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Consultation outcome

Decisions on regulating academic and

technical qualifications at level 3

Updated 30 June 2022

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Introduction

Ofqual consulted, between 24 February and 20 April 2022, on its approach to regulating alternative academic and alternative technical qualifications that will be available at level 3 in England, alongside A levels and T Levels, following the Department for Education's (the Department) [‘Review of post-16 qualifications at level 3 in England.’](#)

Ofqual consulted on proposals intended to strengthen the regulation of these qualifications and bring greater awarding organisation control to those areas of qualification design and delivery that are key to ensuring quality. The consultation set out the proposed approach for:

- alternative academic qualifications, which are those which have the primary purpose of evidencing students' attainment in relation to their course of study, with a view to supporting informed decisions and choices about further study
- alternative technical qualifications, which are those which have the primary purpose of identifying students that who have attained the knowledge, skills and behaviours linked to competence in a given occupation

The approaches proposed were designed to reflect the respective roles of Ofqual, the Institute for Apprenticeships and Technical Education (IfATE) and the Department in the approval, ongoing regulation and funding of these qualifications in future.

This document sets out Ofqual's decisions following the consultation. In reaching these decisions, the following have been considered:

- the consultation responses received

views of stakeholders expressed at events held during the consultation period

- the respective roles and responsibilities of Ofqual, IfATE and the Department in the future level 3 landscape

Summary of decisions

In the areas below, Ofqual sought views on the proposed approaches. As a result of feedback received, Ofqual has made the following decisions:

- to put in place statutory guidance, on which we are now consulting, relating to grading scales for alternative academic qualifications
- to set a specific requirement in relation to titling for alternative academic and alternative technical qualifications, and as a consequence, to disapply General Condition E2.1 (Requirements on qualification titling)
- not to put in place a specific requirement in relation to assessor judgements in directly graded assessments for alternative academic or alternative technical qualifications, but to consider, as part of our work on qualifications in which assessors confirm the acquisition of specified learning outcomes (CASLO) [\[footnote 1\]](#) and the monitoring of our Centre Assessment Standards Scrutiny (CASS) requirements, whether additional controls may be beneficial in this area

Ofqual has decided to implement the following proposals as consulted on:

- for both alternative academic and alternative technical qualifications, to:
 - set requirements for alternative academic qualifications to ensure the assessment is appropriate to the knowledge, skills and understanding being assessed, and to require that awarding organisations explain their approaches to assessment of content for both alternative academic and alternative technical qualifications through assessment strategies
 - require an awarding organisation to develop, follow, and keep under review, an assessment strategy explaining its approach
 - require an awarding organisation to, following a review by Ofqual, comply with any requirements, and have regard to any guidance, specified to it by Ofqual in relation to the qualification
 - set requirements to protect the interests of learners, requiring awarding organisations to inform Ofqual when approval for public funding is withdrawn, to allow Ofqual to decide when the conditions, requirements and guidance for alternative academic and alternative technical qualifications will cease to apply, and require awarding organisations to comply with any additional requirements Ofqual specifies for qualifications for which approval for public funding has been withdrawn

- additionally, for alternative academic qualifications:
 - in relation to qualification purposes,
 - to specify general purposes (A to E), and require awarding organisations to explain the specific purposes of each of their qualifications, and how they will design their qualifications to fulfil those purposes
 - where it is not possible for a qualification to fully meet all of the general purposes, to require awarding organisations to prioritise them in the order (A to E) in which they are specified
 - to disapply General Conditions E1.1 and E1.2 (Qualifications having an objective)
 - in relation to Assessment by Examination [\[footnote 2\]](#),
 - to require a minimum of 40% of the contribution to the overall qualification is through Assessment by Examination
 - to require that only awarding organisations will be permitted to mark Assessments by Examination
 - to require awarding organisations to provide up to 2 opportunities on set dates for students to take Assessment by Examination in each academic year
 - not to specify the dates for Assessment by Examination for alternative academic qualifications
 - to allow awarding organisations to apply for exemptions from the requirement for all students to sit Assessment by Examination simultaneously and the limit of 2 assessment series on set dates, where an alternative approach would provide for more valid approaches to assessment
 - in relation to non-exam assessment,
 - to require awarding organisations to set non-exam assessments
 - to require awarding organisations to limit centres' submission of non-exam assessment outcomes to 2 windows in each academic year
 - not to require windows for the submission of non-exam assessment marks to align with the availability of Assessment by Examination for alternative academic qualifications
 - to set a requirement that would explicitly allow, for students retaking non-exam assessment, awarding organisations to consider both new evidence or a revised version of evidence which has previously been submitted
 - to allow non-exam assessments to be marked or assessed by one of: the awarding organisation, a Centre, or a combination of these approaches
 - in relation to standard setting:
 - to require awarding organisations to ensure their approach to the setting and maintenance of standards promotes consistent standards within each qualification over time and supports, where possible, comparability between qualifications in similar subject areas
 - to require awarding organisations to explain in their assessment strategies their approach to nested qualifications

- not to set additional design requirements for alternative technical qualifications but to work with IfATE and the Department to implement a streamlined process, whereby an awarding organisation submits materials, which can then be used by the Department, IfATE and Ofqual to fulfil their respective roles in the approval process

Details

Alternative academic and alternative technical qualifications

This section sets out the decisions for areas affecting both alternative academic and alternative technical qualifications.

Grading scales

What Ofqual proposed

Ofqual sought views in the consultation on which aspects of grading scales are most important to the users of qualifications, in order that the grading scales signal to users of these qualifications what results mean and can be relied on as an indicator of the level of attainment a student has demonstrated. The consultation set out a range of alternative approaches that could be taken in relation to grading, and asked respondents to rank these in order of importance, and to provide any comments on other aspects of grading scales which they find most useful. The proposed approaches, which respondents were asked to rank, were:

- a) simplicity of approach for users (for example through the use of a common/small number of grading scales)
- b) flexibility for awarding organisations to determine approaches which best suit their qualifications
- c) ability to compare grades for the same qualifications between years (for example through the continued use of existing approaches)

Responses received

There were mixed views on the relative importance of each aspect of grading, with around half of respondents ranking flexibility for awarding organisations as most important, a third in favour of simplicity, and around a sixth for comparability. Respondents emphasised the need for grading scales to be selected because they were most appropriate for the qualification, and for grading scales to be clear to users, particularly higher education institutions and employers. Some

respondents suggested it would be helpful to set parameters around the number or type of grading scales that could be used, to simplify the overall system.

Some respondents warned that changes to existing grading scales could reduce understanding, and potentially suggest comparability between qualifications that may not exist. Conversely, retaining existing grading scales in the event of significant changes to current qualifications may incorrectly imply a continuity of standards over time.

Decision

Ofqual did not consult on a specific requirement for grading scales but instead sought views on the most important aspects of grading. Having considered these views, Ofqual has decided to consult on statutory guidance to set out principles and considerations for awarding organisations when selecting a grading scale for qualifications.

