To what extent do you agree or disagree that we should **not** place any other restrictions around availability of assessments in Digital FSQs?

Regulatory and equalities impacts of our proposal to prohibit paper-based, on-demand assessments

- 2.64 We recognise that this may be a change from current practice for some awarding organisations and centres but consider that it is necessary to ensure reliable assessment and one which aligns with the digital content of the qualifications.
- 2.65 We welcome views however on the regulatory and equalities impacts of our proposal.

Question 19: Are there any regulatory impacts arising from our proposal to prohibit paper-based, on-demand assessment in Digital FSQs, at both qualification levels?

Question 20: Are there any equalities impacts arising from our proposal to prohibit paper-based, on-demand assessment in Digital FSQs, at both qualification levels?

Guided Learning and Total Qualification Time

- 2.66 Condition E7 requires awarding organisations to assign to each qualification that it makes available a number of hours for Guided Learning and Total Qualification Time.
- 2.67 TQT is comprised of two elements:
- the number of hours which an awarding organisation has assigned to a qualification for Guided Learning. In the case of Digital FSQs, the DfE is proposing that this will be a minimum of 55 hours of

Guided Learning, to align with the reformed FSQs in English and maths.

- an estimate of the number of hours a Learner will reasonably be likely to spend in preparation, study or any other form of participation in education or training, including assessment, which takes place as directed by – but, unlike Guided Learning, not under the immediate guidance or supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training

2.68 We do not ordinarily set Total Qualification Time or Guided Learning figures for individual qualifications. This is because these figures relate to the teaching time for a particular qualification which we do not have remit over. We do however have the power to set such requirements where the appropriate figure has been determined.

2.69 As the DfE is proposing to set a specific expectation around the hours of Guided Learning for Digital FSQs, we think that it is appropriate to produce a bespoke Total Qualification Time Condition for Digital FSQs that takes this into account. This is consistent with the approach we have taken for the reformed FSQs in English and maths and Essential Digital Skills Qualifications.

Question 21: To what extent do you agree or disagree that we should set a bespoke Condition which requires the hours of Guided Learning for Digital FSQs to align with the figure set by the DfE?

Use of mark-based and compensatory assessment approaches

2.70 As set out above, the subject content for Digital FSQs covers 5 highly inter-related skills areas. We therefore think it is appropriate that learners' results should be based on their overall performance across the subject content and that performance should be assessed in a compensatory manner, that is with strengths and weaknesses in performance permitted to balance each other.

2.71 The general criteria for FSQs require the use of marks and we have considered whether to continue this requirement or whether we could permit approaches where assessors judge learner performance against specified assessment criteria, making decisions as to whether each learner has met all or sufficient of the criteria to have passed the assessment.

2.72 We are proposing to require both require mark-based approaches, and to separate the allocation of marks from decisions about grading. This should give awarding organisations greater ability to standardise assessment decisions, both within centres and within their own examining teams, and to ensure that variations in assessment difficulty are considered appropriately in determining pass marks.

- 2.73 This is consistent with the approach we have taken with Essential Digital Skills Qualifications and FSQs in English and maths.

Question 22: To what extent do you agree or disagree that we should require a compensatory approach to assessment within Digital FSQs at both qualification levels?

Question 23: To what extent do you agree or disagree that we require Digital FSQ assessments at both qualification levels to use mark-based approaches to assessment?

Setting, marking and adapting assessments

Setting assessments

- 2.74 The current ICT FSQ criteria specify that the assessments must be set by the awarding organisation. We believe it is appropriate to retain this level of awarding organisation control for Digital FSQs in order to maintain user confidence in the qualifications and ensure reliable evidence of learner achievement against the new subject content.
- 2.75 Requiring awarding organisations to set the assessments will help ensure that subject content is sufficiently covered. It will also help ensure that the standard and demand of the assessments are consistent, regardless of when or where learners take their assessments. It does not however restrict the form that the assessment must take.
- 2.76 We propose that all assessments for Digital FSQs at both qualification levels are set by the awarding organisation. This proposal is consistent with the approach we have taken with the reformed FSQs in English and maths, and Essential Digital Skills Qualifications.

