

CONSULTATION DECISIONS

Arrangements for the assessment and awarding of Vocational and Technical and Other General Qualifications in 2020 to 2021 Consultation

The Extended Extraordinary Regulatory Framework

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Introduction

Our consultation on the approach to the arrangements for the assessment and awarding of Vocational, Technical and Other General Qualifications in 2020 to 2021, and on extending the Extraordinary Regulatory Framework, took place between 3 August and 14 August 2020. A copy of the [consultation and our analysis of responses is available on our website](#).

The government's expectation is that assessments should take place in the academic year 2020 to 2021 because that is the fairest way of providing results for learners.

However, the coronavirus (COVID-19) pandemic has resulted in loss of education and training during the spring and summer terms of the academic year 2019 to 2020. It is also likely that some public health restrictions are in place during the next academic year, and that further disruption may occur on a localised basis, which may affect teaching and learning and the delivery of assessments.

Our proposed approach for 2020 to 2021 will apply to all regulated qualifications apart from AS, A levels and GCSEs, and apprenticeship end-point assessments. It builds on the approach set out in our [July position paper](#) and seeks to balance:

- mitigating disruption to teaching, learning and assessments so that, as far as possible, learners taking VTQs and other general qualifications, have the opportunity to receive a fair result and are not disadvantaged by the longer-term impacts of the pandemic. Also, that learners taking qualifications most similar to A levels or GCSEs are not advantaged or disadvantaged compared to their peers taking those qualifications and competing for the same progression places
- ensuring that assessments lead to the award of qualifications that are a valid and reliable indication of knowledge, understanding and skills, or practical competence, and that, as far as possible, standards are maintained
- developing, as far as possible, consistent approaches across similar qualifications, whilst recognising the diversity of the VTQ landscape

We proposed to introduce the following arrangements, for assessments taken and regulated qualifications awarded during 2020 to 2021:

- i. To enable awarding organisations to mitigate the impact of disruptions to teaching, learning and assessment, and any ongoing restrictions on the delivery of assessments, through the adaptation of assessments and qualifications. There would be no provision for the issue of calculated results which we introduced specifically in relation to the cancellation of assessments in the summer of 2020.
- ii. To introduce a second version of the Extraordinary Regulatory Framework (ERF), the Extended ERF, to reflect the approach to mitigation and adaptation we are proposing to take in response to the situation we face in 2020/21.
- iii. To issue a set of objectives to guide awarding organisations' decisions about how qualifications and assessments should be adapted. We said that we

would consider whether and how to incorporate these objectives within the final version of the Extended ERF.

- iv. In parallel with this consultation, to work with awarding organisations and sector bodies on the development of guidance to support the implementation of our proposed approach and ensure consistent approaches.

Consultation approach

We have adopted a 2-stage consultation approach:

- this first consultation on the overall approach, the introduction of the Extended ERF and the objectives to guide awarding organisations' decisions around adaptation
- a second consultation later in the autumn on the additional statutory guidance on adaptation and on any necessary changes to the Extended ERF.

It was necessary for us to consult over a shorter timeframe than we would normally allow due to the urgency of this work so that awarding organisations can provide their centres with more certainty about arrangements for 2020 to 2021 as quickly as possible.

We are grateful to the considerable number of respondents who took the time to engage with this complex set of issues and provide their views on our proposals. This document sets out the decisions we have made following this first consultation. In reaching our decisions, we considered the consultation responses we received and the views of attendees at our consultation events with awarding organisations and other stakeholders.

Summary of decisions

Given the high level of agreement with the arrangements proposed in our first consultation, we have decided to implement them in full, as set out below:

- i. To enable awarding organisations to assist with mitigating the impact of disruption to teaching, learning and assessment, and any ongoing disruption to or restrictions on the delivery of assessments, through the adaptation of qualifications and assessments
- ii. To introduce a second version of the Extraordinary Regulatory Framework (ERF), the Extended ERF, to reflect this approach to mitigation and adaptation. The Extended ERF will apply to all qualifications except AS, A levels, GCSEs, and apprenticeship end-point assessments
- iii. To make no provision in the Extended ERF for the issue of calculated results which we introduced specifically in relation to the cancellation of assessments in the summer of 2020
- iv. To retain the ERF issued in May for 2 specific purposes only – to enable eligible learners who did not receive a calculated result this summer to receive their calculated result and to permit appeals for qualifications awarded under the Summer ERF. We will clarify in our second consultation how the ERF, alongside the Extended ERF, will cover assessments taken in autumn 2020.

- v. In light of the diversity of the VTQ landscape, not to prescribe a single approach to adaptation but to issue statutory guidance to inform awarding organisations' decisions and to support the development of consistent approaches
- vi. To work with awarding organisations to develop consistent approaches for qualifications which signal similar knowledge, understanding and skills, or practical competence, and have the same assessment approaches and delivery context, or have the same qualification type, for example Performance Table qualifications
- vii. To include within our statutory guidance some specific guidance on the application of Special Consideration in the context of 2020 to 2021 and the ongoing impact of the pandemic
- viii. To permit awarding organisations to adapt qualifications and assessments taken in international markets, where this is necessary, provided that this does not undermine the validity of the qualifications, and risks around malpractice and the particular needs of the international market are considered and addressed
- ix. That certificates are issued (where appropriate) as normal, with no reference to a result having being determined under the arrangements in the Extended ERF
- x. Not to supplement General Condition I1 (Appeals process) with any additional guidance around appeals in 2020 to 2021
- xi. To require awarding organisations to maintain records of the decisions they have made when adapting assessments and qualifications in compliance with our requirements and guidance, and to make those available to us on request
- xii. To require awarding organisations to have regard to any advice that we provide in writing, in the form of a Technical Advice Notice

Details

In this section we provide our decisions in light of consultation responses. We include a brief summary of the responses received and the key aspects that have informed the decisions we have taken.

Permitting adaptation

What we proposed

In light of the government's expectation that assessments should take place in the academic year 2020 to 2021, we proposed to permit awarding organisations to make adaptations to any regulated vocational and technical and other general qualifications and assessments where this was necessary to mitigate for the longer-term impacts of the current public health crisis.

If doing so, awarding organisations would need to take all reasonable steps to ensure that any adaptations do not undermine the validity and reliability of the qualifications and assessments, that learners taking these qualifications were not

advantaged or disadvantaged compared to their peers take general qualifications not covered by these arrangements, and that standards were maintained as far as possible.

We proposed to make no provision for the issue of calculated results in 2020 to 2021.

We asked:

Question 1: To what extent do you agree or disagree with our proposed approach to mitigating the longer-term impacts of the pandemic in 2020/21 by permitting awarding organisations to adapt assessments and qualifications?

Responses received

Seventy per cent of respondents either agreed or strongly agreed with our proposed approach, compared to 26% who disagreed or strongly disagreed. Two per cent neither agreed nor disagreed.

Respondents who agreed or strongly agreed with the proposal said that they felt that this approach offered the flexibility necessary for qualifications and assessments to be adapted in light of the developing situation with the pandemic. One respondent agreed that the wide range of courses and qualifications covered within our proposals would necessitate flexibility in approach.

Respondents suggested that changes would need to be made to qualifications to compensate for the reduction in learning time and the loss of time available for learners to generate work to the usual required standard.

Many supported a reduction in the content covered in assessments. They felt that a reduction in the content to be assessed would go some way to offset the loss of teaching time that many learners have encountered.

Respondents also raised concerns that social distancing measures and centre closures would mean that some practical assessments are no longer possible to perform as before. They felt that adaptations would be necessary to ensure practical assessments could take place.

They also said that there may be a need for adaptations to some qualifications that contain a work placement or work-based activity element as access to work environments would be restricted and, in some sectors, not be possible at all.

Many of the respondents agreed with our aim not to advantage or disadvantage learners compared to their peers taking AS and A levels and GCSEs. Parity in approach between vocational qualifications and AS and A levels and GCSEs was seen as desirable.

Many of those who disagreed with our proposed approach felt that the approach was not specific enough. Concerns were also raised about the comparability between qualifications where different approaches were taken to assessment.

Concerns were also raised about the potential increase in workload that would result from our proposed approach. There was concern that awarding organisations, teachers and centre staff would see a significant increase in the work required in implementing the changes to qualifications and assessments.

We also received a number of similar comments from teachers and students that deliver and study IB qualifications who felt that there should be a reduction in the content to be assessed in light of the reduction in teaching time due to the pandemic.

Our decisions

In light of the responses to this question, we have decided to implement our proposed approach and to permit awarding organisations to adapt their qualifications and assessments to assist in mitigating the disruption to teaching, learning and assessment caused by the pandemic. Respondents supported our proposals and did not identify any issues that have caused us to reconsider our approach.

Many of the comments made by respondents confirmed our understanding of the range of possible impacts caused by the pandemic and reinforced the need for awarding organisations to be able to work within a regulatory framework which allows them to tailor their adaptation approach to the purpose, content, and assessment design of their qualifications, taking account of the need to maintain validity and reliability.

The diversity of the VTQ landscape means that we cannot prescribe at a national level the adaptations to be made to certain qualifications or subjects in the way that it is possible to do with GCSEs, AS or A levels. However, we do expect awarding organisations to provide clear and timely information about their approaches for each of their adapted qualifications and assessments.

We will expect awarding organisations to work together and with sector and professional bodies to develop consistent adaptation approaches for similar qualifications, where appropriate. We will also expect awarding organisations to take account of approaches to adaptation in similar general qualifications and to develop consistent approaches across qualification types, such as Functional Skills.