The guidance will set out principles for awarding organisations to follow, when determining their approach to grading scales – that is, how many grades there are and what those grades are called. It will also set out areas an awarding organisation should consider when seeking to meet these principles. The guidance will set an expectation that awarding organisations must consider the same areas when determining their approach to grading, including considering adopting consistent approaches across similar qualifications. It will set an expectation for awarding organisations to gather evidence to support their approaches and how these benefit users, and to justify the approaches they take.

Ofqual's view is that ultimately, the use of a small number of common grade scales is the best way to ensure that the future landscape is navigable and can be understood by students and other users of qualifications. Where an awarding organisation offers a suite of qualifications, or where different awarding organisations offer qualifications that are generally considered to be alternatives to one another, then consistent approaches to grading between qualifications may help users to understand what the grades mean.

But we recognise that moving to, or mandating, such an approach would be disruptive in the short term and has the potential to drive wider scale changes to the qualifications covered by these proposals than might be deliverable and manageable within the timescales for these qualifications to be approved for funding ahead of being taught from September 2025.

We consider that the statutory guidance on which we are now consulting alongside these decisions strikes the best balance between being able to signal a move towards more consistent approaches, but without imposing strict requirements that could potentially have unintended negative consequences for the qualifications. We see this statutory guidance as a first step to moving towards more consistent approaches being taken across qualifications, with a smaller number of different grading scales being used in future.

IfATE is currently consulting on its own approvals criteria and has set out its expectations in relation

to grading scales for alternative technical qualifications.

Titling

What Ofqual proposed

Ofqual asked if users would benefit from more specific titling expectations than those required by the General Conditions to improve and help ensure that the future landscape is navigable for students and other users. Ofqual did not propose a specific approach, as any decision in this area will also depend on decisions taken by the Department and IfATE about the names of these qualifications.

The consultation asked whether setting titling requirements could help students and other users navigate the landscape to find and understand what qualifications are available.

Responses received

Most respondents to this question said it would be helpful for these qualifications to be identifiable through their titles. Some respondents made suggestions about the information that should be included in the title, such as the size (either expressed in terms of guided learning hours or through defined terms such as award, certificate and diploma), the purpose of the qualification, and the need to be clear, for alternative technical qualifications, which industry or occupation it relates to. Some respondents said that specific terms or titling conventions would help to build the reputation or brand of these qualifications and make it clear they were alternatives to A levels and T Levels.

However, some respondents believed that Ofqual's existing requirements for titling are sufficient and warned against forcing changes to titles of existing qualifications unless the qualifications themselves materially change.

Other respondents commented on potential issues with common titling, for example that their use could suggest greater similarity between these qualifications than is the case.

Decision

Given the overall support for this proposal Ofqual has decided to consult on putting in place a Condition setting out how alternative academic and alternative technical qualifications should be titled. The proposed Conditions, on which we are now consulting, will reflect the requirements set by the Department and IfATE which will require titles to include specific information. As a consequence of putting in place this bespoke requirement, Ofqual has decided to disapply General Condition E2.1 (requirements on qualification titling).

Setting requirements in relation to qualification titling will ensure that alternative academic and alternative technical qualifications are titled in a consistent way. This will help ensure the future landscape is clear and navigable for students and other users of qualifications. By reflecting the expectations of the Department and IfATE in Ofqual's Conditions, this will ensure that expectations

are set out clearly in one place, and that titles are used consistently, including on Ofqual's Register, and that Ofqual can take action if titles are not used appropriately. By disapplying the existing General Condition E2.1 which sets requirements on qualification titling, this will ensure that there is no conflict between Ofqual's General Conditions in relation to titling, and the bespoke Condition on which we are consulting.

Assessor judgements in directly graded assessments

What Ofqual proposed

Where qualifications include directly graded, outcome-based assessments, awarding organisations may typically have lower levels of direct control over the standards applied. This is because these are determined upfront by individual assessors and applied at the point of assessment, rather than there being an awarding process after (or in some way separate to) the assessment.

For these qualifications, Ofqual considered whether to set additional requirements to those already in place in the General Conditions of Recognition, relating to directly graded assessments. This is because the judgements made by these assessors will have a direct impact on the outcomes for students and the standards set in these qualifications, as greater responsibility for the standard may reside with 'frontline' assessors' judgements of outcomes (rather than through awarding processes that are separate to marking processes, over which, in the case of alternative academic qualifications, we propose to set controls).

Respondents were asked if there were any additional controls they thought were necessary to secure standards in directly graded assessments.

Responses received

Most respondents thought additional controls were not necessary as there were sufficient controls in place in Ofqual's General Conditions of Recognition and the Centre Assessment Standards Scrutiny (CASS) requirements. Some of these respondents expressed concern about the prospect of controls like those used for general qualifications, which would be inappropriate in a vocational context. They also raised concerns about the potential costs for awarding organisations, schools and colleges if new processes were introduced.

Around a third of respondents were in favour of additional controls, with training for assessors and centres highlighted as a particular area for controls to ensure consistency of approach and accuracy in grading. Some respondents requested clear and unambiguous mark schemes and additional controls for sampling. Other respondents suggested controls to ensure those delivering the qualification are not involved in assessing or grading students.

Some suggested more guidance for centres on delivering different assessment methods and ensuring students had access to specialist equipment and facilities to complete their assessments.

Decision

Ofqual has [recently published research in relation to qualifications in which assessors confirm the acquisition of specified learning outcomes \(CASLO\)](#). Many of the qualifications covered by the proposals on which Ofqual consulted use a CASLO model in terms of how unit standards are specified and assessed. Ofqual plans to conduct further work to understand approaches taken in these qualifications and has therefore decided to consider controls in relation to directly graded assessments through its CASLO project, to ensure that any additional controls are informed by that work. This means that Ofqual has decided not to put in place additional controls at this time, but to consider this further based on the outcomes of the CASLO project, which is expected to take place in late 2022 and in to 2023. This will allow us to take a more strategic approach, informed by the evidence of the CASLO project, to addressing this important area.

As noted by respondents, this is an area already covered by Ofqual's General Conditions in relation to marking and Centre Assessment Standards Scrutiny (CASS). These require awarding organisations to ensure accurate and consistent marking, regardless of whether an assessment is marked by an awarding organisation or a centre. They also require, where an assessment is marked by a centre, that awarding organisations have appropriate controls in place to ensure the standards of the assessment judgements being made by centres. The responses indicated that, in line with these requirements, such controls are already in place in many instances, and as such, we consider that relying on these existing controls, and considering further as part of the CASLO project will enable the most effective controls to ultimately be put in place, while minimising the potential burden of making multiple changes at different times. This would also have the benefit of ensuring that any improvements we identify through that work are applied across all the CASLO qualifications that we regulate.

Qualification content

What Ofqual proposed

For alternative academic qualifications, Ofqual proposed an additional requirement setting out key expectations for content that will be assessed. This was in the absence of nationally set subject content. It was proposed that Ofqual would require awarding organisations to explain in their assessment strategy how they ensure the knowledge, skills and understanding assessed as part of the qualification are appropriate in relation to:

- the qualification's purpose
- the level of the qualification
- the design of the assessment to be taken for the qualification
- the size of the qualification

For alternative technical qualifications, Ofqual proposed that an awarding organisation's assessment strategy should set out how it has designed and developed its assessment against criteria set out by IfATE and, where relevant, the applicable employer-led occupational standard, as well as the rationale for its design choices.

