

REGULATIONS

# Extraordinary regulatory framework: General Qualifications, COVID-19 Conditions and Requirements

11 June 2020

**ofqual**

# Contents

|   |           |
|---|-----------|
| <b>About this document</b> .....  | <b>3</b>  |
| <i>Requirements set out in this document</i> .....                                    | <b>3</b>  |
| <b>Conditions</b> .....   | <b>4</b>  |
| <b>Requirements in relation to the information to be requested from Centres</b> ..... | <b>15</b> |

## About this document

This document sets out our regulatory requirements for awarding organisations offering general qualifications during the Coronavirus (COVID-19) pandemic.

## Requirements set out in this document

This document sets out GQ Covid-19 Conditions. These conditions come into effect at 09:00 on 11 June 2020 for GQ Qualifications as defined in Condition GQCov1.7:

- advanced extension award qualifications
- extended project qualifications
- GCE (AS or A level) qualifications
- GCSE qualifications

With respect to all qualifications to which the conditions set out in this document apply, save to the extent set out in those conditions, awarding organisations must also comply with:

- our General Conditions of Recognition, which apply to all awarding organisations and all qualifications, as well as any Qualification Level Conditions and Subject Level Conditions<sup>1</sup> which apply to specific qualifications
- all relevant Regulatory Documents<sup>2</sup>

It also sets out our requirements in respect of the information which awarding organisations must request from Centres as part of the process of calculating results this summer.

<sup>1</sup> [Understand our rules](#)

<sup>2</sup> [Regulatory Document list](#)

# Conditions

## **Condition GQCov1 *Application, Interpretation and definitions***

### **Application**

- GQCov1.1 The GQCov Conditions apply –
- (a) to all GQ Qualifications,
  - (b) until such date as is specified in, or determined under, any notice in writing published by Ofqual under this condition.
- GQCov1.2 Any such notice published by Ofqual may –
- (a) be issued in respect of one or more –
    - (i) GQ Qualifications,
    - (ii) GQCov Conditions,
  - (b) be varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it, and
  - (c) contain any transitional and saving provisions that Ofqual considers appropriate.
- GQCov1.3 An awarding organisation must comply with the requirements of any transitional and saving provisions contained in a notice published by Ofqual under Condition GQCov1.2.

### **Interpretation and definitions**

- GQCov1.4 Unless alternative provision has been made in Condition GQCov1.7, the following shall apply to the GQCov Conditions –
- (a) the rules of interpretation and definitions outlined in General Condition J1,
  - (b) the definitions outlined in the Qualification Level Conditions and the Subject Level Conditions.
- GQCov1.5 Except in the circumstances described in Condition GQCov1.6, the requirements imposed by the GQCov Conditions apply in addition to the requirements imposed by the General Conditions of Recognition and any relevant Qualification Level Conditions and Subject Level Conditions.

GQCov1.6 To the extent that there is any inconsistency between –

- (a) a requirement of a GQCov Condition, and
- (b) a requirement of a General Condition of Recognition, a Qualification Level Condition or a Subject Level Condition,

such that an awarding organisation could not comply with both such requirements, the awarding organisation must comply with the requirement of the GQCov Condition and is not obliged to comply with the requirement of the other Condition.

GQCov1.7 In these Conditions the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

### **Qualification Level Conditions**

Any Qualification Level Condition that applies to a GQ Qualification.

### **GQ Qualification**

A qualification which is any of the following –

- (a) an advanced extension award qualification,
- (b) an extended project qualification,
- (c) a GCE qualification,<sup>3</sup> or
- (d) a GCSE Qualification.

### **Key Stage 2 Assessments**

Assessments in respect of the second key stage as specified under section 87(3)(c) of the Education Act 2002.

### **Private Candidate**

A Learner in relation to whom there is no Relevant Centre.

### **Relevant Centre**

In relation to a Learner, a Centre which –

<sup>3</sup> This includes a qualification to which either the 'GCE Qualification Level Conditions and Requirements' or the 'Pre-reform GCE Qualification Level Conditions and Requirements' apply.

- (a) has purchased the GQ Qualification on behalf of the Learner, and
- (b) materially contributed to the preparation of the Learner for the assessment (whether through teaching or instruction provided by Teachers employed by it or otherwise).

**Subject Level Conditions**

Any Subject Level Condition that applies to a GQ Qualification.