We fully understand the need for adaptations to be manageable for centres and awarding organisations. We are not requiring awarding organisations to make adaptations. For some qualifications, adaptations are not necessary, appropriate or possible and, in some cases, the adaptations will be the same as those already introduced. We recognise that awarding organisations will be able to make many qualifications, in particular short qualifications which are available on-demand, available as normal or with minimal changes in 2020 to 2021, and that, in some cases, any proposed adaptations will only apply in very specific circumstances where necessary to comply with public health guidance. Where awarding organisations are introducing adaptations, we will expect them to engage with centres and other stakeholders to ensure that they are acceptable and manageable.

Our position on any reduction to the content taught for a qualification remains the same. We do not expect the content to be reduced, except in exceptional circumstances and only after engagement with stakeholders. We do think however that it is possible to streamline assessments to free up teaching time to cover the content of a qualification, without undermining the validity and reliability of the assessment of the qualification. This may include:

- considering whether it would be possible to reduce the amount of content being assessed, whilst still validly and reliably measuring the knowledge, understanding and skills, or practical competence, signalled in the qualification
- reducing or combining assessments, whilst assessing the same or similar content
- reviewing the conditions under which some assessments are taken

- making assessments available to centres earlier or more flexibly

Adaptations such as these are most likely to be appropriate for qualifications most similar to AS and A levels and GCSEs.

We have set out these expectations in the statutory guidance on adaptation in the second draft version of the Extended ERF, on which we will be consulting in September.

Objectives-based approach

What we proposed

We proposed to take an objectives-based approach, supported by additional guidance to develop consistent approaches, rather than prescribing a single approach to adaptation.

We concluded that, because of the diversity of VTQs, a single prescribed approach to adaptation in 2020 to 2021 would not be feasible. An objectives-based approach would allow awarding organisations to make tailored decisions about what to do with each of their qualifications, while supporting consistent approaches across similar qualifications.

We recognised that awarding organisations are best placed to balance mitigating disruptions to teaching and learning and/or restrictions around the delivery of assessments, with the need to ensure that assessments lead to the award of qualifications that are a reliable indication of knowledge, understanding and skills, or practical competence.

We proposed issuing a set of objectives to guide the decisions made by awarding organisations, where they plan to adapt qualifications or assessments, to support the development of consistent approaches across similar qualifications. We said that we would consider whether and how the objectives would be incorporated within our regulatory framework.

We asked:

Question 2: To what extent do you agree or disagree with our proposed approach to take an objectives-based approach, supported by additional guidance to develop consistent approaches, rather than prescribing a single approach to adaptation?

Responses received

Eighty-four per cent of respondents either agreed or strongly agreed with our proposed approaches for question 2, compared to 7% who disagreed or strongly disagreed. Eight per cent neither agreed nor disagreed.

Respondents agreed that a single approach would not work with vocational and technical qualifications because of the diversity of awarding organisations and qualifications and that an objectives-based approach is a sensible and fair way of managing assessments in 2020 to 2021. It was felt that the proposed approach would ensure consistency while allowing for flexibility to meet the needs of specific contexts and in order to account for localised lockdowns and/or differing restrictions. Respondents also agreed that awarding organisations know their qualifications best

so are best placed to make decisions about which adaptations are suitable for their qualifications, while meeting Ofqual's expectations.

Several awarding organisations queried the status of the objectives, and whether they were intended to be guidance or would have parity with Conditions or principles in the Extended ERF.

Respondents who disagreed questioned whether an objectives-based approach would be sufficient to achieve consistency, and on the need for greater clarity about our proposals, including providing clearer guidance on how lost teaching time would be accounted for or mitigated. Some favoured a reduction in content.

Some were concerned the proposed approach might leave scope for awarding organisations to interpret objectives very differently resulting in some learners being advantaged or disadvantaged compared to those studying similar qualifications with a different awarding organisation.

Our decisions

In light of the responses to this question, we have decided to implement our proposed approach to issue statutory guidance, based on a set of objectives, to guide awarding organisations' decisions around the adaptations they make, rather than to prescribe a single approach. Respondents supported our proposals and did not identify any issues that have caused us to reconsider our approach.

We have clarified the status of the objectives in the second draft version of the Extended ERF, on which we will be consulting in September. The higher-order objectives have been adopted as revised principles for the Extended ERF and all but one of the remaining objectives have been incorporated into the statutory guidance on adaptation.

Issues raised around consistency of approach and the need for a reduction in content have been addressed in the 'our decisions' section for question 1.

Objectives

What we proposed

We proposed to issue a set of objectives to underpin awarding organisations' decisions about the adaptation of assessments and qualifications.

The proposed objectives were:

- **Objective a** – Learners taking VTQs and other general qualifications should have the opportunity to receive fair results, and, as far as possible, not be disadvantaged by the current public health crisis. Learners taking qualifications most similar to A and AS levels and GCSEs should not be not advantaged or disadvantaged compared to their peers taking those qualifications, especially where competing for the same progression opportunities.
- **Objective b** – As far as possible, standards should be maintained when qualifications are awarded in 2020 to 2021.
- **Objective c** – Adaptations to assessment and qualifications should not undermine validity and reliability, so the expectation is that the content to be taught should not be reduced. Changes to the content should only be

considered in exceptional circumstances where it is the only way of minimising disadvantage to learners. The views of sector and professional bodies and other stakeholders must be also be sought before any changes are made.

- **Objective d** – Common approaches to adaptation should be followed where qualifications signal similar knowledge, understanding and skills, or practical competence, and have the same assessment approaches.
- **Objective e** – The manageability of assessments should be maximised to allow for an increase in teaching time. Any streamlining of assessments should be carefully balanced with the need to ensure that qualifications remain sufficiently valid and reliable.
- **Objective f** – Flexibility in how, and how, often assessments are delivered should be maximised so as to reduce the impact of disruption, illness or quarantine, including at a local level.
- **Objective g** – The opportunities presented by the inherent flexibility of the modular delivery modes of many vocational and technical qualifications should be maximised so that learners can bank assessments as soon as they are ready, in order to safeguard against future disruption.
- **Objective h** – Communications should be streamlined and coordinated to support centres implementing adapted assessments and users of the qualifications.
- **Objective i** – A coordinated system-wide approach should be developed to address the risks impacting on learners' results which are outside the scope of Ofqual regulation, working with partners, stakeholders, other regulators and government.

We asked:

Question 3: Do you have any comments on the objectives we have proposed to underpin awarding organisations' decisions about the adaptation of assessments and qualifications?

Responses received

We received 251 responses to this question.

In general, awarding organisations expressed support for the proposed objectives, and the balance struck between consistency and flexibility. Awarding organisations sought clarification as to what extent objectives would be 'enforceable' and should be read as Conditions or principles. Awarding organisations also queried whether the objectives are listed in any hierarchy, i.e. whether one objective is seen as more or less important than another.

Many teachers and centres welcomed the intention to improve consistency, which some felt had been lacking this year, and for the flexibility for awarding organisations to respond to local situations.

Many teachers and centres (particularly those delivering IB qualifications, who responded in large numbers) expressed concern around Objective c, questioning whether it would be possible for their students to achieve qualifications in 2020 to 2021 without a reduction in content.

Teachers also expressed concerns over students' lack of access to required technology, and over the impact of the proposed approaches on increasing teacher workload.

We also received some comments on the wording of the objectives themselves and some additional objectives were suggested on specific approaches to adaptation.

It was also suggested that Ofqual should retain the option to use centre-assessed grades and calculated results in case of further coronavirus (COVID-19) disruption.

Our decisions

In light of the responses to this question, we have decided to implement our proposed approach. Respondents supported our proposals and did not identify any issues that have caused us to reconsider our approach.

We will make no provision in the Extended ERF for the issue of calculated results which we introduced specifically in relation to the cancellation of assessments in the summer of 2020. We recognise however that the future course of the pandemic is unknown and we will keep our regulatory arrangements under review so that we can respond to any change in circumstances.

Issues raised around consistency of approach, the need for a reduction in content, the impact on teachers' workload, and the status of the objectives have been discussed in the 'our decisions' sections for questions 1 and 2.

Issues raised around the need to consider difficulties around access to technology are discussed in questions 12 and 13.

Guidance on adaptation

What we proposed

To support the interpretation and implementation of these objectives and the development of consistent approaches where appropriate, we proposed to work with awarding organisations and sector bodies to develop additional statutory guidance.

We proposed to hold a second consultation later in August 2020, to consult on this statutory guidance, alongside any changes to the Extended ERF we felt might be necessary for our 2020 to 2021 approach. We said that, at this point, we might incorporate the objectives into the Extended ERF Principles.

We asked:

Question 4: Do you have any comments on our plans to develop and consult on additional statutory guidance and on any changes to the Extended ERF later in August, to support the interpretation and implementation of these objectives?

Responses received

A total of 225 responses were received to this question.

Many awarding organisations and some other respondents commented on the shortness and timing of the consultation period.

There was also agreement by many awarding organisations, teachers, centres and professional bodies that it was essential to have the guidance in place as soon as

possible, and preferably by the start of September, to ensure that planning for the new term can take place.

Some awarding organisations stated that they would find the guidance useful, as long as it allows for flexibility and is not too prescriptive. We also received comments on the need to consider the manageability of any adaptations for both centres and awarding organisations.