Respondents were asked to what extent they agreed or disagreed with the proposed approach.

Responses received

More than half of respondents agreed with the proposed approach to the coverage of qualification content. Respondents said they would welcome greater consistency about content for these types of qualifications, and how it is covered. However, they said there would need to be some flexibility in how awarding organisations selected content and presented their approach in their assessment strategy.

Many of the respondents who disagreed with the proposal said more detail was needed on other aspects of the Department's review of post-16 qualifications at level 3, rather than disagreeing with Ofqual's proposed approach to content coverage.

Decision

Ofqual has decided to set requirements to ensure assessment of alternative academic qualifications is appropriate to the knowledge, skills and understanding assessed. Awarding organisations will be required to explain their approaches to coverage of content for both alternative academic and alternative technical qualifications through their assessment strategies.

For alternative academic qualifications, Ofqual will require awarding organisations to explain in their assessment strategy how they ensure the knowledge, skills and understanding assessed as part of the qualification are appropriate in relation to:

- the qualification's purpose
- the level of the qualification
- the design of the assessment to be taken for the qualification
- the size of the qualification

For alternative technical qualifications, Ofqual will not set specific requirements relating to qualification content. Ofqual will however, require an awarding organisation to explain in its assessment strategy how it has designed and developed its assessment, including, where relevant, against the applicable employer-led occupational standard published by IfATE, and the rationale for its design choices. Ofqual will continue to work with IfATE to ensure that the assessment strategy meets the requirements of both Ofqual and IfATE in this area.

Assessment strategies

What Ofqual proposed

Ofqual proposed a requirement that an awarding organisation must develop, follow, and keep under review, an assessment strategy explaining its overall approach to the design, development, delivery and award of both alternative academic and alternative technical qualifications. They should use

these to present to Ofqual explanations, justifications and supporting evidence for the decisions they have taken, and to identify the risks and impacts of those decisions. The consultation set out the main areas that an assessment strategy should cover.

Respondents were asked to what extent they agreed or disagreed with the proposed approach to require awarding organisations to produce and comply with an assessment strategy for these qualifications.

Respondents were also asked if they had any views on the proposed content for assessments strategies.

Responses received

Most respondents agreed with the proposal, with awarding organisations in particular saying assessment strategies would enable them to provide evidence of, and maintain, qualification quality. Assessment strategies were seen to help to ensure that qualifications were consistent and comparable across awarding organisations. However, concerns were raised about the regulatory burden this requirement could impose. Most awarding organisations that agreed with this proposal said they would welcome a common template to ensure consistency and mitigate against an increased regulatory burden. However, some respondents thought a single standardised template would not be suitable for both alternative academic and alternative technical qualifications.

While some respondents supported the proposed content, others suggested some additions, including:

- detail on how validity and reliability of assessments would be maintained over time
- a single section covering moderation or Centre Assessment Standards Scrutiny (CASS) for centre-marked assessments, rather than having the information spread over several sections
- a focus on delivery and marking

Decision

Ofqual has decided to put in place a requirement that awarding organisations should develop, follow, and keep under review, an assessment strategy explaining its approach to alternative academic and alternative technical qualifications.

There was overall support for this proposal. We know from previous experience that setting assessment strategy requirements ensures we have the necessary information to regulate effectively and hold awarding organisations to account.

Assessment strategies are a key part of Ofqual's overall regulatory approach. They are used as part of our review of qualifications to inform the feedback we provide as part of the approvals process, as well as forming an important part of our ongoing regulation. IfATE will also use the information in assessment strategies as part of their approval process for alternative technical

qualifications. Ofqual will set the requirements for assessment strategies, with the intention that a single set of requirements will meet the needs of both Ofqual and IfATE. Both organisations are working together to ensure that the requirements are clear and minimise burden on awarding organisations.

Although some respondents suggested that Ofqual provides a template, we do not intend to do so. We have found that, when requiring assessment strategies for other qualifications, awarding organisations prefer to have some flexibility to incorporate their existing processes and documents rather than having to adapt them to fit a template. However, Ofqual will set detailed requirements that specify the information awarding organisations would be expected to include in an assessment strategy. These requirements are included in the technical consultation which has been published alongside this decisions document.

Ofqual review as part of approvals processes

What Ofqual proposed

As part of the Department's funding approval process for alternative academic qualifications and IfATE's approval process for alternative technical qualifications, Ofqual will provide feedback to both organisations, based on a review of awarding organisations' approaches and their qualifications. This feedback will include any changes Ofqual considers necessary for awarding organisations to address any shortcomings.

To support these approval processes, Ofqual proposed to require that, following a review by Ofqual, an awarding organisation must comply with any requirements, and have regard to any guidance, specified to it by Ofqual in relation to the qualification.

Respondents were asked to what extent they agreed or disagreed with this proposal and to provide any comments.

Responses received

Most respondents agreed with the proposal to set a requirement that awarding organisations must comply with any requirements, and have regard to any guidance, specified to it by Ofqual in relation to the qualification. Respondents said this requirement would help to ensure consistency and quality across awarding organisations. However, some respondents commented on the need for any requirements to be proportionate and clear, and to be mindful of the potential burden imposed by any requirements that Ofqual might set.

Among those respondents that did not agree with the proposal, some sought further clarification on the approval process, or commented that there was no need for additional regulation. Concerns were also raised about additional requirements stifling innovation or presenting hurdles to qualification provision in particular fields.

Decision

Ofqual has decided to put in place a requirement that, following a review by Ofqual, an awarding organisation must comply with any requirements, and have regard to any guidance, specified to it by Ofqual in relation to an alternative academic or alternative technical qualification. This is an important requirement to ensure the quality of qualifications. It will provide clarity to awarding organisations that issues identified during the approval stage which cannot be fully resolved in advance of approval, must still be addressed. While some respondents thought that such a requirement was unnecessary, it would only have an impact on awarding organisations if an issue needed addressing and could not be resolved as the approval process.

In introducing this requirement, we are mindful of Ofqual and IfATE's respective roles in relation to alternative technical qualifications – it is for IfATE to approve qualifications and Ofqual to inform that process and regulate approved qualifications in delivery. The review requirement is intended to make it clear to awarding organisations that issues identified during the approval stage which cannot be fully resolved in advance of IfATE's approval decision must still be addressed. This is important as some issues relating to qualification and assessment design may not be able to be fully resolved ahead of delivery and may need to be monitored in delivery. We therefore consider that this review requirement will complement IfATE's approval functions, providing an effective regulatory tool to manage in delivery those qualifications approved by IfATE, by ensuring that issues identified during the approval process are fully addressed. This means that students can have confidence in the qualifications they are taking. We will continue to work with IfATE to ensure that the process is not overly burdensome.

Disapplication of Ofqual requirements where approval for alternative academic and alternative technical qualifications is removed

What we proposed

Ofqual proposed that the requirements on which we consulted would only apply to alternative academic and alternative technical qualifications for which an awarding organisation has, or is seeking approval for, public funding. Should a qualification have approval for public funding withdrawn, Ofqual proposed to put in place arrangements to ensure the interests of students are protected during the period of transition between the qualification being subject to these additional requirements, and it being subject solely to the General Conditions of Recognition.