Question 24: To what extent do you agree or disagree that we should require awarding organisations to set assessments for Digital FSQs at both qualification levels?

Marking assessments

- 2.77 The current criteria for FSQs in ICT specify that assessments at Entry level must be marked by centres, except in the case of e-assessment where electronic marking is required, and that assessments at Level 1 must be marked by the awarding organisation.

Level 1

- 2.78 The highest level of control we could introduce around marking is for awarding organisations to mark all assessments. As we have said earlier,

DfE expects Digital FSQs to aid progression into work or further programmes of study. We therefore think it would be appropriate for awarding organisations to mark the Level 1 assessments to provide the highest level of confidence in these qualifications.

- 2.79 We do however recognise that the approach that is taken to marking could have implications for assessment design, particularly where awarding organisations have choice around the form that the assessment must take. For example, we are aware from our recent consultation on the regulation of Essential Digital Skills Qualifications, that some awarding organisations believe that a rule requiring marking by awarding organisations would lead them to design less valid forms of assessment for digital skills.
- 2.80 As discussed earlier, we have not decided what rules we wish to introduce around assessment design. However, we think that on-screen or on-line assessment could facilitate marking by awarding organisations without undermining the validity of the assessments.
- 2.81 We therefore propose to require awarding organisations to mark all Level 1 assessments.

Entry level

- 2.82 Entry level Digital FSQs are more likely to be used to progress learners to the Level 1 qualification, than aid progression into work or further study. The lower level of risk which attaches to these qualifications means that we think it would be appropriate for centre marking to be permitted (though not required) in these qualifications.
- 2.83 While we think that centre marking is an appropriate approach for Digital FSQs at Entry level, we would not wish to prevent awarding organisations from taking greater control in these assessments if they wish. Indeed, increased use of on-screen or on-line assessment as at Level 1 could make this approach more viable. Therefore, we propose to allow centre marking, rather than require it.
- 2.84 We recognise that our proposal not to require marking by awarding organisations at Entry level reduces the control that awarding organisations have over the assessments. However, any centre marking is governed by requirements in our General Conditions of Recognition. In circumstances where centres are marking assessments, these require:
- the awarding organisation to put in place appropriate arrangements around centre marking, which must be monitored and enforced by the awarding organisation
 - there to be a centre agreement in place, which sets out the controls around the relationship between the centre and the awarding organisation
 - the awarding organisation to provide guidance and information around the aspects of the qualification the centre is expected to deliver

- the awarding organisation to have in place clear and effective arrangements to undertake moderation of any centre marked assessment

Question 25: To what extent do you agree or disagree that we should require Level 1 Digital FSQ assessments to be marked by the awarding organisation?

Question 26: To what extent do you agree or disagree that we should allow, but not require, Entry level Digital FSQ assessments to be centre marked?

Adaptation of assessments

- 2.85 The criteria for the current FSQs in ICT permit adaptation and contextualisation of assessments at Entry level. This might include altering the context to ensure that the learner is not disadvantaged or adapting tasks to ensure that they can be delivered using the centre resources available. No changes to the ICT skills statements are permitted.
- 2.86 We recognise that it might be difficult for awarding organisations to write assessments in Digital FSQs where the contexts are suitable for all learners. Therefore, although we think it is important that awarding organisations set all assessments (see above), we consider that there could be some merit in allowing centres to adapt contexts in assessments in order to ensure that the qualifications are relevant and accessible to the learners taking them.
- 2.87 We think this of greater importance for learners on Entry level Digital FSQ courses who are completing simple tasks, and for whom an unfamiliar context could cause a particular difficulty. We would however expect learners taking Level 1 Digital FSQs to be able to demonstrate the ability to apply their knowledge and skills to a range of tasks encountered in the workplace and in other real-life contexts.
- 2.88 We therefore propose to allow adaptation of contexts in assessments for Entry level Digital FSQs. Though in order to ensure the validity of the assessment, we propose to only permit adaptation which does not change the nature of the skills being assessed, the demand of the task, or the level of the assessment. We will not permit adaptation of tasks to ensure that the assessments can be delivered using the centre resources available, as this is likely to materially alter what is being assessed. We will also require awarding organisations to provide guidance and support to centres around any adaptation of assessments they allow and provide us with an explanation of their approach.
- 2.89 We do not propose to allow the adaptation of assessments for Level 1 Digital FSQs.