The value of consulting with teachers and centres was also highlighted. Respondents commented that although awarding organisations understand their assessment processes, they are not delivering qualifications on the ground and therefore do not understand the limitations of any changes or adaptations.

Some respondents also suggested any guidance should be subject/qualification specific, as with general qualifications.

Our decisions

In light of the responses to this question, we have decided to implement our proposed approach and to consult on a revised draft version of the Extended ERF, which included the guidance on adaptation.

We consider that the timing and short timescales for the second consultation are necessary so that awarding organisations can issue guidance on the adaptation approach for their qualifications as soon as possible.

The guidance on adaptation in the second draft version of the ERF, on which we are consulting in September, is not prescriptive and recognises the need for awarding organisations to engage with their centres about their adaptation approaches. Although the guidance on adaptation in the Extended ERF cannot be qualification or subject specific because of the diversity of the VTQ landscape, we do expect awarding organisations to provide detailed information about their adaptation approaches for each of their qualifications to their centres in a clear and timely manner.

Special Consideration

What we proposed

We set out in the consultation that we did not think it would be necessary to permit awarding organisations to offer calculated results to learners in 2020 to 2021. We recognised however that there may be some learners who missed or did not complete assessments which they were preparing to take in 2020 to 2021, due to factors outside of their control.

General Condition of Recognition G7 (Special Consideration) requires awarding organisations to have in place arrangements to give Special Consideration to learners where they have temporarily experienced an illness or injury, or some other event outside of their control, which has had, or is reasonably likely to have had, a material effect on their ability to take an assessment or to demonstrate their level of attainment in an assessment.

Special Consideration could include, but is not limited to, awarding additional marks where a learner has been able to take an assessment but where their performance

has been affected by an illness, injury or other exceptional event outside of their control; awarding a qualification to a learner who has not completed all of the assessments but who has completed the minimum amount of assessment evidence for that qualification; or allowing an alternative assessment opportunity for a learner at a later date.

We do not expect awarding organisations to provide Special Consideration where this would alter or prevent the qualification from providing a reliable indication of the knowledge, understanding and skills being measured, or where this would unfairly advantage or disadvantage learners.

We proposed working with awarding organisations to explore whether there is a need for more detailed guidance on Special Consideration in the context of 2020 to 2021 and asked for comments on the issues we should consider in any guidance we develop around Special Consideration.

We asked:

Q5: Do you have any comments on the issues we should consider in any guidance we develop around Special Consideration?

Responses received

We received 251 responses to this question.

Awarding organisations had different views on how prescriptive any guidance should be and asked for clarification on what kind of situation should merit a Special Consideration, how it could be applied and who to, including whether it should be on an individual basis or on a cohort basis.

Awarding organisations also expressed concern about the potential impact on their resources if there was a large increase in the number of requests for Special Consideration.

It was clear that in a number of responses, the notion of Special Consideration was not well understood.

The need for awarding organisations to review their policies on Special Consideration following the launch of the Extended ERF was also mentioned.

A range of activities was also suggested to support the development of a common understanding around Special Considerations and a standardised approach.

Our decisions

In light of the response to this question, we have decided to implement our proposed approach and to develop additional guidance around Special Consideration to reflect the context of 2020 to 2021.

We do not plan to try to cover in detail the different circumstances and issues related to Special Consideration in this statutory guidance and so plan to work with awarding organisations and centres on a range of activities to develop a common understanding and, as far as possible, a standardised approach, taking forward the suggestions included in the response to the consultation.

Qualifications taken internationally

What we proposed

Under the ERF, we had permitted awarding organisations offering regulated qualifications taken internationally:

- to apply the approach in the ERF where appropriate and manageable, or
- to continue to comply with the General Conditions of Recognition if this was more appropriate based on the needs of the specific international market

We also flagged that awarding organisations should consider the particular risks of malpractice depending on the nature of the non-UK setting.

For 2020 to 2021, we proposed to take the same approach and to permit awarding organisations to adapt assessments taken in international markets, where this was necessary, provided that this did not undermine the validity of the qualifications and risks around malpractice and the particular needs of the international market were considered and addressed.

Consistent with our proposal for the qualifications which are not also available internationally, there would be no provision for the issue of calculated results for international learners.

We asked:

Question 6: To what extent do you agree or disagree with our proposed approach to qualifications taken internationally?

Responses received

Twenty-nine per cent of respondents either agreed or strongly agreed with our proposed approaches, compared to 2% who disagreed or strongly disagreed. Sixty-seven per cent neither agreed nor disagreed.

All awarding organisations who responded, whether they agreed or strongly agreed or neither agreed nor disagreed with our proposed approach, made the following similar points:

- as the current extraordinary circumstances apply internationally as well as in the UK, the approaches to mitigation should be the same
- adaptation works well in international markets and that calculated grades were not suitable due to increased risk of malpractice
- our proposed approach would reduce the potential to advantage/disadvantage cohorts taking the same qualification in the international or domestic market

Similar points were made by other respondents and that consideration should be given to the respective governmental restrictions which apply in any given country when making decisions on whether or not qualification/assessment adaptations are appropriate in that context.

It was also pointed out that, in some international markets, delivery for 2020-21 has already commenced and therefore the scope to adapt qualifications and assessments will be more limited than in England.

Some respondents agreed that additional considerations with regard to risk and malpractice will need to be addressed for qualifications made available internationally.

We received a number of very similar responses relating to specific qualifications (IB qualifications), which neither agreed nor disagreed, but noted that adaptations risked undermining the global nature of that qualification and the ability of its students to transfer to higher education overseas, or for overseas students to transition to UK universities.

Our decisions

In light of the responses to this question, we have decided to implement our proposed approach and to permit awarding organisations to adapt assessments taken in international markets, where this was necessary, provided that this did not undermine the validity of the qualifications and risks around malpractice and the particular needs of the international market were considered and addressed.

Respondents supported our proposals and did not identify any issues we have caused us to reconsider our approach.

We note the comments about IB qualifications. It will be for the IBO to determine if adaptations are required for its qualifications.

Certificates

What we proposed

When we introduced the ERF, we said that awarding organisations should issue certificates (where appropriate) as normal, and should not refer on the certificate to a result having being determined under the arrangements in the ERF.

We proposed to take the same approach for certificates awarded in 2020 to 2021 under arrangements in the Extended ERF.

We asked:

Question 7: To what extent do you agree or disagree with our proposed approach to certification?

Responses received

Seventy-seven per cent of respondents either agreed or strongly agreed with our proposed approach to certification, compared to 5% who disagreed or strongly disagreed. Thirteen per cent neither agreed nor disagreed.

Respondents in agreement with our proposal said that certificates should be issued as normal and should not refer to a result having being determined under the arrangements in the Extended ERF. They felt that certificates achieved in 2020 to 2021 should have no material difference to those achieved in other years, as they would be held in the same regard. Many respondents felt that any references to the

Extended ERF on certificates could erode confidence in the results and disadvantage students.

A large number of respondents commented positively on the use of e-certificates. It was felt that e-certificates would increase student access to them, at a time when many centres would be closed.

The majority of those who disagreed felt that there should be a reference to the circumstances in which the certificate was achieved and that it would be important to employers to see what elements had been assessed and what competencies a student had.

Others who disagreed felt that it was unfair that different students might be at different stages of a course, but they would still receive the same certificate. They also raised concerns about the comparability of learners' certificates across awarding organisations and centres where there were differences in approach.

Respondents who neither agreed nor disagreed with the proposed approach to certification wanted to see the process in practice before deciding.

Our decisions

In light of the responses to this question, we have decided to implement our proposed approach. Respondents supported our proposals and did not identify any issues that have caused us to reconsider our approach.

Awarding organisations should therefore issue certificates (where appropriate) as normal, without reference on the certificate to a result having been determined under the arrangements in the Extended ERF.

There is a risk that making any such reference may be taken to indicate that the learner's result is not valid, and this might expose them to further disadvantage. The Extended ERF is premised on results being sufficiently valid and reliable, and in cases where they are not, results should not be issued. This is not something to be managed through the certification process but should be considered when awarding organisations are making decisions around their adaptation approaches.

We note the support for e-certificates, which are permitted by our GCR.

Appeals

What we proposed

Our consultation noted that General Condition of Recognition I1 (Appeals process) requires that an awarding organisation's appeals process must provide for the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly. Awarding organisations have discretion to include additional grounds should they wish to do so, such as allowing appeals to be accepted directly from learners.

In the ERF, we supplemented General Condition I1 with some specific guidance highlighting the issues that awarding organisations would need to consider, particularly in relation to calculated results. We did not think that it was necessary to develop additional guidance around appeals relating to the adaptation of assessments because the General Condition was sufficient.

We did not see any reason to take a different approach relating to the adaptation of assessments in 2020 to 2021 and therefore proposed not to supplement General Condition I1 with any additional guidance around appeals in relation to adaptation. The additional guidance we included in the ERF in relation to calculated results would no longer apply because there is no provision for calculated results in the Extended ERF.

We asked:

Question 8: To what extent do you agree or disagree with our proposed approach to appeals in 2020/21?

Responses received

Seventy per cent of respondents either agreed or strongly agreed with our proposed approach to appeals, compared to 7% who disagreed or strongly disagreed. Nineteen per cent neither agreed nor disagreed.

The majority of the respondents that supported our approach to appeals did so as they felt that appeals should be available to students and that the proposal was fair.