The consultation sought views on the proposal that awarding organisations would be required to inform Ofqual when one of their qualifications had approval for public funding withdrawn, explain the circumstances for this and request any additional requirements cease to apply. Ofqual may then specify additional requirements, for example, to determine the date from when the rules will be disapplied.

Respondents were asked to what extent they agreed or disagreed with the proposal and to provide any comments.

Responses received

Around half of respondents agreed with this proposal, while a third disagreed. Among those who disagreed, respondents said the responsibility to notify Ofqual if any of their qualifications have approval for public funding withdrawn should not sit with awarding organisations. Instead, they suggested the Department should notify Ofqual when approval for public funding was withdrawn. Some respondents said parts of the proposal are already covered by the General Conditions of Recognition relating to the withdrawal of qualifications.

Among those who agreed with the proposal, respondents said:

- it was important that qualifications approved for public funding are not confused with those which are not
- awarding organisations would need sufficient notice between approval for public funding being withdrawn and the disapplication of regulatory requirements

Decision

Ofqual has decided that the requirements on which it consulted will apply when an alternative academic or an alternative technical qualification has been approved for public funding. It has also decided to put in place a requirement for awarding organisations to inform Ofqual when approval for public funding of one of their qualifications is withdrawn, explain the circumstances for this and request any additional requirements cease to apply. This requirement will allow Ofqual to specify requirements to protect the interests of students.

Ofqual considered the responses to the consultation and noted that, while the General Conditions of Recognition do include requirements relating to the withdrawal of qualifications, this additional requirement will manage situations in which approval for public funding of a qualification could be withdrawn but the qualification continues to be available without public funding. This requirement will help protect the interests of students and clarify when the additional requirements cease to apply. Ofqual would ensure the process in place for such notifications would minimise the regulatory burden on awarding organisations as far as possible. Ofqual is keen to understand more about the impact on awarding organisations imposed by having to notify Ofqual of the withdrawal of public funding. We encourage awarding organisations to provide further information on this in response to the technical consultation.

Additional proposals relating to level 3 alternative academic qualifications

Qualification purpose

What Ofqual proposed

Ofqual proposed a set of general purposes (A to E) awarding organisations must meet when

designing their qualifications. This proposal was intended to support the Department's aim of there being an increased level of clarity about the purpose of each qualification and the intended destination point for students. In relation to alternative academic qualifications, the Department has said these qualifications will need to prepare students well for future study, particularly higher education.

While all the purposes should be met as far as possible, Ofqual acknowledged that there might be points in the design process where an awarding organisation may have to make a trade-off between the purposes. In such instances, it was proposed that the general purposes (A to E) should be prioritised according to the order in which they were set out.

The consultation sought views on the proposed purposes for alternative academic qualifications, and asked respondents to what extent they agreed or disagreed with, and to provide comments on, the proposal that, where it is not possible to meet all of the purposes specified, an awarding organisation should prioritise them in order (A to E).

Ofqual also proposed that, to avoid confusion or duplication, General Conditions E1.1 and E1.2 requiring qualifications to have an objective, would be disapplied for these qualifications.

Respondents were asked to what extent they agreed or disagreed with this proposal, and to provide any comments.

Responses received

Respondents generally supported the proposed purposes. Those who commented mainly made specific drafting suggestions or commented on the order in which the purposes should be prioritised. Some respondents expressed concern that the proposed purposes introduced further complexity into the system, while others questioned the value of the purposes to students. Some noted, in relation to General Purpose C (provide students with knowledge and understanding of theoretical content and the skills required to apply it in a range of contexts preparing them for progression into Higher Education), that taking academic qualifications should not preclude students from entering the workplace rather than progressing to higher education.

Most respondents agreed that, where it is not possible to meet all of the purposes specified, an awarding organisation should prioritise them in the order in which they are specified (that is A being the highest priority). Some respondents questioned the order in which they should be prioritised or thought there should be some flexibility. Others suggested that a non-negotiable list of requirements would be preferable to a hierarchy. Among those who disagreed, many disagreed with the proposed order of priority, mostly arguing that General Purpose C should be the primary purpose of alternative academic qualification.

Around half of respondents agreed with the proposal to disapply General Conditions E1.1 and E1.2, while many others neither agreed nor disagreed. Some respondents thought it made sense to

disapply these Conditions where they were superseded by qualification level conditions, while others thought the General Conditions themselves could be updated to reflect the purposes. Others thought the current General Conditions were sufficient. The few respondents who disagreed with the proposal expressed concern that disapplying these conditions would set a precedent for other qualification types.

Decision

Ofqual has decided to specify the general purposes which awarding organisations must design qualifications to meet, and to disapply General Conditions E1.1 and E1.2. Qualification purposes are a key part of Ofqual's regulatory approach. High quality qualifications should have a clear purpose and be designed to meet that purpose. With that in mind, Ofqual has decided to implement the overall approach but has considered the specific drafting points raised by respondents. We will consult on the updated wording in the technical consultation. The purposes will be prioritised in the order set out.

- Providing Users of the qualification with reliable evidence to differentiate between Learners' attainment in relation to the knowledge, skills and understanding assessed as part of the qualification and, in particular, supporting decisions regarding the selection of Learners for further study (General Purpose A).
- Providing an engaging course of learning for, while being accessible to, both Learners in full-time education and those studying part-time (General Purpose B).
- Providing Learners with knowledge and understanding of theoretical content, and the skills required to apply it in a range of contexts, preparing them for progression into higher education (General Purpose C).
- Providing a basis for schools and colleges to be held accountable for the performance of their Learners (General Purpose D).
- Either –
 - is likely to be the sole element of a Learner's programme of study or the majority qualification that forms the core element of a Learner's programme of study (General Purpose E(i)), or
 - forms a substantial part of a Learner's programme of study, typically delivered alongside a number of other qualifications in the case of a full-time Learner (General Purpose E(ii)).

Assessment by Examination

What Ofqual proposed

Ofqual considered it important for a proportion of the content in alternative academic qualifications to be assessed through an examination set by the awarding organisation [\[footnote 3\]](#). This approach would support the Secretary of State's intention that alternative academic qualifications must be strengthened in comparison to current approaches,

Ofqual's consultation set out proposals to strengthen several aspects of Assessment by

Examination.

Assessment by Examination weighting

Ofqual proposed that a minimum of 40% of the contribution to the overall qualification grade is through Assessment by Examination. An awarding organisation would be expected to explain its approach to the proportion of Assessment by Examination through its assessment strategy.

Respondents were asked to what extent they agreed or disagreed with this proposal, and to provide any comments.

Assessment by Examination marking

Given their potential purpose of providing a basis for schools and colleges to be held accountable for the performance of their students, Ofqual proposed that for these qualifications all Assessments by Examination would be marked by the awarding organisation.

Respondents were asked to what extent they agreed or disagreed with this proposal, and to provide any comments.

