



## Ofqual's response to the Department for Education consultation 'Review of post-16 qualifications at level 3 and below in England'

### Overview

1. We welcome the Department for Education's (the Department) review of post-16 qualifications at level 3 and below. We support the view that success will be ensuring a clearer publicly-funded qualification offer, providing qualifications that are high quality, necessary, have a distinct purpose and that support progression to successful outcomes.
2. We agree that government should only fund qualifications that deliver a quality outcome for a learner, and it should be for the Department to determine the purpose of qualifications it will support. Our experience of regulation reflects that there is a diverse range of learner needs and circumstances that the qualifications market needs to meet. Taking this diversity into account, this review should pay particular attention to the importance of achieving equality of opportunity, recognising the aim of ensuring high quality progression for the wide range of learners who access education at level 3 and below.
3. Independent regulation is a critical feature of an effective qualifications market, particularly where the qualifications attract public funding. The Institute for Apprenticeships and Technical Education (the Institute) also has a crucial role in ensuring that technical qualifications meet the needs of employers – we see our roles as complementary.
4. For technical and vocational qualifications where employers have a legitimate role in determining subject content through the Institute, we believe strongly that the overall quality framework should reflect the following roles:
  - a. **Government.** Overall qualification policy (including on purpose, uses and what is publicly funded) including alignment of T Levels alongside other qualifications and assessments
  - b. **Institute.** Ownership of the employer-determined content of the route curriculum and approving qualifications that are able to deliver the outcomes required by employers
  - c. **Ofqual.** Quality assurance through the lifecycle of the qualifications (from design to delivery and awarding), by setting assessment and

qualification rules and regulating awarding organisations to maintain appropriate standards and public confidence

d. **Awarding Organisations.** Development and delivery of high quality qualifications

5. Our independent regulation will play an important part in delivering a more effective qualifications market. We intend to set additional rules that will strengthen our regulatory approach and secure greater assurance of the validity and reliability of qualifications, initially focusing on those used in school and college accountability measures. We will work to ensure coherence with this review and minimise turbulence in the system.
6. Even with the improvements proposed in the qualifications review and our work to strengthen regulation, there will remain some limitations to the proposed controls around qualification design and delivery. If government wants to achieve a substantially higher level of control over the content, quality and comparability of all publicly-funded, regulated qualifications at level 3 and below, then a more substantial programme of reform would be required. We are conscious however that this could place significant additional demands on providers, learners and awarding organisations. The system's capacity for handling change is a key consideration, and we welcome the Department's recognition that any reforms should be phased in line with T Level roll out to allow for orderly consolidation of the market, and should proceed at a pace the system as a whole can accommodate.

## **Principles for the future funded qualifications market**

7. **The size of the market.** We regulate just over 15,000 qualifications that are currently available for learners to take in England. Qualifications at level 3 and below account for more than 85% of this market – over 13,000 qualifications, of which the majority are available for public funding at 16 to 19 (recognising that there are different funding mechanisms for learners aged 19 and above). This does not mean that all of those qualifications are taken exclusively by publicly-funded learners – employer and individual private funding are other common methods of covering qualifications costs. It is important to recognise the different funding mechanisms available for qualifications and to understand that the impact of any funding decision may vary depending on that qualification's reliance on public funding.
8. We support the Department's intention to streamline the publicly-funded market for technical and vocational qualifications to enhance clarity, but it is important to ensure opportunities remain that reflect the breadth of knowledge and skills needed across industry. As an example, qualifications in the engineering sector cover a necessarily broad range of careers; from electrical engineering to boatbuilding, renewable energy to automotive engineering.

While some rationalisation is desirable, particularly to ensure that choices are clearer for young people taking their first steps into vocational and technical subjects, employers will always need a range of qualifications that cater for the breadth of their occupational roles.