Over half of those that agreed with the proposed approach also requested further clarification on key points. They felt that clear communications on the approach that was to be taken would be helpful so that students, awarding organisations and teachers were clear on what the process entails. They wanted additional guidance to ensure consistency across awarding organisations and a fair process for learners in differing scenarios.

Many respondents said that a similar approach to appeals should be taken in 2020 to 2021 as was implemented for 2019 to 2020 to ensure consistency.

Many of those who disagreed or strongly disagreed or neither agreed or disagreed with our proposal wanted more information about the appeals process or to see how the appeals process in summer 2020 worked before deciding.

Our decisions

In light of the responses to this question, we have decided to implement our proposed approach and not to issue additional statutory guidance around appeals, but the comments we received suggested that many respondents were not clear about arrangements for appeals under the GCR.

We will therefore work with awarding organisations to provide greater transparency around appeals processes for 2020 to 2021.

Record keeping and regulatory oversight of awarding organisations

What we proposed

We proposed to take a similar approach to record keeping and regulatory oversight in 2020 to 2021 to that set out in the ERF.

This was because we were again proposing to place a high degree of trust in awarding organisations by taking an objectives-based approach to adaptations in

2020 to 2021, where awarding organisations would be making tailored decisions about what to do with each of their qualifications.

The approach we proposed required awarding organisations to maintain records of the decisions they made when adapting assessments in compliance with our requirements and guidance. They were also required to provide these records to us upon request to enable us to undertake a risk-based approach to regulatory supervision and monitoring.

Under the ERF, awarding organisations were required to have regard to any advice that we provide in writing, in the form of a Technical Advice Notice. They were required to follow our advice unless there is a compelling reason not to. We found this to be a useful regulatory tool this summer and so proposed to carry forward its use under the Extended ERF where necessary.

We asked:

Question 9: To what extent do you agree or disagree with our proposed approach to record keeping and regulatory oversight?

Responses received

Seventy-five per cent of respondents either agreed or strongly agreed with our proposed approach to record keeping and regulatory oversight, compared to 2% who disagreed or strongly disagreed. A further 18% neither agreed nor disagreed.

Many of those who agreed said they did so due to the increased assurance this approach gave.

Some respondents however misunderstood our proposal and thought that it was requiring centres to keep records, whereas the proposal only related to record keeping of decisions around adaptation by awarding organisations.

Some respondents that neither agreed nor disagreed with the proposed approach asked for more detail on specific aspects, in particular on the amount of recording and level of detail required.

We were also asked to set out key dates and timelines so that all parties have sufficient information to support later audit activities and comparability exercises.

A number of awarding organisations also raised concerns about the regulatory burden of the proposal. They asked that Ofqual's approach to regulatory oversight be proportionate.

We were also asked, in a response to question 11, to clarify the status of the Technical Advice Notice and awarding organisations' duties in regard to this.

Our decisions

In light of the responses to this question, we have decided to implement our proposed approach to require awarding organisations to maintain records of their decisions around adaptation and to make them available to us when requested.

Respondents supported our proposals and did not identify any issues that have caused us to reconsider our approach.

We propose to take a targeted and proportionate approach to regulatory oversight and recognise the pressures on awarding organisations at this time.

Awarding organisations are responsible for making decisions about how to record their decisions and how much detail to go into. We will issue a proforma that we think provides a helpful framework for awarding organisations to follow but awarding organisations may use their own recording approaches.

As was the case under the ERF, under the ERF, awarding organisations will be required to have regard to any advice that we provide in writing, in the form of a Technical Advice Notice. They will be required to follow our advice unless there is a compelling reason not to.

The Extended ERF

What we proposed

We introduced the ERF as an emergency measure in May 2020 to permit awarding organisations to take approaches to issuing results during the summer that are not normally allowed by our General Conditions of Recognition (GCR). This was because assessments either could not take place or could only take place in an adapted form due to the national lockdown resulting from the pandemic.

In this consultation, we proposed to issue a second draft version of the ERF, the Extended ERF, to reflect the different circumstances of 2020 to 2021 and to allow awarding organisations to make adaptations to their qualifications and assessments, where this is necessary to mitigate disruptions to teaching, learning and assessment arising from the longer-term impact of the pandemic. The Extended ERF would apply to all regulated qualifications apart from GCSEs, AS and A levels and apprenticeship end-point assessments.

We proposed that the Extended ERF would apply in all circumstances apart from 2 specific circumstances where the ERF would continue to apply:

- where learners who should have received a calculated result for an assessment they were due to take between 20 March 2020 and 31 July 2020, have not yet received that result but should still do so
- for appeals and complaints that may arise from decisions taken by awarding organisations under the current ERF

The proposed Extended ERF permits awarding organisations to adapt their assessments and qualifications in ways that may not be compliant with the GCR, where it is appropriate for them to do so. It does not require awarding organisations to make adaptations to their qualifications and assessments as this may not be necessary, possible or appropriate.

There is no provision for the issue of calculated results and for delays to assessments in the proposed Extended ERF as those mitigations will no longer be applicable in 2020 to 2021.

We retained the principles set out in the ERF in the proposed Extended ERF but asked whether those principles, in particular Principle 1, and the balance to be achieved between them, remained appropriate in the context of 2020 to 2021.

We proposed to carry forward updated requirements for adaptations, reflecting the potential for a wider range of adaptations to assessments and qualifications, and the requirements for equalities and professional licenses to practice into the Extended ERF.

In the guidance for the Extended ERF, we proposed to carry forward from the ERF, only those areas that remain relevant in the context of 2020 to 2021. We therefore retained the guidance on compliance with Condition A8 (malpractice and maladministration) in relation to VTQs, on compliance with Condition D2 (equalities), and on remote invigilation. We removed the guidance on identification and management of risks, on appeals, on calculated results, on the use of hybrid approaches and autumn assessments because this was no longer relevant in the context of 2020 to 2021.

Qualifications and learners in scope

As we proposed that the Extended ERF apply to all vocational and technical qualifications (apart from apprenticeship end-point assessments) and to all other general qualifications (i.e. general qualifications which are not GCSEs, AS or A levels), there are no restrictions around which learners can take adapted qualifications and assessments where awarding organisations have made them available.

Categorising qualifications

Under the ERF, awarding organisations were required to categorise the qualifications in scope according to their purpose and to decide on a mitigation approach (to choose between a mitigation of calculated results, adaptation or delay).

We did not propose to require this in the Extended ERF. This is because the adaptation approach we proposed would apply to all vocational and technical qualifications and other general qualifications in scope of the Extended ERF, and so awarding organisations would not need to decide between different mitigation approaches.

We asked:

Question 10: To what extent do you agree or disagree with our proposal to develop the Extended ERF to take account of our proposed approach for 2020/21?

Question 11: Do you have any comments on the new conditions, requirements and guidance for 2020/21 set out in the Extended ERF?

Responses received

Sixty-nine per cent of respondents either agreed or strongly agreed with the proposal in question 10 to develop the Extended ERF, compared to 3% who disagreed or strongly disagreed. Twenty-one per cent neither agreed nor disagreed.

We received 179 responses to question 11.

Question 10

Respondents who agreed or strongly agreed with our proposal to develop and introduce the Extended ERF said this approach would provide clarity to all involved. Some respondents commented to agree that calculated results should not form the

main focus of the work in 2020 to 2021, and that other mitigation approaches should be used before the calculation of results is considered.

We received feedback that there needed to be a clear timeline for how awarding organisations transition from one regulatory framework to the other and that consideration should be given to how awarding organisations should work with the other frameworks alongside the Extended ERF.

Respondents also said that the Extended ERF should be regularly reviewed and updated in line with the changing situation and government guidelines for coronavirus (COVID-19) and that the process for how and when to remove the ERF and Extended ERF should be drawn up.

Other respondents in agreement said that further clarity and guidance was needed about the expected process in a situation where adaptation is not a viable option and that the role of professional bodies should be reevaluated and should sit lower in the order of priorities that is listed in the proposals.

Respondents who disagreed with our proposed approach to extend the ERF commented to say they felt there was a lack of clarity with the proposal. Many of this group commented to say that the proposal was not as clear and directive as the one used for GCSEs and A levels. There was also concern that the change and reissuing of regulatory arrangements would cause confusion. Some respondents supported the adoption of a single temporary framework that had in-built flexibility to adapt throughout the duration of the impacts of coronavirus (COVID-19).

Most of the respondents that neither agreed nor disagreed with the proposal in question 10 did so because they required more information before deciding.

Some awarding organisations who neither agreed nor disagreed raised specific queries regarding adaptations and compliance with the Extended ERF. They also requested more information on the timelines for this approach and on the expectations for awarding organisations going forward, especially where stakeholder engagement would form part of the process of determining adaptation approaches.

Question 11

We received few responses on the wording of the conditions, requirements and guidance. Respondents made more general comments around the overall approach.

The need to plan for the changing national situation in light of coronavirus (COVID-19), for scenario planning to be carried out, and for there to be adequate flexibility in the guidance to allow stakeholders to react to changing situations at pace, were raised.

A large number of comments referenced the guidance already published for GCSEs, AS and A levels and wanted a similar subject by subject approach. The need for a similar flexibility to general qualifications in terms of the approach to the reduction of content was also raised.

A number of responses mentioned the potential impact of social distancing and other public health guidance on assessments, especially where it involves group activity and practical work. It was suggested that any guidance should include a link to government guidance on social distancing and other coronavirus (COVID-19) related rules so that the framework remains current.