- 2.90 These proposals are consistent with the approach we have taken with the reformed FSQs in English and maths, and Essential Digital Skills Qualifications.

Question 27: To what extent do you agree or disagree that we should allow, but not require, adaptation of contexts within assessments for Entry level Digital FSQs?

Question 28: To what extent do you agree or disagree that we should prohibit adaptation of contexts within assessments for Level 1 Digital FSQs?

Regulatory impact of our proposals for setting, marking and adaptation of assessments

- 2.91 We have proposed to require specific approaches to the setting, and marking assessments for Digital FSQs, namely that:
- all assessments at both qualification levels are set by the awarding organisation
 - Level 1 assessments must be marked by the awarding organisation
 - Entry level assessments can be centre-marked or marked by the awarding organisation
 - the awarding organisation can allow centres to adapt the context only in Entry level Digital FSQs assessments
- 2.92 These proposals are very similar to those currently in place for FSQs in ICT, and we believe are necessary to secure the DfE's and our own expectations for Digital FSQs, in particular to provide sufficiently reliable evidence of learners' achievements against the subject content.
- 2.93 We do however recognise that there are likely to be cost and resource implications, particularly relating to our proposal that awarding organisations set assessments at all levels and mark all Level 1 assessments.

Question 29: What are the costs, savings or other benefits associated with our proposals for setting, marking and adaptation of assessments? Please provide estimated figures where possible and any additional information we should consider when evaluating the impact of our proposals.

Grading

- 2.94 We consider that it is important that there is a single grading approach for Digital FSQs. This will make the qualifications easy to recognise and users will better understand what a result indicates.
- 2.95 As set out above, the Minister set out an expectation that Digital FSQs will be graded on a pass/fail basis.
- 2.96 We consider that a pass/fail grading approach will provide a clear indication that learners have demonstrated the skills set out in the subject content. It is also consistent with the regulatory approach we have taken in relation to the reformed FSQs in English and maths as well as the approach taken in Essential Digital Skills Qualifications.
- 2.97 We considered the introduction of a wider grading scale, for example a 'pass, merit, distinction' model. However, we note the following:
- the aim of Digital FSQs is to certify that learners have achieved a baseline of digital skills needed to develop skills for every-day life and to provide a foundation for progression into employment or further education and, rather than to attest to varying levels of attainment, so the use of a pass/fail grading scale appears well aligned to this
 - if the pass mark intends to certify attainment across the full range of skills, then it is likely that the pass mark would be set at a relatively high proportion of the total mark; this could make it difficult to fit in multiple levels of additional grades above pass
 - introducing a scale (such as 'pass, merit and distinction') could confuse users of the qualification; for example, it might be difficult to distinguish between a pass grade at Level 1 or a distinction grade at Entry level 3

Question 30: To what extent do you agree or disagree that we should require a single grading approach across Digital FSQs?

Question 31: To what extent do you agree or disagree that, if a single grading approach is required, that a pass/fail grading model should be used for Digital FSQs?

Assignment of qualification levels

- 2.98 Current FSQs in ICT are awarded at 5 levels: Entry level 1, 2 and 3, and Levels 1 and 2. However, we are proposing that Digital FSQs will only be available at Entry level 3 and Level 1. Digital FSQs will not be permitted to be awarded at any other level. This is the approach that we have taken in Essential Digital Skills Qualifications which have been developed against the national standards for essential digital skills, which form the basis for the subject content for Digital FSQs.
- 2.99 We recognise that because the draft subject content covers skills across Entry levels 1, 2 and 3, there could be an argument for awarding the qualification at each of these levels. However, this does not reflect the interrelated nature of the skills across the Entry levels as set out in the subject content. In addition, there is not sufficient content to reliably distinguish between these different levels.

