

REGULATIONS

# Draft Extended Extraordinary regulatory framework: Vocational and Technical Qualifications, COVID-19 Conditions and Requirements

August 2020  
Not yet in force

**ofqual**

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## About this document

This document is part of a suite of documents which sets out our regulatory requirements for awarding organisations offering vocational and technical qualifications following summer 2020. In May 2020, Ofqual published the 'Extraordinary regulatory framework: Vocational and Technical Qualifications, COVID-19 Conditions and Requirements' ("the ERF"). The ERF put in place a framework to facilitate the issue of results in summer 2020 to Learners taking vocational and technical qualifications in circumstances where normal assessments were disrupted by the Covid-19 pandemic. This framework follows on from the ERF by allowing awarding organisations to adapt their qualifications in 2020 and 2021 in recognition of the fact that although assessments may take place after summer 2020, learners will have experienced disruption to teaching and learning because of the pandemic.

## Requirements set out in this document

This document sets out Extended VTQ Covid-19 Conditions. These conditions come into effect at [time] on [date] for all vocational and technical qualifications as defined in Condition ExtVTQCov1.8.

It also sets out our requirements in relation to the following:

- the Adaptation of vocational and technical qualifications
- the principles to be applied by awarding organisations when Adapting vocational and technical qualifications
- with respect to all vocational and technical qualifications to which the conditions set out in this document apply, save to the extent set out in those conditions, awarding organisations must also comply with:
  - our *General Conditions of Recognition*,<sup>1</sup> which apply to all awarding organisations and qualifications; and
  - all relevant Regulatory Documents<sup>2</sup>

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<sup>1</sup> [www.gov.uk/government/publications/general-conditions-of-recognition](http://www.gov.uk/government/publications/general-conditions-of-recognition)

<sup>2</sup> [www.gov.uk/guidance/regulatory-document-list](http://www.gov.uk/guidance/regulatory-document-list)

**Condition ExtVTQCov1 Application, Interpretation and definitions**

**Application**

- ExtVTQCov1.1 The ExtVTQCov Conditions apply –
- (a) to all VTQs, except in circumstances where the VTQCov Conditions apply, and
  - (b) until such date as is specified in, or determined under, any notice in writing published by Ofqual under this condition.
- ExtVTQCov1.2 Any such notice published by Ofqual may –
- (a) be issued in respect of one or more –
    - (i) VTQs, or
    - (ii) ExtVTQCov Conditions,
  - (b) be varied or withdrawn by Ofqual at any time prior to the date specified in or determined under it, and
  - (c) contain any transitional and saving provisions that Ofqual considers appropriate.
- ExtVTQCov1.3 An awarding organisation must comply with the requirements of any transitional and saving provisions contained in a notice published by Ofqual under Condition ExtVTQCov1.2.

**Interpretation and definitions**

- ExtVTQCov1.4 Unless alternative provision has been made in Condition ExtVTQCov1.8, the following shall apply to the ExtVTQCov Conditions –
- (a) the rules of interpretation and definitions outlined in General Condition J1,
  - (b) the definitions outlined in the Qualification Level Conditions and the Subject Level Conditions.
- ExtVTQCov1.5 Except in the circumstances described in Condition ExtVTQCov1.6, the requirements imposed by the ExtVTQCov Conditions apply in addition to the requirements imposed by the General Conditions of Recognition and any relevant Qualification Level Conditions and Subject Level Conditions.

- ExtVTQCov1.6 To the extent that there is any inconsistency between –
- (a) a requirement of an ExtVTQCov Condition, and
  - (b) a requirement of a General Condition of Recognition, a Qualification Level Condition or a Subject Level Condition,
- such that an awarding organisation could not comply with both such requirements, the awarding organisation must comply with the requirement of the ExtVTQCov Condition and is not obliged to comply with the requirement of the other Condition.
- ExtVTQCov1.7 Unless the context suggests otherwise, in the ExtVTQCov Conditions references to a 'result' means a result for a unit or the VTQ, as relevant.
- ExtVTQCov1.8 In these Conditions the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

### **Adaptations**

Any changes made by an awarding organisation to a VTQ that it makes available, including changes to the design, setting, delivery or marking of an assessment.

### **Private Candidate**

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

### **Qualification Level Condition**

Any Qualification Level Condition that applies to a VTQ.

### **Relevant Centre**

In relation to a Learner, a Centre –

- (a) with which the Learner is registered, and
- (b) which materially contributed to the preparation of the Learner for the assessment (whether through teaching or instruction provided by Teachers employed by it or otherwise).

### **Subject Level Condition**

Any Subject Level Condition that applies to a VTQ.

### **Technical Advice Notice**

Advice provided by Ofqual to an awarding organisation in writing in relation to any matter relevant to the ExtVTQCov Conditions.