A number of respondents raised concerns that local lockdowns may necessitate the reintroduction of the mitigation of delay for some assessments.

It was also suggested that there was a need to review the definition of guided learning in light of the move to blended, online and remote delivery and assessment. We also received other comments on the need for common formats to support data exchange activities between centres and awarding organisations, on potential GDPR issues related to the storage of student information, and for the summer qualification explainer tool to be retained and updated.

Our decisions

In light of the responses to these questions, we have decided to implement our proposed approach to develop and introduce the Extended ERF.

Respondents supported our proposals and did not identify any issues that have caused us to reconsider our approach.

As we have explained earlier, the diversity of the VTQ landscape means that we cannot prescribe at a national level the adaptations to be made to certain qualifications or subjects in the way that it is possible to do with GCSEs, AS or A levels. However, we do expect awarding organisations to provide clear and timely information about their approaches for each of their adapted qualifications and assessments.

We consider that the regulatory approach we are taking is sufficiently flexible to allow awarding organisations to respond to the variety of issues raised by the pandemic whilst maintaining the validity and reliability of qualifications. It allows awarding organisations to make adaptations to any of their vocational and technical or other general qualifications and assessments, where this is necessary to assist in mitigating the impact of the pandemic. It also allows awarding organisations to offer qualifications and assessments as usual and/or in an adapted form.

The Extended ERF takes a permissive approach to adaptation of qualifications and assessments for 2020 to 2021. Awarding organisation must consider each of their relevant qualifications to decide whether any adaptations are appropriate where, for example, qualifications and assessments cannot progress as they normally would. However, awarding organisations are not required to make adaptations if it is not appropriate to do so.

The ERF will continue to apply to adaptations leading to results in summer 2020 and any appeals. It also applies to any autumn assessment opportunities that are provided in accordance with VTQCov10 (assessment opportunity in autumn 2020). The Extended ERF does not apply to any of those instances.

However, when the Extended ERF is brought into force, it will apply going forwards. Awarding organisations will need to review their qualifications and consider whether any adaptations are appropriate. Where an awarding organisation chooses to maintain, going forward, an adaptation originally made under the ERF, the Extended ERF will apply to that adaptation.

The Extended ERF conditions, requirements and guidance apply in addition to the GCR, and to any relevant Qualification Level Condition (QLC) or Subject Level Condition (SLC). However, where there is any conflict between the conditions and an awarding organisation is not able to comply with the GCR, QLC or SLC, they must comply with the Extended ERF instead.

The Extended ERF will be in force temporarily. We will review when it is appropriate for it to no longer apply and will continue to engage with awarding organisations and other stakeholders in that regard.

We recognise that there may be a need for some assessments to be rescheduled if there are local lockdowns, which lead to centres closing or to learners being unable to travel to centres, or if some industries or sectors are unable to operate because of changes in public health or other guidance. This is not however the same situation we faced earlier in the year when a national lockdown led to the widescale cancellation and delay of assessments. The Extended ERF therefore does not make provision for awarding organisations to mitigate the impact of the pandemic by delaying their assessments.

We recognise however that the future course of the pandemic is unknown and we will keep our regulatory arrangements under review so that we can respond to any change in circumstances.

We plan to issue further guidance around the issues related to guided learning after discussion with other stakeholders.

Equalities impact assessment

In our consultation, we set out our assessment of the potential impact of our proposals on particular groups of students, including those with protected characteristics.

We asked:

Question 12: Are there other potential positive or negative equality impacts that we have not explored? If yes, what are they?

Question 13: Do you have any views on how any potential negative impacts on particular groups of learners could be mitigated?

Responses received

One hundred and seventy-five respondents provided comments in response to question 12 and 223 respondents in response to question 13.

Question 12

Many respondents confirmed or reinforced points we had included in the consultation equality impact assessment.

Access to digital resources

A number of respondents made comments relating to the potential disadvantage faced by students who were not able to access remote learning or assessments and the impact of the digital divide. They highlighted challenges around accessing technology to study and complete assessments at home, including the cost of hardware and software licences, which were most likely to affect disadvantaged learners or learners in rural locations. The variability of access to, and the quality of remote learning while centres have been closed, was also mentioned as something most likely to affect disadvantaged learners.

Respondents said that learners affected in this way may have had limited opportunity to make progress since March and so should be provided with additional support to allow them to catch up on work they had missed.

Learners

Respondents made comments relating to the students who typically take vocational and technical qualifications, noting that these students may be from more disadvantaged groups than those taking general qualifications. Some types of vocational and qualifications are also more likely to be taken by learners with certain protected characteristics. Such learners are also more likely to have other responsibilities, for example caring responsibilities. Learners who are shielding or who have underlying health conditions might also be disadvantaged and be less able to complete assessments in the event of further disruption.

A representative group commented that some groups of learners, such as those taking qualifications in prison settings, could be disadvantaged. They said that these settings are likely to have higher number of learners with special educational needs, who may have limited access to technology, and who could also be more likely to be subject to local lockdowns, where teaching cannot continue, in the future.

Respondents commented that learners with special educational needs could also be affected in the event of further lockdowns, as they may not have access at home to the support they would normally receive from their centre. They said that learners with special educational needs would be less likely to achieve successful outcomes with adapted assessments, particularly if they were taking assessments remotely and were not able to access the support they need to assist with any reasonable adjustments, or difficulties faced during an assessment. Social distancing requirements might also pose challenges where additional time allowed as a reasonable adjustment, in assessments which require contact, such as beauty assessments, could exceed the permitted contact time.

The particular challenges faced by learners with hearing impairments where assessments are conducted remotely by video was also highlighted. They also commented on difficulties that could be faced by some learners accessing online or remote assessments, and that some centres may not be set up to support remote invigilation of learners taking assessments.

We also received feedback that actions, such as staggered start and finish times, to support social distancing, could make it difficult for learners who require additional time or access to teaching assistants to be provided with this support.

Some respondents commented on the potential benefits, that adaptations to assessments could provide, including increasing access to assessment for some (although not all) learners through technology. It was also suggested that the fact that all qualifications are now in scope for adaptations, meant that there should be no reason for any particular groups of learners to be disadvantaged.

Centres

Respondents commented on the challenges presented by the different types of centres that deliver vocational and technical qualifications. They said that the size of the centre could impact on its ability to deliver assessments; with large centres more likely to have put in place arrangements such as staggering attendance, and continuing to offer remote learning, to accommodate large numbers of learners

within social distancing requirements. They commented that the amount of time spent with each learner each week would be limited due to restrictions, which could negatively affect learners, and that learners may be unable to complete the units required within the time available. They also said that access to equipment could be an issue and some schools and colleges may be better set up to accommodate learners within social distancing guidelines than others.

Qualifications

We also received feedback that the structure of qualifications and the order in which assessments are taken could disadvantage some learners. Respondents said that learners taking the same qualification due to complete in 2021 could have different combinations of calculated results and results from assessments either taken normally or in adapted form. There was a need for any constraints on how qualifications can be delivered to be made clear in qualification specifications, so that centres can consider these when planning their delivery. It was also suggested that where work has to be completed at home during lockdown, this would not be at the same level as that which may have been completed in a classroom. Some respondents said that the number of units required to be completed for coursework should be reduced, to take account of the amount of learning that will have been missed by learners.

Respondents made a range of other points about the impact of the pandemic on the delivery of assessments. They said that social distancing and other public health considerations would impact on the delivery of practical assessments. Centres would need guidance on how to manage the increased number of assessments that will need to be held in the next academic year, as a result of delays to summer 2020 assessments. A representative group commented that the key principle for all qualifications should be that learners are able to complete their assessments on a timely basis.

Consistency

A number of respondents made comments about the need to ensure consistency between awarding organisations, and between different qualifications. They said that it would be important that any approach is applied consistently by awarding organisations and the adaptation approach should maintain parity with general qualifications. Respondents asked for qualification level guidance to be provided in a similar way to that being provided in some general qualifications.

Awarding organisations

Awarding organisations said that Principle 1 in the ERF, that prioritises issuing results to as many learners as possible, should be retained in the next draft of the Extended ERF as it could still be relevant in the event of further disruption. It was suggested that if the removal of Principle 1 would mean that an awarding organisation was unable to offer a particular adaptation on the basis that some learners could not access it, (for example, learners working at entry level are less likely to be able to access remote or adapted assessments), this could make adaptation unworkable. They said that greater clarity of this issue would be helpful. The need for different types of adaptation for different learners and the need for mixed approaches within qualifications was also highlighted. One awarding organisation also commented on the need for awarding organisations to monitor the impact of the adaptations.

Certificates

Even though certificates would not indicate whether a learner took an adapted assessment, it was suggested that learners might still be disadvantaged because employers would be able to tell from the date of the certificate that this was the case.

Question 13

A number of ways of mitigating the potential negative impacts on particular groups of learners were suggested by respondents.

Adaptations to qualifications

A large number of respondents made comments about the possible changes to the content and assessment of qualifications. Respondents, including teachers and senior leaders, said that it would be helpful to work with awarding organisations to look at their qualifications in detail and amend or remove criteria that could unfairly disadvantage learners from particular backgrounds. Other approaches to streamlining assessments were suggested including reducing the number of components, reducing the amount of content covered in examinations or removing practical assessments to provide time for learners to catch up. In contrast, one teacher said that it would be important that sections of content are not missed out, as this could disadvantage learners who choose to continue their studies in the specific area covered by that content.