Question 32: To what extent do you agree or disagree that we should require the Digital FSQs to be awarded at Entry level 3 and Level 1 only?

3. Setting and maintaining standards

Standard setting

- 3.1 Setting and maintaining standards is an important part of an awarding organisation's responsibility. For a new qualification, an awarding organisation must set the initial performance standard which is worthy of a pass grade and then maintain that standard over time with successive cohorts of learners.
- 3.2 The most appropriate approach to setting and maintaining standards will depend on the organisation's approach to the design of their assessments and assessment availability. We therefore do not propose to set a single technical approach to standard setting for Digital FSQs. Instead, we will require awarding organisations to explain to us the approach they are taking to this and to the maintenance of standards over time within their qualification. We would expect a full explanation of the technical methods used, including analysis and evidence, to be provided.
- 3.3 We do however propose to set certain expectations around the evidence which awarding organisations must rely upon in their approach. We would expect this to include, where available, statistics as well as assessor judgement.
- 3.4 These proposals are consistent with the approach we have taken with the reformed FSQs in English and maths and Essential Digital Skills Qualifications.

Question 33: To what extent do you agree or disagree with our proposals around the setting and maintenance of standards in Digital FSQs?

First awards

- 3.5 The steer we received from government sets out an expectation that we establish the controls necessary to maintain qualification standards over time and across awarding organisations.
- 3.6 We believe that it is crucial that awarding organisations set an appropriate and common standard in the first award of these qualifications, as this is the standard which will be carried forward over time. Therefore, we propose that it is important to have both clear expectations of the pass grade and solid evidence to base the first awards on. This is in line with the approach we have taken in reformed FSQs in English and maths.
- 3.7 There are different ways in which the expectations around the pass grade could be established, for instance, 'pass descriptors' could be developed and common reference material collated. Such an approach could be

useful in setting initial standards, as part of a full range of qualitative and quantitative evidence.

- 3.8 Equally, we might promote the relevant awarding organisations communicating with each other about the setting of the initial standard in these qualifications. This might include sharing expectations, and where relevant evidence, to support appropriate and comparable standards being set.
- 3.9 We have not determined the exact approaches that will be put in place and would welcome views on this in response to this consultation.

Question 34: To what extent do you agree or disagree that we should regulate differently for the first year of awards for Digital FSQs to ensure initial standards are set appropriately?

Scrutiny of qualification outcomes

- 3.10 Our proposed regulations will permit awarding organisations to take different approaches to assessment design, assessment availability, and setting standards. This presents challenges for securing comparability of standards in Digital FSQs.
- 3.11 We propose to adopt an enhanced level of scrutiny of qualification outcomes for Digital FSQs at Level 1. This is to make sure that, as far as possible, outcomes are comparable between awarding organisations and over time.
- 3.12 To enable flexible assessment and fast results turnaround to continue, we propose that the scrutiny of outcomes occurs post-results, and only affects future paper-setting and awarding decisions. This proposal is consistent with the approach we have taken for the reformed FSQs in English and maths.
- 3.13 We also propose to adopt the same principles of scrutiny:
- qualification outcomes, both between awarding organisations and over time, will be compared on some common basis
 - there will be an obligation on awarding organisations to participate in the scrutiny of qualification outcomes
 - there will be an obligation on awarding organisations to align their standards for future awards, where this is necessary
- 3.14 We are mindful of the resourcing consequences of our proposals for awarding organisations. We regulate using a risk-based approach, and with that in mind, recognise that Digital FSQs are not expected to play a part in school and college accountability measures or form part of apprenticeship standards. However, we are also mindful of the steer from government that prioritises the comparability and maintenance of standards.