**VTQ**

A qualification which is not any of the following –

- (a) a GCSE qualification,
- (b) a GCE qualification, or
- (c) an EPA qualification.

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**Condition ExtVTQCov2 Reviewing and Adapting VTQs in 2020/2021**

- ExtVTQCov2.1 In respect of each VTQ which it makes available, an awarding organisation –
- (a) must consider whether it is appropriate to Adapt the qualification for Learners taking it in 2020 and/or 2021 in order to mitigate any disruption caused by the Covid-19 pandemic to teaching, learning and delivery of assessments in relation to the qualification for those Learners, and
  - (b) where it considers it appropriate to do so on that basis, may Adapt the qualification.
- ExtVTQCov2.2 Where an awarding organisation Adapts a VTQ under Condition ExtVTQCov2.1(b), it must take all reasonable steps to do so –
- (a) in compliance with any requirements, and
  - (b) having regard to any guidance,
- which may be published by Ofqual and revised from time to time.
- ExtVTQCov2.3 Where an awarding organisation Adapts a VTQ under Condition ExtVTQCov2.1(b), it must take all reasonable steps to –
- (a) comply with the principles published by Ofqual and revised from time to time, and
  - (b) only where there is a conflict between two or more of those principles, achieve a balance between those principles in line with any requirements published by Ofqual and revised from time to time.
- ExtVTQCov2.4 An awarding organisation must ensure that any Adaptations that it makes to a VTQ under Condition ExtVTQCov2.1(b), are sufficiently transparent to –
- (a) preserve public confidence in the qualification, and
  - (b) meet the reasonable needs of Users of the qualification.

**Condition ExtVTQCov3 Keeping a record of decision-making**

- ExtVTQCov3.1 In relation to a VTQ which it makes available, an awarding organisation must –
- (a) maintain a record, as relevant, of –
    - (i) the review undertaken under Condition ExtVTQCov2.1(a) and its decision as to whether it is appropriate to Adapt the qualification under Condition ExtVTQCov2.1(b),
    - (ii) the decisions it has made in Adapting the qualification in compliance with the requirements, and having regard to the guidance, published under Condition ExtVTQCov2.2,
    - (iii) how it has complied with Condition ExtVTQCov2.3, including, in particular how it has sought to balance compliance with the principles in line with Condition ExtVTQCov2.3(b),
    - (iv) the rationale for the decisions referred to in subparagraphs (i) to (iii) of this Condition, and
    - (v) any other information specified in any requirements that may be published by Ofqual and revised from time to time, and
  - (b) maintain that record in a form specified in any requirements that may be published by Ofqual and revised from time to time, and
  - (c) provide that record to Ofqual upon request.



**Condition ExtVTQCov4 Information to be provided to Centres**

- ExtVTQCov4.1 An awarding organisation must provide effective guidance to a Centre which the Centre may reasonably require in relation to an Adapted assessment for a VTQ which the awarding organisation makes available.
- ExtVTQCov4.2 In respect of a VTQ to which it has made Adaptations under Condition ExtVTQCov2.2(b), an awarding organisation must establish, maintain and comply with arrangements which –
- (a) must require details of those Adaptations to be provided upon request to –
    - (i) a Relevant Centre (on a Learner's behalf), and
    - (ii) a Private Candidate, and
  - (b) may require that information to be provided upon request to a Learner who is not a Private Candidate.
- ExtVTQCov4.3 The arrangements must –
- (a) provide sufficient information, and
  - (b) allow a reasonable time,
- for Learners and Centres to consider whether to request an appeal under Condition I1.
- ExtVTQCov4.4 The arrangements may –
- (a) provide that the awarding organisation shall only provide the relevant information on payment of a fee,
  - (b) specify other reasonable requirements for the making of a request for the information, and
  - (c) specify a time period during which the information must be requested.

**Condition ExtVTQCov5 Technical Advice Notices**

ExtVTQCov5.1 An awarding organisation must –

- (a) have regard to any Technical Advice Notice issued by Ofqual to the awarding organisation, and
- (b) notify Ofqual of how it has complied with Condition ExtVTQCov5.1(a) within the timescale specified in that Technical Advice Notice.

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# Requirements in relation to the Adaptation of VTQs

Condition ExtVTQCov2.2 allows us to specify requirements and guidance in relation to the Adaptation of VTQs taken by Learners in 2020 and/or 2021.

We set out our requirements in relation to the Adaptation of VTQs.