Respondents mentioned other approaches that could be taken in relation to the structure or delivery of qualifications including: registering learners on smaller qualifications, at the same level, than those they had originally intended to take, in order to take account of the reduction in teaching time (although this could lead to a reduction in the breadth of knowledge and skills gained by learners); releasing coursework earlier so learners and centres have as much time as possible to complete it in the event of any further disruption; permitting greater flexibility and variety in terms of how learners are able to produce work for assessment; and changes to practical and performance based assessments, for example, adjusting group performance requirements.

Use of technology

A number of respondents made comments relating to the use of technology and other resources to mitigate potential negative impacts on particular groups of students. They suggested providing disadvantaged learners with devices, or permitting them to use their own, to access remote or adapted learning or assessments. Some respondents said that that remote assessments and remote invigilation could help to ensure that some learners were not disadvantaged by giving them access to assessments.

Mitigating localised disruptions

Some respondents said that there may be a need to consider the award of calculated results for some learners should localised lockdown occur. The risk that more deprived areas were more likely, due to wider socio-economic factors, to be placed under lockdowns, thus further disadvantaging learners, was also highlighted. Making use of teachers' judgements, alongside students' work, and requiring learners to take mock exams, so that there was data available on learners in case they are unable to sit live exams and assessments, were also suggested.

Support for centres

Respondents commented on the need to provide support for centres delivering qualifications, and the need, where possible, for consistent approaches to be taken. They said that that current guidelines appear open to interpretation, that there should be an emphasis on supporting centres with holistic assessment and professional discussions being encouraged, and that clarity was needed about assessment structuring, timings and mark weightings as early as possible. Centres needed to be given sufficient notice of any adaptations to assessments and qualifications so that they can prepare students effectively and provide appropriate support to familiarise them with any adapted methods. They also noted that for online assessments, centres would need flexibility on the timing of assessments to manage resources. It was suggested that the development of any approach would require close consultation with centres to ensure it is feasible to deliver. Guidance and resources should be provided for those unable to access assessments.

Support for learners

Respondents commented on external factors which could impact students' ability to access adapted assessments, such as reliance on public transport to get to centres, and uncertainty around the financial stability of some private training providers and subcontractors.

A number of respondents commented on the need to take account of the needs of learners who cannot access learning in the normal way. This may be, for example, because they are already vulnerable for health reasons, or they need extra time or support due to disability or special educational needs. Respondents also commented on the need to consider the mental health implications of the pandemic on all learners, not just those from disadvantaged backgrounds or with protected characteristics.

The need for an equalities impact assessment to be undertaken before adaptations are made, which should not just consider the direct role of ethnicity, sex, socioeconomic background, disability and other characteristics, but also the interrelationship between prior attainment and each of these characteristics, was also suggested.

It was suggested that some potential negative impacts could be mitigated by paying for tuition for learners who have been disadvantaged.

Special Consideration

We also received some feedback on Special Consideration and the need for the process to be straightforward but to take account of individual circumstances, and to be extended to cover students with special educational needs.

The need to monitor results to ensure that they reflect normal results, to prevent students from being unfairly disadvantaged, was also raised.

Flexibility within the Extended ERF

There were differing views amongst awarding organisations about the level of flexibility needed within the Extended ERF, with some saying that awarding organisations needed flexibility to consider how to adapt assessments to minimise disadvantage, whilst another felt that it would be helpful for Ofqual to provide

guidance on adaptations to help ensure a consistent approach across awarding organisations.

Our decisions

Many of the responses to these consultation questions highlighted issues that we had identified as part of our consultation. They support the need for the introduction of a regulatory framework which permits awarding organisations to make adaptations to their qualifications and assessment to assist in mitigating the longer-term impact of the pandemic so that learners have the opportunity to receive a fair result.

We are taking a range of actions to seek to minimise these issues as far as is possible, which we explain below. While these approaches will not completely remove any potential disadvantage in every circumstance, we believe the approaches we have decided on will strike a balance between ensuring that awarding organisations are able to offer adapted assessments that are valid and are manageable for centres and learners, with ensuring that learners are not unfairly disadvantaged as a result of sharing a protected characteristic, through their socio-economic circumstances, or by being a member of a particular group.

Approach to adaptations

As set out earlier in this document, we have decided that in 2020 to 2021, awarding organisations who cannot offer an assessment as planned, should consider making an adapted version of the assessment available, in line with the Extended ERF. In recognition of the variety of qualifications, assessments and different delivery models available, we have decided not to be prescriptive about how awarding organisations adapt assessments. Had we decided to apply a single approach to adaptations, this could have led to an approach that was more appropriate to some qualifications and learners than others, which could have disadvantaged some learners. By allowing flexibility of approach, awarding organisations will be able to consider what type of adaptation is most appropriate for the learners taking their qualifications.

This means that the primary responsibility for ensuring that adapted assessments do not impose unjustifiable disadvantages on learners with protected characteristics rests with awarding organisations.

Many of the points made by respondents, as outlined in the sections above, relate to the types of adaptations that awarding organisations may make to their qualifications, rather than the broad regulatory framework which we have provided to facilitate adaptation. Awarding organisations should therefore consider the points made by respondents to our consultation as part of their own equalities' analysis.

Additionally, our proposed Extended ERF does not require awarding organisations to make adaptations where it does not consider it appropriate to do so. This means that awarding organisations will be able to take account of any potential disadvantage on any groups of learners when considering whether to make adaptations.

While we have set out that as far as possible, we would expect to see consistent approaches across similar qualifications, we have not prohibited awarding organisations from making different types of adaptation available. This means that awarding organisations will be able to take account of the needs of their learners, including those with protected characteristics, to design adapted assessments that are as accessible as possible to all learners taking their qualifications. Awarding

organisations may choose to take different adaptation approaches for different centres or learners, to ensure that as far as possible, learners are not disadvantaged.

We have set requirements for adaptations which awarding organisations must follow, providing examples of some adaptations that may be appropriate. We are proposing to set out, for example, that adaptations could include changes to the way assessments are delivered, such as using online instead of paper-based tests, allowing simulations instead of practical simulations, or amending work-place requirements. While these adaptations will not completely remove the risk of some learners being disadvantaged, it is likely that such adaptations could help ensure that learners can continue to access assessments, and in some cases, may allow such learners to better access assessments, for example, if a disability may previously have prevented them from accessing a work placement.

Obligations under Extended ERF

Under the Extended ERF, we have set a number of obligations on awarding organisations, which will help ensure that the needs of learners are considered. In particular, we are proposing to require that under the Extended ERF, awarding organisations ensure that any adaptations they make to qualifications are sufficiently transparent to meet the reasonable needs of users of the qualification.

We will require awarding organisations to keep a record of any adaptations they make, and the rationale for the decisions it has taken. Awarding organisations will need to provide this record to Ofqual on request. This will mean that Ofqual is able to hold awarding organisations to account for any adaptations they make, and where adaptations are not made in accordance with our regulatory framework, including where an adaptation introduces a disadvantage to learners with particular characteristics which cannot be justified, we would be able to take action against that awarding organisation.

As part of the Extended ERF, we are proposing to set a requirement relating to equalities considerations, that awarding organisations must ensure that, in any approach to adaptations, they minimise bias as far as is possible. This means that they will need to ensure that the assessment does not produce unreasonably adverse outcomes for learners who share a common attribute. The Extended ERF will also highlight the other obligations that awarding organisations must meet under the General Conditions of Recognition, which we explain in more detail below.

General Conditions of Recognition

The Equality Act 2010 imposes obligations directly on awarding organisations. Awarding organisations will need to ensure that they comply with their duties under the legislation in deciding whether to adapt any of their qualifications and what adaptations to make

Our General Conditions of Recognition (GCR) set out a number of obligations, in addition to those imposed by equalities legislation, on awarding organisations. The GCR will apply in addition to the Extended ERF. In particular, General Condition D2 requires that awarding organisations ensure that they comply with the requirements of equalities law in relation to each of the qualifications which it makes available. They must monitor their qualifications to identify any feature that could disadvantage learners with a protected characteristic and remove those features where they

cannot be justified, or maintain a record of such features which it believes are justified.

Condition D2 mirrors the idea in equalities law that there will be some cases in which the design of a qualification leads to a disadvantage to persons with protected characteristics, but that the disadvantage can be justified in the circumstances. This means that, even though Principle 1 from the ERF has not been included in the Extended ERF, there may be some cases in which an awarding organisation considers that a particular adaptation is justified even though some learners could not access it. Under equalities law, the primary responsibility will be on awarding organisations to consider whether adaptations are justified.

Additionally, the General Conditions require that awarding organisations ensure their assessments permit reasonable adjustments to be made whilst minimising the need for them, and set a requirement, under General Condition G6 for awarding organisations to have in place clear arrangements for making reasonable adjustments in relation to qualifications which it makes available.

Other factors

In addition to the factors set out above, awarding organisations are not prevented from delivering qualifications and assessments as normal, where this is possible and where they don't consider that any adaptations are appropriate. For many vocational and technical qualifications, assessments are made available on a rolling basis, multiple times each year. This means that in many cases, if a learner is unable to take an assessment, either as a result of being in a particular group, sharing a protected characteristic, or for some other reason, they may be able to take their assessment at a later date.

Regulatory oversight

While the steps we have taken and which are outlined above will go some way to minimising the disadvantage faced by some groups of learners, it may not be possible to completely remove any disadvantage in all cases. As part of our ongoing regulation of awarding organisations, we will monitor the approaches they put in place, and will take action where necessary.