- 3.15 We have not determined the exact approaches that will be put in place around post-results scrutiny of qualification outcomes for Digital FSQs and would welcome views on this in response to this consultation.

Question 35: To what extent do you agree or disagree with our proposals around, post-results scrutiny of outcomes?

4. Assuring the approach to assessment

Assessment strategies

- 4.1 We have indicated throughout this consultation that we would expect awarding organisations to explain or justify the approaches they intend to take to qualification design, delivery and standard setting. We propose that these explanations should be set out in a document (an assessment strategy) created to explain an awarding organisation's overall approach to the assessment of a Digital FSQ.
- 4.2 We think requiring an assessment strategy will play a vital role in helping us to understand each awarding organisation's approach and to regulate their qualifications. Assessment strategies will be considered as part of our technical evaluation (see following section).
- 4.3 We would expect an awarding organisation's assessment strategy to provide a comprehensive picture of the steps and approach an awarding organisation will take in relation to the design, delivery and marking of assessments for, and the award of, a qualification.
- 4.4 We would expect this to be presented in a logical and coherent narrative that includes clear and concise evidence demonstrating how an awarding organisation will seek to ensure, on an ongoing basis, that a qualification, and the assessments for it, are sufficiently valid and fit for purpose.
- 4.5 We would also expect the assessment strategy to include information and evidence to show how an awarding organisation promotes, and acts on, feedback between the different stages of the qualification development cycle, so as to continuously improve the assessments for that qualification.
- 4.6 We are proposing to set rules which require awarding organisations to:
 - establish and maintain an assessment strategy for each Digital FSQ they offer
 - ensure their assessment strategy sets out how they will comply, on an ongoing basis, with all of the rules that apply to Digital FSQs
 - design, set, deliver and mark all assessments for Digital FSQs in line with their assessment strategy
 - keep their assessment strategies under review, and notify us of any changes to them
 - review their assessment strategy when we ask them to, and make any changes we request
 - if we ask them to, show how they have complied with their assessment strategy (or explain why not) and follow any instructions we give them about complying with their assessment strategy
- 4.7 We propose that the assessment strategy should set out in detail the awarding organisations' approach in the following areas:

design of the qualification – this would include coverage of subject content, qualification structure, availability of assessments, assessment time and number of marks

delivery – this would include developing assessment materials, assessment setting arrangements, assessor standardisation, marking process, monitoring marking, malpractice and security arrangements

centres – this would include centre assessment, centre guidance and training, approach to marking, centre monitoring arrangements, moderation of centre marked assessments

standard setting and maintenance – this would include approach to ensuring decisions in relation to standard setting follow an appropriate technical methodology, approach to ensuring decisions about standard setting are based on an appropriate range of evidence, and approach to ensuring decisions in relation to standard setting to promote comparability

Question 36: To what extent do you agree or disagree with our proposal to require awarding organisations to put in place and comply with an assessment strategy?

Technical evaluation

- 4.8 We think it is important that we have oversight of the approaches the awarding organisations are proposing to take to the design and delivery of Digital FSQs, so that we can be assured the qualifications will work to meet the government's and our own objectives.
- 4.9 We use a range of evaluation approaches to check that qualifications are working effectively. This includes the technical evaluation of qualifications before they are in delivery as well as once they are made available to learners. In the case of Digital FSQs, which are new qualifications, we think it would be valuable to review aspects of them against our rules. This would likely be before the qualifications are made available and may include consideration of, as appropriate, the assessment strategy (if we adopt this proposal) and any sample assessment materials. We are a risk-based regulator, and the approach we take to evaluation of Digital FSQs will be targeted and proportionate.
- 4.10 If we identify issues with the qualification, we may require the awarding organisation to take certain actions to rectify them. If an awarding organisation does not take the necessary action, we may take regulatory action.
- 4.11 To ensure our requirements for this technical evaluation process are set out clearly, we propose to put in place rules which require awarding organisations to do the following:
- notify us at an early stage that they intend to make the qualifications available

- provide us with any information we request to support our technical evaluation of the qualification
- make any changes we require to their assessment approach – we could require these changes to be made either before or after the qualification is made available, depending on the nature of the changes required

Question 37: To what extent do you agree or disagree with our proposals around the technical evaluation process?