Assessment by Examination availability

Ofqual proposed that awarding organisations should provide up to 2 assessment series on set dates during which students can complete the Assessment(s) by Examination in each academic year. Ofqual also sought views on whether, if the dates were not set by awarding organisations, Ofqual should determine the dates for these assessments and whether respondents had any preferences for what the dates should be.

Respondents were asked to what extent they agreed or disagreed with the proposal for up to 2 assessment series, and to provide any comments.

Respondents were also asked if Ofqual should specify the dates and, if so, when they should be.

Exemptions

One of the requirements of an Assessment by Examination is that they are designed to be taken simultaneously by all relevant students at a time determined by the awarding organisation. There may be assessments for which assessing all students at the same time may not lead to a valid assessment of individual students, for example, where the Assessment by Examination is in a form other than a written exam, such as a performance, but which otherwise meets the requirements of an Assessment by Examination

Ofqual proposed that an awarding organisation should be allowed to apply for an exemption from the requirement for all students to sit Assessment by Examination simultaneously. Where it does, it may also apply for an exemption from the limit of 2 assessment series on set dates. An awarding organisation would be expected to explain its approach as part of its assessment strategy. An

exemption would only be granted where an awarding organisation can demonstrate that its alternative assessment approach will improve the validity of the qualification, and the controls which it proposes to put in place are sufficient to manage any risks to which its alternative approach gives rise.

Respondents were asked to what extent they agreed or disagreed with this proposal, and to provide any comments.

Responses received

Assessment by Examination weighting

There were mixed views on the proposal that a minimum of 40% of the contribution to the overall qualification grade is through Assessment by Examination. Those who agreed with the proposal thought that it would help to control standards and improve validity and reliability in the assessment of some aspects of skills, knowledge and understanding. These respondents also thought it would increase the credibility of these qualifications. However, some respondents questioned how appropriate examinations were for these qualifications, particularly in creative subjects. Concerns were also raised about students being able to demonstrate their abilities in exam conditions. Several respondents thought that the proposed weighting of 40% was too high and could cause logistical problems and compromise the validity of these qualifications. However, some respondents thought that 40% was too low. Other respondents thought that awarding organisations should decide on the best assessment methods for their qualifications. Many respondents said an increased weighting for assessment by examination would be out of step with higher education, which is moving towards more varied methods of assessment.

Assessment by Examination marking

Most respondents agreed with the proposal that only awarding organisations would be permitted to mark Assessments by Examination. They thought this would increase the consistency of marking and increase public confidence in these qualifications. However, concerns were raised about the costs, particularly to provide external examiners for the assessment of practical or performance-based skills.

Assessment by Examination availability

Around half of respondents agreed with the proposal to require awarding organisations to provide up to 2 opportunities on set dates for Assessment by Examination each academic year. These respondents thought this would be manageable for centres and awarding organisations but allow some flexibility to allow learners to access an assessment when they were ready. A third of respondents disagreed and thought that this proposal was too restrictive, suggesting that the number of assessment opportunities should be a decision for awarding organisations and centres. Concerns were also raised about the impact on smaller awarding organisations, as it would result in peaks in administration and quality assurance. Other respondents commented that delays in resitting could disadvantage students.

There were mixed views about whether Ofqual should specify the dates for the assessment series. Respondents who agreed thought that this approach would ensure consistency and allow centres to plan effectively. Many of those who agreed commented that the dates should be in line with the current GCSE and A level windows. Those who disagreed thought there should be more flexibility for centres and/or awarding organisations to determine dates.

Exemptions

Most respondents agreed with the proposal to allow exemptions from the requirement for all students to sit Assessment by Examination simultaneously and the limit of 2 assessment series on set dates, where an alternative approach would provide for more valid approaches to assessment. Respondents welcomed the increased flexibility and noted the need for the criteria and process to apply for exemptions to be clear.

Decision

Assessment by Examination weighting

Ofqual has decided to put in place a requirement that a minimum of 40% of the contribution to the overall qualification grade is through Assessment by Examination. Assessments by Examination provide awarding organisations with a high degree of control over the setting of an assessment and the conditions under which it is taken.

In his steer, the Secretary of State said alternative academic qualifications must incorporate a significant assessment of knowledge and understanding, but with an emphasis also on the ability to apply this in various contexts.

The Department requires external assessment to comprise at least 40% of an Applied General qualification (which are similar to many of the level 3 alternative academic qualifications covered by these proposals) and at least 30% of a Tech Level qualification.

Setting expectations for the minimum weighting for Assessment by Examination is also an approach taken in A levels and T Levels, as well as key stage 4 performance table qualifications.

Although some respondents thought that 40% was too high, taking account of the Secretary of State's steer and the existing requirements set out above, Ofqual's view is that a minimum of 40% is the most appropriate weighting. It is worth noting that an Assessment by Examination does not have to be a written test, and is defined as an assessment which is:

- set by the awarding organisation
- taken under conditions specified by the awarding organisation
- designed to be taken simultaneously by all relevant students

Some respondents thought the proposed weighting was too low. However, 40% is a minimum weighting and awarding organisations can set a higher weighting.

Awarding organisations will be required to set out and provide a rationale for their approach to the weighting of Assessment by Examination in their assessment strategies.

Assessment by Examination marking

Ofqual has decided to put in place a requirement that all Assessments by Examination would be marked by the awarding organisation.

Most Assessments by Examination are already set and marked by the awarding organisation. While this is the case, it is not explicitly required under Ofqual's definition of Assessment by Examination. By putting in place this requirement, it will ensure a high level of control for awarding organisations, which will promote consistency and fairness for students. It will help manage the risks that could be present if centres were permitted to mark such assessments, given any potential use for accountability purposes.

Assessment by Examination availability

Ofqual has decided to put in place a requirement that awarding organisations must provide up to 2 assessment series on set dates in each academic year.

This requirement will help mitigate the risk of excessively frequent formal assessment, which could negatively affect teaching and learning and is not in the best interests of students. There is also a benefit to less frequent assessment as it helps awarding organisations to set and maintain standards for individual assessments effectively. Having considered feedback on the timing of these assessment series, Ofqual has decided not to specify the dates for each assessment series, to allow some flexibility to schedule series based on the qualification and the centres that take them.

Exemptions

Having considered the feedback, Ofqual has decided to allow an awarding organisation to apply for an exemption to the requirement that all students sit Assessment by Examination simultaneously and that, where it applies for such an exemption, it may also apply for an exemption to the requirement to provide up to 2 assessment series on set dates. Such exemptions would only be permitted where it would provide for more valid approaches to assessment and where an awarding organisation can demonstrate that its alternative assessment approach will improve the Validity of the qualification, and the controls which it proposes to put in place are sufficient to manage any risks to which its alternative approach gives rise.

Awarding organisations will be required to explain their approach in their assessment strategy. Ofqual will set out the process for applying for an exemption following the publication of the final conditions and guidance, after the technical consultation which has been published alongside this decisions document.