## General requirements in relation to Adaptations

There are a number of ways in which an awarding organisation may make changes to a VTQ which it makes available in order to mitigate any disruption caused by the Covid-19 pandemic to teaching and learning for Learners taking the qualification in 2020 and/or 2021. These include:

- (a) changing the way in which assessments are delivered, for example by using an online rather than paper-based test, or carrying out an assessment remotely rather than face-to-face,
- (b) adapting assessment methods, for example by using a practical simulation in place of an observation, or professional discussion in place of a practical demonstration,
- (c) changing Invigilation requirements, for example by allowing the use of online Invigilation so that assessments can take place in a wider range of settings,
- (d) waiving or adjusting work experience or placement requirements, for example allowing Learners to undertake a shorter period of work experience, or
- (e) changing the way in which a qualification is quality assured, for example by allowing for standardisation or Centre Assessment Standards Scrutiny to take place remotely or on-line.

In all cases, an awarding organisation must ensure that any Adaptations that it makes to a VTQ are in line with the principles set out under Condition ExtVTQCov2.3(a).

In particular, an awarding organisation must take all reasonable steps to minimise risks to validity by ensuring that coverage of the key areas of the construct of the qualification is retained within any Adapted assessment.

An awarding organisation must act only within the limits of its capacity and capability.

Where an awarding organisation does not reasonably consider that any Adaptations that it can make will result in an assessment that provides valid and reliable results, it should not seek to make such adaptations.

## Equalities considerations

An awarding organisation must ensure that in making any Adaptations to a VTQ which it makes available it Minimises Bias, as far as possible.

In all cases, an awarding organisation must comply with the requirements of Condition D2 and Condition G6.

## Professional qualifications and licences to practise

Where a VTQ that it makes available acts as a licence to practise, or is used to give access to a particular profession, an awarding organisation must ensure that it strikes an appropriate balance between –

- (a) maintaining the validity of the qualification in order to meet its objective, and
- (b) making Adaptations to assessments in order to provide the mitigation outlined in Condition ExtVTQCov2.1(a).

In relation to such qualifications, an awarding organisation should err on the side of maintaining the validity of the qualification, even where this means that it is not possible to make Adaptations to it.

We recognise that, depending on the objective of the qualification and the uses to which it is put, professional and sector regulatory and oversight bodies may potentially have a view on permissible Adaptations or other approaches to be taken. They may also play a role in ensuring consistent approaches across awarding organisations offering similar qualifications, or which have a similar objective.

In considering any Adaptations to a VTQ that it makes available, an awarding organisation must have regard to any specific requirements or guidance issued by any relevant professional or sector body.

An awarding organisation must not seek to follow the requirements and guidance issued by such a body where doing so would breach the principles set out under Condition ExtVTQCov2.3(a).

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## Principles to be applied

**[Note: We are considering as part of our ongoing consultation work whether or not the Principles set out below, that have been carried over from the ERF (with some minor drafting changes), remain appropriate in the context of 2020/21 and this extended framework. We are considering the wording of Principle 1 in particular. Our consultation document gives further details of that thinking and welcomes views from respondents to the consultation on potential drafting changes.]**

Condition ExtVTQCov2.3 allows us to specify principles with which an awarding organisation must comply in calculating results and Adapting assessments for VTQs, as well as the balance to be achieved when those principles conflict.

We set out the principles, and the balance to be achieved between them, for the purposes of Condition ExtVTQCov2.3 below.

### The principles

**Principle 1** – An awarding organisation must seek to issue results that –

- (a) meet the requirements of the ExtVTQCov Conditions, and
- (b) in particular, are based on evidence (whether from an assessment or otherwise) which ensures that they are sufficiently valid and reliable,

to as many Learners as possible who are taking a VTQ which it makes available.

**Principle 2** – An awarding organisation must ensure that each result issued to a Learner for an Adapted VTQ which it makes available is as reliable as possible and reflects, as far as possible, the Learner's level of attainment as demonstrated in the assessments for the qualification.

**Principle 3** – An awarding organisation must seek to ensure that its approach –

- (a) minimises burdens as far as possible, and
- (b) is as deliverable as possible, including by Centres and Teachers, with appropriate oversight by Ofqual.

**Principle 4** – An awarding organisation must seek to maintain standards, as far as possible, within the same qualification in line with previous years.

**Principle 5** – An awarding organisation must seek to maintain standards, as far as possible, across similar qualifications made available by the awarding organisation and by other awarding organisations.

## The balance between the principles

The principles are arranged in a hierarchy with Principle 1 at the top and Principle 5 at the bottom.

Where there is a conflict between two or more principles such that compliance with one principle will reduce the degree to which an awarding organisation can comply with another, the awarding organisation must –

- (a) give priority to the principles in accordance with their hierarchy, with the greatest priority being given to compliance with principles further up the hierarchy, and
- (b) without prejudice to the above requirement, secure compliance with all of the principles to the greatest extent possible.

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