9. **Proposed principles.** The example above gives an indication of the detail the review process might need to incorporate within each sector subject area. We support the intention that the reviews are carried out under broader principles, and would advise they are sufficiently flexible to accommodate the variety of learners who need access to publicly-funded qualifications.
10. **Purpose and progression principles.** Our view is that the starting point of any funding decision should be that qualifications must have a distinct and defined purpose against which judgements of quality and utility (such as progression) can be judged, and to that end the Department should clearly set out the purposes for the range of qualifications it will support.
11. A well-defined purpose helps those designing qualifications and assessments to be sure their qualification delivers the right content and then measures what is intended to be measured. We have found that where a qualification tries to serve too many purposes, it may serve none of them well – it is preferable then to have qualifications with fewer, more specific purposes, than to have overly-broad qualifications. It is worth noting, however, that no matter how well-targeted a qualification purpose may be, users may still choose the qualification for a different reason. It is here that the Department might want to consider how funding policy, alongside other levers, can be utilised to ensure qualifications are used for their intended purposes.
12. Where qualifications have broader intentions, such as personal or employability skills, the qualification's key purpose may be to motivate and engage the learner as it provides more formal validation, through assessment, of the skills they develop. It is less likely that such qualifications would be used on their own to gain entry to higher level study or into employment, and so clear definition of this different type of purpose, and support for its outcomes, is critical to make sure assessment adds something of value to the learning experience.
13. **Quality principle.** The Department proposes that current performance table guidance might form the basis of any future quality principles. Through our research we have seen some unintended consequences from the implementation of current performance table guidance, including unfavourable trade-offs in design. This is particularly evident around the minimum requirement for the use of external assessment. We know, anecdotally, that many colleges in particular feel that awarding organisations' responses to the current performance table guidance have led to some qualifications becoming distorted, and not as fit for their teaching and learning purposes. We would

advise the Department to consider the potential of enabling greater flexibility in design, so that awarding organisations can identify, and justify the use of, the most valid approaches to assessment in their qualifications.

14. Through its new principles, the Department can clearly define the purposes of the qualifications it will fund and encourage quality by enabling appropriate qualification design choices. We will work with the Department to ensure that we design effective regulatory checks in line with the principles to manage any risks to quality.

## **The Department's broader ambitions**

15. **Making T Levels and A levels the options of choice.** The Department's intention is that after Key Stage 4 the preferred options for classroom-based study are T Level or A level. As T Levels are introduced, we are pleased to have a role in regulating the Technical Qualifications within them, and are working collaboratively with the Institute and the relevant awarding organisations to ensure they are of the highest quality for employers and learners and that public confidence is maintained.
16. The Department recognises in its consultation that there will be a continuing need for other qualifications for 16 to 19 year olds that meet specialist or niche skills, as well as a high quality set of qualifications for adult learners. We welcome that the Department is considering the purposes of qualifications other than T Levels and A levels and would encourage them to particularly reflect on the variety of reasons that other qualifications might be appropriate for 16 to 19 year olds.
17. The need for some flexibility in the size of qualifications on offer is important. In particular, learners with SEND, or those with caring responsibilities for example, may need to study part-time or more flexibly and so may face difficulty accessing a T Level which is equivalent in size to 3 A levels.
18. We know that many learners study Applied Generals – sometimes in combination with A levels – in order to progress to university. If T Level study is not suited to a learner, if they are not ready to specialise in an occupation, or they are unable to access the qualification for any other reason, then there is a risk that a barrier to progress may be created if their alternative choices are unduly restricted. This may particularly (but not only) affect disadvantaged learner groups. The continuing opportunity to progress for these students will be a crucial factor in considering which qualification routes should receive funding alongside T Levels.
19. For all the examples of learner characteristics above, a broader range of publicly-funded qualifications may ensure greater equality of opportunity in accessing suitable qualifications. The Department's new principles can

support this approach – alongside our strengthened regulation – as this can allow for a range of high quality qualifications that serve well-defined purposes and meet diverse needs.

20. **Content overlap.** In considering what continues to be offered – particularly bearing in mind the broad range of learners the post-16 system serves – the Department should reflect on where content from T Levels or A levels might suitably be incorporated into other qualifications. We have shared with the Department our experience of reviewing content overlap in GCSE and A level reform, where we found that a limited amount of content overlap could at times be justified if a qualification served a distinct progression purpose that could not be satisfied by another existing qualification.
21. We do recognise, as we did then, that the more qualifications there are that cover the same or similar content, the harder it is to secure comparability across those qualifications, but there is a balance to be achieved, recognising equally that there will be valid reasons why similar qualifications can and should exist. Until the detailed content of T Level Technical Qualifications is confirmed, it will be difficult to determine the level of overlap with other qualifications.
22. **Progression to level 3, and ensuring quality outcomes at level 2 and below.** As the consultation notes, the primary focus of level 2 study is progression onto level 3. However some level 2 qualifications are recognised as a valued route into employment and are the appropriately aspirational target of some learners. Similarly with level 1 and entry levels, these may be an appropriate target themselves, and again provide opportunities to engage with further learning or entry into some forms of employment. This means it remains highly important that the purpose of a qualification at any level is well-defined and stated clearly, and that the qualification is then designed to engage a learner effectively at that level of study demand, in order to deliver the desired outcomes.
23. The clear definition of the broader principles proposed in the consultation, alongside our strengthened regulatory approach, can again work to improve the qualifications on offer. While streamlining the publicly-funded market will improve clarity, opportunities to use qualifications to validate and signal achievement of knowledge and skills should remain where there is a valid reason for them to be assessed and certificated. This will be particularly important when taking decisions around the development of the transition framework for T Levels.
24. **Regulation - enhancing our regulatory framework.** We believe that independent regulation is a critical feature of an effective qualifications market, particularly where the qualifications attract public funding and even more so when they are used to measure school and college performance. We are now