We are also seeking further views on any additional steps we could take as part of our second consultation on the Extended ERF. This includes our [guidance on adaptation](#) and we would welcome further views on this.

Where the issues identified are outside the scope of Ofqual regulation, we will work working with partners, stakeholders, other regulators and government towards a coordinated system-wide approach to address the risks impacting on learners' results.

Regulatory impact assessment

In our consultation we recognised that some of our proposals may have a regulatory impact. We asked respondents whether there were any regulatory impacts, costs or benefits associated with the implementation of the framework that were not identified in the consultation. We also asked what additional costs might be incurred through implementing the framework, or conversely whether and where any costs might be

saved. Finally, we asked if there are any additional or alternative approaches we could take to minimise the regulatory impact of our proposals.

We asked:

Question 14: Are there any regulatory impacts, costs or benefits associated with the implementation of our proposals that are not identified in this consultation? If yes, what are they?

Question 15: What additional costs do you expect you will incur through implementing our proposals? Will you save any costs? When might these costs and savings occur? Please provide estimated figures where possible.

Question 16: Are there any additional or alternative approaches we could take to minimise the regulatory impact of our proposals?

Responses received

Ninety comments were received in response to question 14, 190 comments were received in response to question 15, and 70 in response to question 16.

Question 14

The majority of responses to question 14 acknowledged that the impacts, costs and benefits that were identified in the regulatory impact assessment in the consultation were relevant and stated that they could not identify anything additional.

Many referenced and/or reinforced the detail we had already included in the consultation when providing their response.

Learners

We also received comments highlighting the pressure and potential impact on mental health of learners (and staff) of dealing with continued changes to learning environments, timetables, course content and assessment methods, challenge around offering work experience, and in some cases, the continuing delay of assessments. One centre raised the concern that if appeals are delayed or take a longer period of time, that this will impact more on student progression opportunities.

We also received feedback that little consideration had been given in the regulatory impact assessment as to the impact on learners with SEND and those who are disadvantaged

Centres

Some centres were concerned about the impact of reductions in funding. The need to purchase additional PPE was also raised by several centres as an extra cost. Other extra costs identified were around modification of spaces used for teaching or assessment, and additional staff time where additional teaching is required, or assessment takes longer to deliver, either because of the assessment design itself, or because of needing to meet public health requirements, for example, around social distancing and classroom bubbles. A number of respondents suggested that additional funding should be made available to centres and to awarding organisations to help deal with the additional impacts and costs. It was also suggested that there might be greater flexibility around ESFA funding/claim requirements. One school suggested that the costs of any retakes should be covered, so that all schools can access retake opportunities.

Awarding organisations

Awarding organisations agreed with the costs we had identified in the consultation. These were costs related to the development and implementation of adapted assessments and associated quality assurance systems, the development and implementation of new guidance and processes and providing support for centres; building technological capacity and implementing remote invigilation; managing an increased number of appeals or enquiries; the administrative burden caused by engagement with the regulator on a number of different regulatory frameworks; reviewing qualifications to determine suitable adaptation approaches; and the costs around developing similar approaches to adaptation for similar qualifications.

Some awarding organisations noted potential benefits from any increase in the accessibility of assessments, although a small number noted that this may still require investment in technology. Investments in other innovations by awarding organisations could also help with continued development of their qualifications with further returns in the future.

Some awarding organisations identified a range of additional impacts and costs including: the costs of engaging with sector or professional bodies; the need to take account of the individual circumstances of awarding organisations, especially if similar approaches were expected for similar qualifications; implementing adaptations that would add cost without providing additional revenue; and a reduction in the capacity to undertake other work or business development.

A number of awarding organisations suggested that if there are any delays to decisions, or any further changes to the regulatory frameworks within which they were operating, that this will have a prolonged impact on what they can deliver, when and how. Several also noted the challenges of operating for any length of time under multiple frameworks.

Several other suggestions were made, or queries raised, around managing some impacts and costs. These were: whether potential burden around Special Consideration could be eased by allowing Special Consideration to be given at a class or centre level, rather than only at candidate level; the need for Ofqual to provide more guidance to awarding organisations on managing the impact of decisions on centres, and to ensure, when planning other non-coronavirus (COVID-19) related work, that it takes into account the disruption and impact being felt by awarding organisations of operating under an additional regulatory framework.

It was noted that whilst the Extended ERF is a temporary measure, Ofqual should not see investments and amendments made now as temporary fixes, but as steps towards changed ways of working in the future.

Question 15

Some respondents said that either they could not state any costs or savings or did not know/could not predict them at this point. More than 20 respondents said that they thought it was unlikely or did not expect that there would be any savings.

A number of respondents commented that the timeframe of the consultation did not allow for any detailed cost-saving analysis to take place and few respondents felt able to provide estimated figures. It was suggested by a representative body that a further survey of awarding organisations should take place to explore their costs in

more detail, particularly once more of the detail of the Extended ERF framework has been clarified.

Learners and centres

Potential additional costs around the delivery of assessments identified by centres related to the need for more PPE for students, increased amounts of cleaning of facilities, increased home insurance costs for staff who continue to work at home, the costs of administering additional assessments, and of supporting staff to deliver assessments in alternative ways; the provision of access to equipment and/or resources (such as food or textiles) for assessment which would normally be done using equipment and materials at school but which can now be completed outside of direct supervision; the need to find additional space for teaching and assessment in order to meet social distancing requirements, and also additional staff to cover where classes are split.

Additional time would be needed for: planning and administration; creation of new supporting materials and guidance; development of adaptations and their implementation and delivery; teaching time to deal with changes in content and assessment as well as to catch up on lost time; and supporting students' individual needs as they return from a long break from school to an adapted approach to learning and assessment. One teacher estimated an increase in costs to their centre of around £200 per 50 students.

A small number of respondents indicated that there would be continuing costs to mental wellbeing, with increasing concerns on the mental health of both staff and students in centres.

A small number of respondents indicated they expected some losses to be incurred, such as a reduction in student numbers, delays in the receipt of funding due to extended completion times and a fall in funding if completion rates drop. One respondent pointed to potential future lost earnings for students who are unable to complete qualifications. Another respondent noted that centres may have already paid for things such as licences related to performances that would not be able to be utilised even under adapted assessment conditions.

Some respondents identified potential savings. The potential for savings on travel expenditure was noted, although many countered this by also expecting additional costs in other areas which would offset any savings made. Other savings were related to the move away from face to face to remote standardisation or quality assurance and completion of coursework at home instead of in centre.

One centre anticipated that if coursework is used in place of exams that they might save £15,000 as the cost of preparing students for exams.

Awarding organisations

Some potential additional costs were identified by awarding organisations including: the need for awarding organisations and their centres to invest in technology to support continued remote delivery and new or adapted approaches to assessment; training required for awarding organisation and centre staff and students to accustom them to new technologies, ways of working and ways of being assessed; the development of new materials, or updates to existing materials, and the associated costs of distributing them including photocopying, printing and postage; the

development of new assessment methods or processes; the review of existing assessment papers and tasks, and any associated costs of making changes.

Several respondents warned that while it might appear that savings could be made from the move to putting more assessment or quality assurance online, there would need to be the same amount of work undertaken, it would just need to be done differently.

Respondents also highlighted that a significant cost related to time. Several awarding organisations noted that they required time to maintain an understanding of the regulatory requirements being placed on them, and to ensure colleagues and their centres also understood.

Two awarding organisations provided estimates of some specific costs. One stated that to run proctoring software for 2020 to 2021 – post an initial investment this year – would cost around £32,000, and that there would be ongoing staff costs on top of that to ensure they could provide adequate support to centres. Another awarding organisation estimated the cost provided related to the proposed requirement to record the adaptation decision for each qualification, estimating that it was likely to cost them in the region of £2000-£4000 in staff time. Other awarding organisations also noted the increase in burden that this activity would impose.

Several awarding organisations also noted the pressures that their staff were under to develop and implement changes in a short space of time. It was noted by one respondent that awarding organisations were having to put other business-critical work on hold to deliver the work around coronavirus (COVID-19), but that without carrying out the other business-critical work or being able to identify opportunities, there was pressure on the future of some organisations. Another respondent noted that many of the costs incurred under the Extended ERF would not lead to additional revenues for awarding organisations.

Other potential issues raised related to an anticipated increase in the number of retakes (which might lead to an increase in awarding organisation income); the need for additional communications and support between awarding organisations, centres and students; the implementation of changes to standardisation and external verification or moderation procedures; the possibility of an increase in fees by awarding organisations to cover the cost of remote invigilation which moves the onus on organising and paying for invigilation from centre to awarding organisation.

Question 16

Seventy comments were received in response to question 16. More than a third of the respondents commented to say they could not think of anything to add. Where respondents made comments, the key themes were related to communication and engagement, the design of qualification content and assessment, and the need for flexibility but also stability.

Learners and centres

A small number of school representatives (teachers and SLT) said that it is important to talk to teachers and curriculum leaders to continue to understand impacts and potential impacts of adapting assessments and teaching, and to also engage with students who are due to sit assessments.

With regards qualification design, a small number of respondents (students, teachers and school representatives) stated that the amount of content to be studied should

be reduced. A similar number suggested there should be fewer assessments – some suggested that students should not be required to undertake both coursework and exams, one said that exams could be changed to be modular rather than linear and another said that coursework should be allowed to be completed at home. One suggested that exams could be made easier to reflect limited learning. It was also suggested that teachers should be engaged, as has been done with GCSE, to determine which content should be retained in their subject areas.