Non-exam assessment

What Ofqual proposed

Ofqual proposed that, other than the minimum 40% contribution to the overall qualifications which must be assessed through Assessment by Examination, non-exam assessment should be permitted in alternative academic qualifications where it is the most valid approach for the content covered. Some controls to ensure the quality of non-exam assessment already exist in the General Conditions and the Centre Assessment Standards Scrutiny (CASS) requirements (which cover assessments marked by centres). Ofqual proposed some additional controls covering other important aspects of the delivery of non-exam assessments, and to require, through the assessment strategy, that awarding organisations explain their choices around the design of non-exam assessments, in relation to the content being assessed and to the purposes of the qualification.

Setting non-exam assessments

To ensure a high level of control around the non-exam assessment, Ofqual proposed that an awarding organisation should set the assessment or assessments, specifying centrally key aspects including: the student work required; the size of the assessment; the content to be covered; and the characteristics that will enable assessors to differentiate between students' levels of attainment.

Respondents were asked to what extent they agreed or disagreed that awarding organisations should set non-exam assessments, and to provide any comments.

Non-exam assessment availability

Ofqual proposed putting in place controls for how often an awarding organisation may permit centres to submit outcomes for non-exam assessment. It was proposed that this should be limited to 2 windows in each academic year. It was not proposed for Ofqual to specify when these should be, although views were sought on whether any submission windows should align with any dates for Assessment by Examination availability. An awarding organisation would be expected to show in its assessment strategy how it intends to manage any risks arising from its choices around assessment availability.

Respondents were asked to what extent they agreed or disagreed that awarding organisations should limit centres submission of non-exam assessment outcomes to 2 windows in each academic year, and to provide any comments.

Respondents were also asked whether Ofqual should require windows for the submission of non-exam assessment marks to align with the availability of Assessment by Examination.

Retaking non-exam assessment

Ofqual proposed to set a requirement to explicitly allow, for students retaking non-exam assessment, awarding organisations to consider both new evidence (which may be produced for a new task) or a revised version of evidence which has previously been submitted (which may be

submitted against the task for which this was previously attempted). Limits on the number of retakes were not proposed. This is because the proposed 2 dates per year for the submission of non-exam assessment marks will limit repeated formal assessment.

Respondents were asked to what extent they agreed or disagreed with the proposed approach to retakes, and to provide any comments.

Marking and assessing performance in non-exam assessments

Ofqual proposed that awarding organisations may mark non-exam assessments themselves or permit centres to do so. Alternatively, they may use a combination of awarding organisation and centre marking. Where awarding organisations allow centres to mark assessments, they would be required to have appropriate controls in place, through the existing CASS requirements. They would be required to ensure their approach is appropriate for the qualification and to meet the CASS requirements in the General Conditions. This could be through Moderation (though this is not being required), or through other forms of CASS, depending on the specific qualification and assessment. Awarding organisations would be required to explain their approach in their assessment strategies.

Respondents were asked to what extent they agreed or disagreed that non-exam assessments should be marked or assessed by one of: the awarding organisation, a centre, or a combination of these approaches, and to provide comments.

Responses received

Setting non-exam assessments

Most respondents agreed with this proposal. Many comments focused on the benefits of non-exam assessment in general rather than the proposal that awarding organisations set the tasks. Among those who did not agree, concerns were raised about the loss of flexibility for centres, such as the opportunity to set assessments in partnership with industry partners and/or higher education institutions. There were also concerns that this requirement would disadvantage certain niche or specialist awarding organisations.

Non-exam assessment availability

More respondents disagreed than agreed with the proposal to limit centres' submission of non-exam assessment outcomes to 2 windows in each academic year. Most respondents who disagreed thought the proposal was too restrictive and would prevent awarding organisations from choosing the most appropriate assessment windows for their qualification. Some respondents thought that one window would be sufficient and that 2 windows would place additional burden on awarding organisations, although the proposal was for a maximum of 2, not a set number.

In general, respondents who agreed with this proposal thought that 2 windows were sufficient and would allow some flexibility for awarding organisations and centres. They also thought it would protect teaching time and make the process more manageable. However, it was noted that during

the pandemic centres had been able to submit assessments at a time that suited them. This had proved beneficial, particularly as it reduced the risks associated with storing work securely until it was time to submit it.

Most respondents disagreed with the proposal to require windows for the submission of non-exam assessment marks to align with the availability of Assessment by Examination. Those who agreed thought it would be useful to have consistency across non-examination and examination and would help with attainment tracking and planning within centres. However, most respondents thought this proposal would not reflect the nature of the qualifications and that awarding organisations and centres should be able to decide for themselves.

Retaking non-exam assessment

Most respondents agreed with the proposed approach to retakes, saying it provided a good balance between robustness and flexibility for centres. Some respondents sought further clarity on the types of requirements that might be placed on centres to record and provide evidence where improvements have been made, whether training should be provided to centres, and the number of times a student could re-enter. Those who did not agree worried about the burden placed on students and centres. Some said students should not be able to re-take assessments. This was because students already had opportunities for feedback and improvement before submitting their non-exam assessment.

Marking and assessing performance in non-exam assessments

Most respondents agreed with the proposal to permit awarding organisations to mark non-exam assessments themselves, where necessary, to permit centres to mark assessments, or to use a combination of awarding organisation and centre marking. Respondents thought this approach would allow sufficient flexibility and be manageable for awarding organisations and centres. Some respondents called for additional guidance on Ofqual's CASS requirements and more support and training for centres.

Decision

Setting non-exam assessments

Ofqual has decided to put in place a requirement that awarding organisations should set non-exam assessments. In response to concerns about the potential loss of flexibility for centres, it is important to clarify that the proposal, and the specific requirement on which we are now consulting, allows for awarding organisations to permit centres to make changes to non-exam assessment tasks, in a way that already happens in many other qualifications. Where this is the case, awarding organisations must provide clear parameters for centres. These must specify the extent to which this is permitted with the tasks they set. We do not intend to specify how this would be done as this is the role of the awarding organisation in setting its tasks.

Non-exam assessment availability

Ofqual has decided to put in place a requirement that, in each academic year, an awarding

organisation must provide up to 2 deadlines for the submission of proposed marks for any non-exam assessment marked by centres. In response to concerns that this limit would be too restrictive, Ofqual recognises that there are benefits in allowing greater flexibility for centres to deliver and submit non-exam assessment marks to fit around their delivery approaches. However, this needs to be balanced against the negative consequences of flexibility, such as encouraging repeated attempts at non-exam assessment and disruptions to teaching and learning. There are also benefits to limiting opportunities for submission, such as increasing the amount of evidence available at the same time to awarding organisations for the purpose of standard setting. In Ofqual's view, the benefits of the proposal outweigh the negatives.

For clarity, the proposal was for a maximum of 2 deadlines for the submission of marks or grades. A single deadline would meet this requirement.

Ofqual had also sought views on whether the dates for submission of marks should be set by Ofqual to align with Assessment by Examination windows. Having considered the feedback from respondents, Ofqual has decided that awarding organisations should be permitted to determine the dates for mark submission instead of being set by Ofqual. We think this flexibility allows awarding organisations and centres to meet the needs of centres and students. It will also help to manage the potential burden of all assessments taking place at the same time.