Regulatory impact of our proposals on assessment strategies and technical evaluation

Assessment strategies

- 4.12 As set out above, we are proposing to require awarding organisations to produce an assessment strategy (a formal document that sets out their approach to assessing the qualification) in order to have confidence in their Digital FSQs being fit for purpose.
- 4.13 We believe that, whether or not we require awarding organisations to produce an assessment strategy, they will as a matter of course need to consider and address all of the issues that relate to the design, development and delivery of these qualifications. We consider that this will limit the degree to which our proposed requirement will impact on awarding organisations but would welcome views on this.

Technical evaluation

- 4.14 We appreciate that awarding organisations being required to produce assessment strategies and have sample assessment materials may lead to additional costs (see above). We also acknowledge that there may be some additional impact or burden introduced through engagement with us in the technical evaluation process. We think this impact or burden is necessary to ensure that the new qualifications meet the government's expectations. We would welcome views on this.

Question 38: What are the costs, savings or other benefits associated with our proposals which we have not identified? Please provide estimated figures where possible and any additional information we should consider when evaluating the impacts of our proposals.

5. Transitional arrangements

- 5.1 We plan to set requirements that ensure a smooth transition for centres and learners between current FSQs in ICT and reformed Digital FSQs. We would look to ensure that transition from legacy to reformed qualifications takes place as soon as reasonably practicable, but in a way that ensures learners are less likely to be disadvantaged by the arrangements. We anticipate an approach where there is a transitional period during which both current and reformed FSQs are available alongside each other.
- 5.2 During this transitional period:
- all new learners should be enrolled onto Digital FSQs, rather than the legacy qualifications
 - learners that are already enrolled on legacy FSQ in ICT courses should be allowed to complete assessments and have a reasonable opportunity to re-sit on the legacy courses
- 5.3 We are proposing that Digital FSQs will only be available at Entry level 3 and Level 1. There will be no replacement qualifications for existing Entry level 1, Entry level 2 and Level 2 FSQs in ICT. At Entry Level 3 and Level 1 the title of the qualification will also change from 'FSQ in ICT' to 'Digital FSQ'. Therefore, at the end of the transitional period, only qualifications titled Digital FSQ, which are at Entry level 3 and Level 1, could comply with our new rules.
- 5.4 Awarding organisations take different approaches to the delivery and frequency of the current FSQ assessments they make available. Our understanding is that there is wide variation in the time that learners take to complete current FSQs. This variation presents many challenges to setting a transition length that gives learners enough time to complete their assessments, whilst also ensuring the burden we place on awarding organisations is minimal and necessary.
- 5.5 In determining the length of any transitional period, we would look to avoid an unduly long period which could result in confusion around which qualifications learners should enrol on, and place considerable burden on awarding organisations who would need to run both the current and reformed qualifications alongside each other. Therefore, we propose to set a maximum transition period of 12 months. This is the same length as the transitional period that has been required for reformed FSQs in English and maths. We are also conscious that FSQs in ICT are currently used in legacy framework apprenticeships, which are due to cease in 2021 and we believe that this change supports the transition period we have proposed. We do however think that in order to avoid an unnecessary regulatory burden, each awarding organisation should be able to plan the withdrawal of its existing qualifications in the way that best works for its approach to assessment within this 12-month transition period, taking into account the need to protect the interests of learners taking its qualifications. We are therefore not proposing to implement any

minimum transition period.

Question 39: To what extent do you agree or disagree that once Digital FSQs are available, we should allow awarding organisations to make current FSQs in ICT at Entry level 1 to 3 and Level 1 available for a maximum of 12 months, which would include all resists?