**Condition GQCov2 Cancellation of 2020 summer assessment series**

GQCov2.1 During the time period when this Condition is in force, except where provided under Condition GQCov7 –

- (a) an awarding organisation must ensure that no Learner takes an assessment for a GQ Qualification which it makes available, and
- (b) an awarding organisation must not Moderate an assessment for a GQ Qualification.

**Condition GQCov3 Results in 2020**

GQCov3.1 An awarding organisation –

- (a) must issue a result to each Learner registered on or before 21 February 2020, and who remains registered, to take a GQ Qualification which it makes available, and
- (b) may issue a result to a Learner who –
  - (i) could reasonably have been expected by the awarding organisation to be registered to take a GQ Qualification which it makes available during the summer 2020 assessment series, and
  - (ii) was not so registered.

GQCov3.2 In respect of each result it issues under Condition GQCov3.1, an awarding organisation must ensure that it –

- (a) calculates that result –
  - (i) in compliance with any requirements, and having regard to any guidance, which may be published by Ofqual, or otherwise specified to the awarding organisation by Ofqual, and revised from time to time, and
  - (ii) using information which it has requested from Centres in line with any requirements, and having regard to any guidance, which may be published by Ofqual and revised from time to time, and
- (b) takes all reasonable steps to issue that result in line with any date or timescale published in respect of that qualification under Condition H6.1(b) which falls within August 2020.

GQCov3.3 An awarding organisation must –

- (a) provide effective guidance to Centres on the provision of information under Condition GQCov3.2(a)(ii), and
- (b) provide clear and effective arrangements through which the Centre can liaise with the awarding organisation if it encounters difficulties in providing that information.



**Head of Centre declaration**

GQCov3.4 An awarding organisation must not issue any result under Condition GQCov3.1 in respect of a Learner for whom it has not received a declaration which meets the requirements published by Ofqual under Condition GQCov3.2(a)(ii).

**Confidentiality of information provided by Centres**

GQCov3.5 An awarding organisation must take reasonable steps to ensure that the following information is kept confidential (including by Teachers and Centres) prior to its issue of results under Condition GQCov3.1 –

- (a) The information provided to it under Condition GQCov3.2(a)(ii), and how that information was arrived at.
- (b) A result for a practical science assessment under Condition GCE(Science)4.1(b).
- (c) A result for a spoken language assessment under Condition GCSE(English Language)4.1(b).

GQCov3.6 An awarding organisation must treat any breach of confidentiality under Condition GQCov3.5 as malpractice and/or maladministration under General Condition A8.

**Condition GQCov4 *Information to be provided to Centres***

GQCov4.1 An awarding organisation must establish, maintain and comply with arrangements to provide to a Centre, upon request, the information used to calculate the result issued under Condition GQCov3.1 to a Learner in respect of whom the Centre provided information to the awarding organisation under Condition GQCov3.2(a)(ii).

GQCov4.2 The arrangements must –

- (a) provide sufficient information, and
- (b) allow a reasonable time,

for Learners and Centres to consider whether to request an appeal under Condition GQCov5.

GQCov4.3 The arrangements may –

- (a) provide that the awarding organisation shall only provide the relevant information on payment of a fee,
- (b) specify other reasonable requirements for the making of a request for the information, and
- (c) specify a time period during which the information must be requested.

### **Condition GQCov5 Appeals**

- GQCov5.1 In respect of each result that it issues under Condition GQCov3.1, an awarding organisation must establish, maintain and comply with an appeals process which provides only for an appeal to the awarding organisation on the basis –
- (a) that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly,
  - (b) that the awarding organisation used the wrong data in applying the process set out under Condition GQCov3.2(a)(i), and
  - (c) that a result generated by applying the process set out under Condition GQCov3.2(a)(i) was incorrectly issued by the awarding organisation in respect of one or more Learners.
- GQCov5.2 For the purposes of Condition GQCov5.1(b), 'the wrong data' –
- (a) includes –
    - (i) incorrect data provided by a Centre under Condition GQCov3.2(a)(ii),
    - (ii) a data set other than that specified in the requirements published by Ofqual under Condition GQCov3.2(a)(i), including where the data sets in relation to two or more centres have been transposed, and
    - (iii) a data set specified in the requirements published by Ofqual under Condition GQCov3.2(a)(i) into which errors have been introduced by the awarding organisation, and
  - (b) does not include a data set specified in the requirements published by Ofqual under Condition GQCov3.2(a)(i) which contains errors or omissions that were not introduced by the awarding organisation.
- GQCov5.3 The appeals process which an awarding organisation has in place must provide that any request for an appeal in respect of a Learner is made–
- (a) on the Learner's behalf by the Centre which submitted information in respect of that Learner under Condition GQCov3.2(a)(ii), and
  - (b) with the consent of the Learner.