Retaking non-exam assessment

Ofqual has decided to set a requirement relating to retaking non-exam assessment. This requirement will allow awarding organisations to consider both new evidence or a revised version of evidence, previously submitted, depending on whether a student is undertaking a new task or the same task. Awarding organisations will be required to explain their approach to retaking non-exam assessment, including how any risks associated with their approach will be managed, as part of their assessment strategy. Whilst there were some concerns raised about this approach, for example, burden on centres, it is Ofqual's view that the other controls in place, such as assessment availability, will restrict the opportunities to re-take and so minimise the potential burden for centres.

Marking and assessing performance in non-exam assessments

Ofqual has decided to implement the proposed approach, that non-exam assessments may be marked or assessed by one of: the awarding organisation, a centre, or a combination of these approaches. Marking or assessing performance in an assessment is a key area which can affect the validity of assessments. It is important that awarding organisations select the most valid approach for their qualifications. Awarding organisations will be required to explain their approach through their assessment strategies, including the controls they have put in place to mitigate any risks.

Setting standards

What Ofqual proposed

Standard setting

Setting and maintaining grading standards in a qualification is a critical responsibility for an awarding organisation. Any approach to setting standards is impacted by an awarding organisation's choice of qualification and assessment design. These design choices should be influenced by the need to maintain standards.

Ofqual proposed requiring awarding organisations to ensure their approach to the setting and maintenance of standards promotes consistent standards within each qualification over time and supports, where possible, comparability between qualifications in similar subject areas. To do this, awarding organisations should take into account an appropriate range of evidence – both qualitative and quantitative – and would be expected to be able to explain the rationale for their approach. This must include the evidence and the methods they used. Awarding organisations should explain their approach and rationale through their assessment strategy.

Respondents were asked to what extent they agreed or disagreed with the proposed approach to setting standards in these qualifications, and to provide any comments.

Nested qualifications

Some existing qualifications have a “nested” structure. This means that a number of different sizes of related qualifications share individual assessments. Different numbers and combinations of those assessments are then used to contribute results towards the achievement of each individual qualification. Ofqual did not propose to put in place any additional design requirements to explicitly prohibit or allow nested approaches. Instead, it was proposed that awarding organisations explain the rationale for their approach to the design, development, delivery and award of these qualifications in their assessment strategy, including how they would identify and manage any risks related to nested approaches. This would include how the qualification structure supports learner and centre needs, while ensuring the awarding organisation is able to set and maintain standards effectively.

Respondents were asked to what extent they agreed or disagreed with the proposed approach to nested qualifications, and to provide any comments.

Decision

Standard setting

Ofqual has decided to require awarding organisations to put in place requirements to ensure their approach to the setting and maintenance of standards promotes consistent standards within each qualification over time and supports, where possible, comparability between qualifications in similar subject areas. This approach is similar to that which was implemented for key stage 4 performance table qualifications. It is intended to strike a balance between ensuring consistency and promoting good practice, while not being prescriptive about the exact process to be used, given the variety of qualifications covered. We have also decided to put in place guidance to help awarding organisations understand the types of the evidence they might refer to when setting standards. The

proposed condition and statutory guidance are included in Ofqual's technical consultation published alongside this decision document.

Nested qualifications

Ofqual has decided to require awarding organisations to explain in their assessment strategies their approach to nested qualifications. No additional requirements for nested qualifications were proposed in the consultation. Respondents to the consultation thought the risks associated with nested approaches could be managed through the existing controls awarding organisations have in place under the General Conditions. Awarding organisations will be required to explain their approach to standard setting in their assessment strategies, including how they would identify and manage any risks related to nested approaches if they choose to use them.

Additional proposals relating to level 3 alternative technical qualifications

What Ofqual proposed

The consultation set out Ofqual and IfATE's respective roles in the approval of alternative technical qualifications. It explained that IfATE will set requirements for qualification content to align with criteria specified by IfATE, including, where relevant, applicable employer-led occupational standards. IfATE will also set requirements for the most appropriate assessment methods for the knowledge, skills and behaviours. Ofqual did not seek to duplicate these in its own requirements.

As set out earlier in the consultation, Ofqual proposed that an awarding organisation must provide an assessment strategy, explaining its approach to the design, development, delivery and award of alternative technical qualifications. Ofqual did not propose, at this stage, to set additional design requirements for alternative technical qualifications.

Respondents were asked for their views on the Ofqual's proposals in relation to its approach to regulating alternative technical qualifications.

Responses received

Many respondents broadly supported the proposal. However, they wanted more detail on IfATE's requirements before fully supporting it. Many of the comments from respondents on this proposal related to wider concerns, such as which current qualifications would be available, whether they would be part of the alternative academic or alternative technical part of the future landscape, and the respective roles of Ofqual and IfATE. Respondents took this opportunity to query the potential complexity of the regulatory landscape and the need for the review and approval processes to be clarified.

Decision

Ofqual did not propose any additional requirements. Having considered the feedback, Ofqual decided not to introduce any additional requirements at this stage for alternative technical qualifications.

IfATE is [currently consulting on its approval criteria and requirements](#).

Equality impact assessment

Ofqual is a public body, and therefore the public sector equality duty in the Equality Act 2010 applies.

In the consultation Ofqual recognised that some of the proposals may have potential positive and negative impacts on students. This includes those who share a protected characteristic or socio-economic background. The consultation set out Ofqual's impact assessment in relation to the following areas:

- qualification purpose
- content and assessment design
- Assessment by Examination
- non-exam assessment
- grading and standard setting
- assessment strategies and Ofqual review

Respondents were asked if there are any other potential impacts (positive and negative) on learners who share protected characteristics that have not been identified, and whether there are any additional steps that could be taken to mitigate any negative impact, resulting from the proposals, on learners who share a protected characteristic. Respondents were also asked if they had any other comments on the impacts of the proposals on learners who share a protected characteristic.

Responses received

Around half of respondents thought that there were potential impacts on learners who share protected characteristics that had not been identified. The main concerns raised were that limiting the number of assessment windows to 2 and requiring a minimum weighting of 40% for Assessment by Examination would have a particularly negative impact on students from disadvantaged backgrounds and students with disabilities or long-term medical conditions. Other respondents thought that a wider variety of assessment methods should be permitted to make the

proposals more inclusive. Others thought the proposals did not give enough consideration to the impact on adult learners whose needs differ from the 16-19 cohort.

Decision

Ofqual has considered further its proposals following feedback on potential equality impacts. As explained in the consultation, the Secretary of State's steer was that alternative academic qualifications must be strengthened in comparison to the approaches currently in place. The Department currently requires external assessment to comprise at least 40% of an Applied General qualification (which are similar to many of the level 3 alternative academic qualifications likely to be covered by these proposals). It would not be appropriate to reduce this weighting for the new, strengthened alternative academic qualifications.

Ofqual acknowledged in the consultation that the requirements of Assessment by Examination for these qualifications may adversely impact students with some disabilities, or with medical conditions such as anxiety. It was noted that the use of alternative assessment arrangements, such as controlled assessment in place of examinations, is sometimes seen as having a more positive impact on some persons who share a particular protected characteristic, for example, disabled students, in comparison to Assessment by Examination. Ofqual's General Conditions of Recognition place requirements on awarding organisations covering Reasonable Adjustments, and these requirements will continue to apply.