6. Disapplication of certain General Conditions of Recognition

6.1 We propose to disapply a small number of General Conditions, either to reduce regulatory burden on awarding organisations, or because we intend to produce a bespoke Digital FSQ Condition. We set out below the Conditions we propose to disapply:

- **Conditions E1.3 to E1.5** – these Conditions require awarding organisations to only make a new qualification available once they have consulted potential users and can provide evidence of support. Given that Digital FSQs are being introduced as part of a government-led reform programme, we do not think it is necessary to require awarding organisations to produce evidence of support for their new qualifications.
- **Condition E7** – this Condition relates to Total Qualification Time and Guided Learning Hours. As set out above, we intend to produce a Digital FSQ specific Condition for Guided Learning Hours. We therefore propose to disapply the General Condition as under our proposals it will be replaced by a bespoke Condition.
- **Condition E9** – this Condition relates to the assignment of levels to a qualification. As set out above, we propose to require that Entry level Digital FSQs must awarded at Entry level 3 and at Level 1 only. We propose to prevent Digital FSQs from being awarded at any other level. Given this approach it will be unnecessary for awarding organisations to assign a particular level to a qualification. We therefore propose to disapply this General Condition.

Question 40: To what extent do you agree or disagree with our proposal to disapply General Conditions E1.3 to E1.5, E7 and E9?

7. Regulatory Impact Analysis

- 7.1 Throughout this consultation, we have highlighted where we believe our proposals have notable impact, cost or resource implications for awarding organisations. Here, we ask that you consider any additional regulatory impacts that you have identified, which have not already been addressed elsewhere in the consultation.

Question 41: Are there any regulatory impacts that we have not identified arising from our proposals? If yes, what are the impacts and are there any additional steps we could take to minimise the regulatory impact of our proposals?

Question 42: Are there any costs, savings or other benefits associated with our proposals which we have not identified? Please provide estimated figures where possible.

Question 43: Is there any additional information we should consider when evaluating the costs and benefits of our proposals?

- 7.2 We have a duty under the Apprenticeships, Skills, Children and Learning Act¹² to have regard to the desirability of facilitating innovation in connection with the provision of regulated qualifications. We have committed in our Corporate Plan¹³ to survey awarding organisations' views of the impact of our regulatory requirements on innovation and consider any revisions required in response.
- 7.3 We believe that the approach we are proposing to take to regulate Digital FSQs, will encourage awarding organisations to take innovative approaches to the design and delivery of these qualifications. We would however welcome views on whether there is anything in our proposals that would prevent innovation by awarding organisations offering Digital FSQs.

Question 44: Do you have any comments on the impact of our proposals on innovation by awarding organisations?

¹² www.legislation.gov.uk/ukpga/2009/22/contents (section 129(2)(g))

¹³ www.gov.uk/government/publications/ofquals-corporate-plan

8. Equality Impact Analysis

- 8.1 Ofqual is a public body, so the public sector equality duty in the Equality Act 2010 applies to us. We explain in Annex B how this duty interacts with our statutory objectives and other duties.
- 8.2 We have considered how our proposals might affect people who share a protected characteristic¹⁴ and earlier in the consultation, we have highlighted the following proposals which may have potential equality impacts:
- our high-level principles for assessment design
 - prohibiting paper-based, on-demand assessment
- 8.3 We have also asked for whether there are any equality issues that we should be aware of with regard to the splitting of entry level assessments into multiple, shorter assessment sessions.
- 8.4 Here, we ask that you consider any additional equality impacts that you have identified and welcome your views on whether there are any potential positive or negative impacts arising from our proposals.

Question 45: Are there any other potential impacts (positive or negative) on learners who share protected characteristics that we have not identified?

Question 46: Are there any additional steps we could take to mitigate any negative impact, resulting from our proposals, on learners who share a protected characteristic?

Question 47: Do you have any other comments on the impacts of our proposals on learners who share a protected characteristic?

¹⁴ The term 'protected characteristics' is defined in the Equality Act 2010. Here, it means sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation and gender reassignment.