- GQCov5.4 The appeals process may –
- (a) provide that the awarding organisation shall only conduct an appeal on payment of a fee,
  - (b) specify other reasonable requirements for the making of a request for an appeal, and
  - (c) specify a time period during which an appeal must be requested.
- GQCov5.5 Where the arrangements specify a time period during which an appeal must be requested, the time period must –
- (a) be reasonable, and
  - (b) comply with any requirements which may be published by Ofqual and revised from time to time.
- GQCov5.6 The appeals process must provide for –
- (a) all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed,
  - (b) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it, and
  - (c) the awarding organisation to report the outcome of an appeal to the Centre that requested the appeal on the Learner's behalf, detailing the reasons for that outcome.
- GQCov5.7 The appeals process must provide for the correction of a result without the completion of the full process in circumstances where the awarding organisation accepts that the error identified in the appeal request has occurred.
- GQCov5.8 Where the application of its appeals process in the case of a Learner leads an awarding organisation to discover a failure in its assessment process, it must take all reasonable steps to –
- (a) identify any other Learner who has been affected by the failure, and

- (b) without prejudice to Condition GQCov5.9, correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure.

GQCov5.9 An awarding organisation must take reasonable steps to ensure that no correction is made under Condition GQCov5.8 which lowers the result of a Learner who did not consent to the request of the appeal that led to the discovery of the relevant failure.

GQCov5.10 An awarding organisation must publish information on its appeals process to enable results to be appealed in line with this condition.

**Condition GQCov6 Centre decisions relating to appeals**

GQCov6.1 An awarding organisation must take all reasonable steps to ensure that a Centre has in place effective arrangements for a Learner to —

- (a) apply to the Centre for it to request –
  - (i) information under Condition GQCov4.1, and
  - (ii) an appeal on the Learner's behalf under Condition GQCov5, and,
- (b) appeal any decision by the Centre that such a request should not be made, and for the Centre to determine that appeal.

GQCov6.2 For the purposes of this condition, an awarding organisation must take all reasonable steps to ensure that –

- (a) the Centre makes Learners aware of the arrangements it has in place prior to the issue of results under Condition GQCov3.1, and
- (b) the Centre provides Learners with a statement of the arrangements promptly when requested.

## Requirements in relation to the information to be requested from Centres

Condition GQCov3.1(a)(ii) allows us to specify requirements and guidance in relation to the information to be requested from Centres to facilitate the calculation of results for GQ Qualifications in summer 2020.

Our requirements for the purposes of Condition GQCov3.1(a)(ii) are that an awarding organisation must –

- (a) request from the Centres with which they have agreements the information set out in our publication 'Summer 2020 grades for GCSE, AS and A level, Extended Project Qualification and Advanced Extension Award in maths Information for Heads of Centre, Heads of Department and teachers on the submission of Centre assessment grades' (the **Centre Guidance**),<sup>4</sup> and
- (b) take reasonable steps to ensure that Centres generate that information using the process set out in the Centre Guidance.

The Centre Guidance also contains the form that the declaration required under Condition GQCov3.4 must take. However, an awarding organisation may add additional material at the end of that declaration, or may require Centres to provide an additional separate declaration, where an awarding organisation considers it appropriate to do so in order to meet its obligations under Equalities Law.

<sup>4</sup> [Information for Heads of Centre, Heads of Department and teachers on the submission of Centre assessment grades: Summer 2020 grades for GCSE, AS and A level, Extended Project Qualification and Advanced Extension Award in maths](#)



© Crown Copyright 2020

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.

To view this licence, visit

[www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

or write to

Information Policy Team, The National Archives, Kew, London TW9 4DU

Published by:



Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

0300 303 3344  
[public.enquiries@ofqual.gov.uk](mailto:public.enquiries@ofqual.gov.uk)  
[www.gov.uk/ofqual](http://www.gov.uk/ofqual)