The proposals did not rule out the use of other assessment methods, only that the weighting for Assessment by Examination should be at least 40%.

We also explained our rationale for proposing a maximum of 2 assessment windows. It was to manage the risk that excessively frequent formal assessment could negatively affect teaching and learning and would not be in the best interests of students. Limiting the number of assessment windows is also an important tool for setting and maintaining standards.

Unfortunately, some students will be disadvantaged no matter what time an exam is offered or which assessment approach is used. We propose up to 2 assessment series on set dates each academic year. Students and centres will be able to select an awarding organisation offering dates or approaches suiting their needs.

We recognise concerns that setting a minimum weighting of 40% for Assessment by Examination and limiting the number of assessment windows may disadvantage some student groups. We think that, on balance, these concerns are outweighed by the risks set out of above of not setting these requirements.

In designing qualifications, awarding organisations will have to continue to meet, on an ongoing basis, obligations imposed under the General Conditions. They must also meet their wider equalities obligations under the 2010 Equality Act. In particular, Condition D2 (Accessibility of

qualifications) requires that awarding organisations ensure they comply with the requirements of equalities law and monitor qualifications for any feature which could disadvantage a group of students who share a particular characteristic and where these cannot be justified, remove them. This may include adult learners whose needs differ from 16 to 19 year olds.

Ofqual is seeking further views on the potential impacts of the requirements themselves and any steps that could be taken to mitigate them through its technical consultation.

Regulatory impact assessment

In the consultation Ofqual acknowledged that some of the proposals may have a cost and resource impact on awarding organisations. The consultation set out Ofqual's impact assessment in relation to the following areas:

- content
- Assessment by Examination
- non-exam assessment
- grading and standard setting
- assessment strategies and Ofqual review

Respondents were asked if there were any regulatory impacts that have not been identified arising from the proposals. We asked if there are there any additional steps that could minimise the regulatory impact of the proposals. Respondents were also asked if there any costs, savings or other benefits associated with the proposals which have not been identified. We also asked if we should consider any additional information when evaluating the costs and benefits of the proposals.

The consultation also sought views on whether there was anything in the proposals that would prevent innovation by awarding organisations offering these qualifications.

Responses received

Respondents raised concerns about the potential for increased regulatory burden because of:

- the overall complexity of the proposals and how the requirements of IfATE and Ofqual would align
- the tight timescales for implementation which might impact on resourcing and lead to delays
- the increased amount of Assessment by Examination for some alternative academic qualifications may increase the administrative burden on centres
- divergence between the requirements in England and those in the devolved administrations

could lead to duplication of effort

Respondents commented that regulatory burden could be minimised by collaboration between Ofqual and IfATE and between regulators in England and the devolved administrations to share information and implement common reporting structures and formats.

Respondents thought the costs and benefits could vary widely across awarding organisations. Smaller and more specialist organisations may find it harder to successfully mobilise large amounts of resource to manage redevelopment and approval processes for new qualifications.

It was also noted that there would be costs for other stakeholders. Parents, employers, universities and other parts of government would also incur additional costs in familiarising themselves with the changes proposed, such as those to qualification titling.

However, some respondents suggested there could be savings for some groups due to the streamlining of the system. An increase in external assessment, for example, could reduce the costs that schools, colleges and training providers incur on assessor training and time, internal verifier training and time, and meetings and paperwork; but increase costs correspondingly for awarding organisations.

Among respondents who commented on the impact of the proposals on innovation, several themes emerged:

- the restrictive nature of the proposals could reduce innovation and make it hard to keep qualifications up-to-date and respond to innovations in industry
- increased Assessment by Examination could inhibit qualifications in creative subjects
- disappointment that the proposal did not reference and learn from the flexibilities and adaptations permitted during the pandemic, such as increased use of technology
- concern that the proposals would limit the development of qualifications in new and emerging sectors for which occupational standards had not yet been written

However, some respondents thought the proposals contained sufficient flexibility, for example through the proposal for exemptions from parts of the Assessment by Examination requirement for alternative academic qualifications. It was also suggested that while strengthened controls might limit some innovations, the consistency and clarity it would bring to users would outweigh this disadvantage.

Decision

Many of the concerns raised about increased regulatory burden related to the level of change and potential for disruption that any new requirements may cause. In the consultation, Ofqual acknowledged that several proposals will require changes in current approaches to the design, delivery and award of some qualifications. Some changes may have a cost and resource impact on

awarding organisations. Ofqual considered this issue as the proposals were developed and tried to minimise any additional burden as far as possible. However, new regulatory requirements arising from the enhanced controls proposed will inevitably have some regulatory impact.

Ofqual will continue to work closely with the Department and IfATE to align requirements where possible. We have decided not to put in place the same level of additional design requirements for alternative technical qualifications, which will help to address this concern.

Some respondents raised concerns about the divergence of policy between England and the devolved administrations. While the overall policy is the responsibility of the Department, Ofqual is mindful of the need to align requirements where possible. We meet regularly with regulators in the devolved administrations to discuss policy developments.

Some respondents raised concerns that the increased weighting of Assessment by Examination would lead to an increase in the number of requests for reasonable adjustments. We do not have any evidence that this would be the case. However, we acknowledge there could be an increased burden for awarding organisations and centres in having to resource, for example, the production of more modified papers or the provision of a scribe for longer periods or more frequently if there are more examination components. The resource required will depend to some extent on the decisions taken by awarding organisations about the design and structure of their qualifications.

Having considered all the feedback received, Ofqual still considers it necessary to regulate alternative academic and alternative technical qualifications in the way we proposed. In some areas we will consult on more detailed proposals in our technical consultation. This is likely to allay some concerns. For example, concerns that making awarding organisations responsible for setting non-exam assessment may affect innovation by centres. Our proposed requirements will make it clear that, while awarding organisations will set the overall task, some flexibility for centres to tailor tasks will be permitted.

Next steps

Alongside this decisions document, Ofqual has published:

- analysis of responses to the [consultation on Regulating academic and technical qualifications at level 3](#)
- [regulating alternative academics and alternative technical qualifications at level 3: Consultation on Conditions, requirements and guidance](#) which includes more detailed proposals for titling and grading, and the proposed wording for the conditions and guidance which will put Ofqual's policy decisions set out in this document into effect

1. CASLO qualifications are those where standards for passing units are: specified analytically and comprehensively; defined conjunctively; and assessed exhaustively and in a confirmatory fashion. [Further information is available](#) ↩
2. Assessment by Examination is defined as an assessment which is - (a) set by an awarding organisation, (b) designed to be taken simultaneously by all relevant Learners at a time determined by the awarding organisation, and (c) taken under conditions specified by the awarding organisation (including conditions relating to the supervision of Learners during the assessment and the duration of the assessment). ↩
3. This refers to Assessment by Examination, which is defined by Ofqual as: an assessment which is - (a) set by an awarding organisation, (b) designed to be taken simultaneously by all relevant Learners at a time determined by the awarding organisation, and (c) taken under conditions specified by the awarding organisation (including conditions relating to the supervision of Learners during the assessment and the duration of the assessment). Such an assessment is not required, under this definition, to be a written examination. ↩

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