considering options for a more robust regulatory approach which can then provide greater assurance as to the validity and reliability of qualifications.

25. In the shorter term, our focus is on performance table qualifications, and on achieving better alignment between our regulations and current performance table guidance. We are mindful of the potential consequences of introducing any tighter controls too quickly or too inflexibly, particularly around standard setting and awarding. We want to carefully manage any risk that might lead to unwarranted variability in outcomes, which would be unfair on students. We also want to ensure coherence with this qualifications review. In view of this, we plan to drive incremental and manageable change in the system and to balance the impact of any changes we make against the benefits that change will bring.

## Securing early progress

26. **Pre-existing qualifications.** We agree with the Department's proposal to remove approval of funding for pre-existing qualifications where replacement ones have been developed for performance tables. It is confusing to have 2 qualifications with very similar titles and content, but varying approaches to assessment and different outcome profiles<sup>1</sup>. It is particularly unfair when the qualification outcomes are compared, for example for university entry.
27. However, it is important to note that we have already identified some issues with 'new' performance table qualifications, which may well have been caused where awarding organisations have had to make decisions to trade off some validity in order to meet the performance table requirements. Removing approval of funding for pre-existing qualifications will not act as a guarantee that the most valid qualifications are currently on offer to schools and colleges. The enhancements to our regulatory framework intend to work towards addressing such issues.
28. **Qualifications with low or no enrolments.** We know that many qualifications have not or have barely been used for several years, and agree that funding could be removed for these without causing disruption, so long as there is no legitimate reason to retain them. In a similar piece of work we undertook in 2016 to remove 'dormant' qualifications from the Register of Regulated Qualifications, we were presented with legitimate reasons for retaining some qualifications; a small proportion (less than 20%) of the qualifications we identified as possible for withdrawal instead remained on the Register.
29. If the Department chooses to take these proposals forward, awarding organisations should be given adequate opportunity to put forward a case for

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<sup>1</sup> Data we analysed in summer 2018 showed that the proportion of students gaining the highest grades in Applied Generals and Tech Levels was markedly lower than in their corresponding 'pre-existing' qualifications still being awarded.

why any individual qualification might need to continue to have funding available, and to demonstrate how it meets the new funding principles.

## **Shaping the next stages of the review**

30. We will engage closely with the Department as we continue to develop our proposals in the coming months in relation to strengthening our regulation, particularly of performance table qualifications. We will also engage on the moratorium proposed in this consultation once more details are available, as it will be important to ensure we continue to promote innovation as well as enable the maintenance of up-to-date qualifications.
31. This review should also take account of broader government intentions in relation to qualification use. We have noted government's ambition in its recently published International Education Strategy (March 2019) to increase the value of education exports to £35 billion per year by 2030. We know there were at least 1.3 million entry level to level 3 certificates issued in 2018 to learners outside the UK for qualifications regulated by Ofqual. The awarding organisations we regulate should be able to significantly contribute to the increased export target, particularly if they can build on a stable market offer in England.
32. As this review progresses, and our work to strengthen regulation is implemented, government may want to establish still higher levels of control over the content, standards and comparability of all publicly-funded, regulated qualifications at level 3 and below. In that case, we think substantial reform will be required. Our experience indicates the potential for this to be a lengthy, far-reaching programme, which would place significant load on the sector and would necessitate much time and resource. If government decides to pursue full-scale reform, the Department should consider phasing implementation subsequent to the roll out of each of the T Level routes.
33. We are committed to contributing effectively to the review of post-16 qualifications in England at level 3 and below, working with the Department, the Institute and others involved in the system, to ensure the quality of outcomes for students. We would reinforce our point that it is very important, bearing in mind the scale of change the sector has dealt with recently, that any changes made are manageable and given time to take effect.