A small number of respondents raised concerns around requirements for employer engagement and suggested this should not form a requirement of qualification design in coming years because of the challenges centres will face in engaging employers and in delivering activities under current restrictions. Also, with regards employer engagement, one school respondent noted that capacity and delivery fund requirements should be included in considerations to ensure that any changes to requirements made by awarding organisations can be incorporated and still covered by the funding.

We received a number of comments around adaptations to assessment, including the need for guidance for centres to be specific and detailed. One respondent also suggested that centres should be able to make adaptations with awarding organisations offering a checking service to ensure suitable assessments were being offered.

There was support for the use of remote observations, while others suggested reducing internal verification requirements, extra assessment windows or flexible requirements relating to work-related skills including working with employers to ensure they are able to conduct their own checks.

The comments on adaptations often cited the importance of flexibility, to be able to meet centre needs and be deliverable, while recognising different centre and awarding organisation capabilities. The need for flexibility to account for potential localised lockdowns was also raised. Several awarding organisations noted that while qualifications might be similar, flexibility in the Extended ERF was important to allow for where there are variations in design and delivery.

However, in contrast, a number of respondents said that approaches should be standardised where qualifications and assessments are similar in order to ensure consistency while the system is reacting to different challenges. Several schools called for parity between qualifications. It was suggested by a small number of respondents that although Ofqual should allow awarding organisations to make design decisions with some flexibility, we should take control to ensure a level of consistency.

The impact of making adaptations to assessment on hours of guided learning was also raised, for example if additional safety measures were required or assessment is carried out differently – and how this might be managed within centres.

One respondent noted the need to take account of the Northern Irish term times when making decisions about arrangements for 2020 to 2021. The need to establish the position for vocational qualifications quickly so that there isn't too big a gap between information being provided for A levels/GCSEs and other qualifications in terms of planning for upcoming terms was also raised.

Awarding organisations

We received some suggestions around how Ofqual could communicate with awarding organisations, alongside formal meetings, and to use a single source for requests to awarding organisations with a clear timeline of key dates and requirements. Several respondents said that there was need for more working groups, including working with existing sector groups or bringing awarding organisations offering similar qualifications together in order to try to streamline approaches within sectors and to communicate relevant issues specific to certain groups.

We were also asked to provide clarity on when the Extended ERF applied, to consider having a single regulatory framework in operation, and to recognise the differing impact on different awarding organisations. It was also suggested that Ofqual should make some requirements less prescriptive in order to help awarding organisations meet the intended outcomes.

The need to balance the need to avoid delaying assessments with the costs of introducing alternatives was also mentioned. It was suggested that, in order to ease the burden on individual awarding organisations, it might be possible for rationales and risk assessments relating to adaptations in similar assessments to be shared across awarding organisations.

Other comments

Some respondents commented on how long the Extended ERF should be in effect, and whether it should look ahead beyond 2020 to 2021 to provide stability for awarding organisations or because those students starting two-year courses this September will also be facing a number of challenges and adapted assessments in year one of their course which will impact completion in year two. A representative body said it would be important to be able to continue to mitigate against unknown, future impacts of coronavirus (COVID-19).

We received a number of suggestions around awarding. These included awarding some grades to students now, so that students can focus on study and assessment in key subjects, allowing centres to submit centre assessed grades now for the completion of year 12, and continuing the use of predictions and allocating calculated results on a different basis to this year.

A number of other systemic changes to the system were suggested including reducing the cost of resits in recognition of the likely increase in the number of people resitting assessments, developing a single awarding organisation offering a range of academic and technical qualifications, and the provision of additional funding for awarding organisations to help them to implement the Extended ERF.

It was also suggested that Ofqual sets a target around engagement from the awarding organisations and monitors against it while the Extended ERF is in place.

Our decisions

The responses to these questions confirmed the potential impacts we had identified in our initial regulatory impact assessment in the consultation.

Learners and centres

In terms of the potential impact on centres, the impact is likely to vary depending on the size and type of centre, the qualifications it offers and the awarding organisations it works with. We are proposing, as part of the Extended ERF, that awarding organisations must provide effective guidance to centres, in relation to that which it may reasonably require in relation to an adapted VTQ assessment.

The impact on a particular centre is also likely to vary. For some centres, a move to remote assessments and invigilation may not pose a significant burden, where they are already equipped to offer such assessments, and a move to remote invigilation may lead to cost savings. For others, there may be increased costs initially, in terms of the provision of equipment and resources, and also wider costs relating to things like managing social distancing requirements, which are likely to be required alongside adapted VTQ assessments. It is possible however that any changes made in response to adaptations under the Extended ERF could lead to savings in future where awarding organisations decide to continue to apply such approaches.

We are proposing to put in place guidance for awarding organisations which, while not prohibiting any form of adaptation, will require the awarding organisation to consider how practicable its approach is to implement.

In addition, we are seeking, where possible for awarding organisations to adopt consistent approaches, and are proposing to put in place guidance which sets this out. By encouraging consistency where possible, we hope that awarding organisations will be able to mitigate some of the potential impact on centres. Our guidance also sets out that awarding organisations should be mindful to streamline and coordinate their communications to centres so that they are not over-burdensome and that communications should be clear and timely. In addition, our guidance will also set out that awarding organisations should work with centres to ensure that adaptation approaches are clear and acceptable for each qualification they are offering.

In addition to the requirements and guidance we propose to put in place as part of the Extended ERF, awarding organisations must continue to meet the requirements of the General Conditions of Recognition. These include, for example, a need to ensure that their qualifications are manageable, and place only reasonable demands on centres and learners. We also require awarding organisations to provide information to centres relating to delivery of its qualifications, and to ensure that assessments can be delivered efficiently. These requirements apply to all qualifications and assessments we regulate, and we will monitor awarding organisations' approaches to meeting these requirements as part of our ongoing regulatory activities.

In addition to those impacts identified, we recognise that there are impacts that are outside the scope of Ofqual regulation. For example, some of the costs associated with meeting government guidelines in relation to social distancing within centres do not arise as a result of the requirements set out in the Extended ERF. Additionally, decisions relating to funding for learners and centres, which could impact on the provision of resources and technology to access adapted assessments, are outside the scope of our regulation.

We will work with partners, stakeholders, other regulators and government towards a coordinated system-wide approach to address these other issues impacting on learners' results.

Awarding organisations

As identified in our initial impact assessment, and through the responses to the consultation, there are likely to be a number of regulatory impacts, both positive and negative on awarding organisations, as a result of the arrangements they put in place in response to the Extended ERF.

The Extended ERF covers a wide range of qualifications, offered by many awarding organisations, including a number of different qualification delivery models and assessment types. As such, we have not prescribed a single approach to adaptation of assessments, as we consider that awarding organisations are best placed to determine the appropriate adaptations for the assessments they offer. In doing so, we would expect them to consider a range of factors, which could include those relating to the manageability and impact of any decisions they take.

In making any changes, there are likely to be costs and benefits, and some of these are likely to be short term, and others longer term. We recognise, for example, that moving to online assessments and allowing approaches such as remote invigilation is likely to have an upfront cost, as awarding organisations may have to invest in systems and technology to allow for these approaches to be taken. There may also be additional costs for staff familiarisation and training for centres. The extent to which this is the case will depend on the specific awarding organisation and qualifications it offers. Some awarding organisations, for example, already use online assessment and remote invigilation approaches, therefore the cost for them of implementing such an approach is likely to be lower than for an awarding organisation which currently only offers paper-based assessments.

As part of the Extended ERF, we are proposing to require that an awarding organisation must act only within the limits of its capacity and capability. Therefore, we would expect an awarding organisation to consider what it is able to do, and act within this. We are not setting a requirement that would require it to go beyond what it is able to deliver. We are proposing to put in place guidance, for example, in relation to remote invigilation which sets out that awarding organisations must consider the capacity of the awarding organisation and Centres to operate the relevant systems and processes as intended.

We recognise the challenges facing awarding organisations as a result of the pandemic. While the Extended ERF may impose additional burdens, we have sought to minimise these as far as is possible, by allowing as much flexibility as we can, while still ensuring the qualifications being delivered are valid. While there will be cost implications of developing and delivering adapted assessments, there will also be savings as a result of new approaches. Our approach will allow awarding organisations to tailor their approaches as they see fit.

While we acknowledge there are likely to be increased costs for awarding organisations and centres in meeting the proposed Extended ERF, Ofqual's aim is to ensure that learners taking qualifications in 2021 are not disadvantaged by the pandemic and we consider that the Extended ERF is a proportionate means of achieving this. It strikes a balance as far as possible, between the need to ensure qualifications are valid, with them being manageable for awarding organisations and

centres. The flexibility we have allowed will mean that awarding organisations, who are best placed to make these judgements for their own qualifications, will be able to tailor their approaches for their individual qualifications and centres.

We recognise as well that awarding organisations are still working through the implications of offering adapted assessments in line with the proposed Extended ERF, so may not, to date, have been able to fully consider the impact. We are seeking further information through our second [consultation on arrangements for 2020 to 2021](#) and would encourage awarding organisations to respond to provide as much information as they are able to.

Implementation timescales

We plan to consult on a revised draft version of the Extended ERF in September and to publish the final version by the end of the month.

As we set out in the consultation, our intention is for the Extended ERF to apply during 2020 and 2021.



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