Annex A - Your data

The identity of the data controller and contact details of our Data Protection Officer

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). We are a 'controller' for the purposes of the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this Privacy Notice carefully as it contains important information about our processing of consultation responses and your rights.

How to contact us

If you have any questions about this Privacy Notice, how we handle your personal data, or want to exercise any of your rights, please contact:

Data Protection Officer at dprequests@ofqual.gov.uk or write to us at:
Data Protection Officer, Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

As part of this consultation process you are not required to provide your name or any personal information that will identify you, however we are aware that some respondents may be happy to be contacted by Ofqual in relation to their response. If you or your organisation are happy to be contacted with regard to this consultation, please give your consent by providing your name and contact details in your response.

Our legal basis for processing your personal data

For this consultation, we are relying upon your consent for processing personal data. You may withdraw your consent at any time by contacting us using the details above.

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response.

Sharing your response

We may share your response, in full, with the Department for Education (DfE) where the consultation is part of work involving that organisation. We may need to share responses with them to ensure that our approach aligns with the wider process. If we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Following the end of the consultation, we will publish a summary of responses and may publish copies of responses on our website, www.gov.uk/ofqual. We will not include personal details.

We will also publish an annex to the consultation summary listing all organisations that responded. We will not include personal names or other contact details.

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients or including member of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

How long will we keep your personal data

For this consultation, Ofqual will keep your personal data (if provided) for a period of 2 years after the close of the consultation.

Your data

Your personal data:

- will not be sent outside of the European Economic Area
- will not be used for any automated decision making
- will be kept secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights, e.g. access, rectification, erasure

As a data subject, you have the legal right to:

- access personal data relating to you
- have all or some of your data deleted or corrected

- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details set out above.

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with the Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at ico.org.uk, or telephone 0303 123 1113. ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If there is any part of your response that you wish to remain confidential, please indicate so in your response.

Annex B - Ofqual's objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has five statutory objectives, set out in the Apprenticeship, Skills, Children and Learning Act 2009.¹⁵

- 1) **The qualification 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
- 2) **The assessment standards objective**, which is to promote the development and implementation of regulated assessment arrangements which
 - a) give a reliable indication of achievement, and
 - b) indicate a consistent level of attainment (including over time) between comparable assessments
- 3) **The public confidence objective**, which is to promote public confidence in regulated qualifications and regulated assessment arrangements
- 4) **The awareness objective**, which is to promote awareness and understanding of
 - a) the range of regulated qualifications available,
 - b) the benefits of regulated qualifications to learners, employers and institutions within the higher education sector, and
 - c) the benefits of recognition to bodies awarding or authenticating qualifications
- 5) **The efficiency objective**, which is to secure that regulated qualifications are provided efficiently, and that any relevant sums payable to a body awarding or authenticating a qualification represent value for money.

We must therefore regulate so that qualifications properly differentiate between learners 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 learners, including those with special educational needs and disabilities, of employers and of the higher

¹⁵ <http://www.legislation.gov.uk/ukpga/2009/22/section/128>

education sector, and to aspects of government policy when so directed by the Secretary of State.

The Equality Act 2010

As a public body, we are subject to the public sector equality duty.¹⁶ 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 awarding organisations that design, deliver and award Basic Digital Skills Qualifications are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications.

We are subject to a number of duties and we must aim to achieve a number of objectives. These different duties and objectives can, sometimes conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a learner's knowledge, skills and understanding, a learner 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 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, justifiable decision.

Qualifications cannot mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, learners' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a learner's ability to achieve a particular assessment, our influence is limited to the qualification design and assessment.

We require awarding bodies to design qualifications that give a reliable indication of the knowledge, skills and understanding of the learners that take them. We also require awarding organisations to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a learner to achieve because they have a particular protected characteristic. We require

¹⁶ <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

awarding organisations to monitor whether any features of their qualifications have this effect.

In setting the overall framework within which awarding organisations will design, assess and award DFSQs, we want to understand the possible impacts of the proposals on learners 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

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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