

Cookies on GOV.UK

We use some essential cookies to make this website work.

We'd like to set additional cookies to understand how you use GOV.UK, remember your settings and improve government services.

We also use cookies set by other sites to help us deliver content from their services.

[Accept additional cookies](#)

[Reject additional cookies](#)

[View cookies](#)

GOV.UK

▼ Menu

[Home](#) > [Education, training and skills](#) > [Further and higher education, skills and vocational training](#)
> [Further and higher education courses and qualifications](#) > [Functional skills](#)
> [Consultation on regulating level 1 and 2 qualifications designed to lead to employment](#)



Closed consultation

**Consultation on regulating level 1 and 2
qualifications designed to lead to**

employment

Updated 14 February 2023

Applies to England

Contents

[Foreword](#)

[Proposals at a glance](#)

[Audience](#)

[Consultation arrangements](#)

[Introduction](#)

[Consultation details](#)

[Part 1 – Ofqual’s proposed regulatory approach for level 2 qualifications designed to lead to skilled employment](#)

[Part 2 – Ofqual’s proposed regulatory approach for level 1 qualifications that are prerequisites to employment](#)


[Part 3 – Proposed Qualification Level Conditions for level 2 qualifications designed to lead to skilled employment](#)

[Impact assessments](#)

[Regulatory impact assessment](#)

[Annex A: Consultation responses and your data](#)

[Why we collect your personal data](#)

 [Print this page](#)

Foreword

A strong qualifications system benefits individual students, employers, education and training providers, awarding organisations and ultimately wider society. As the independent regulator for qualifications in England, Ofqual exists to ensure that the interests of students of all ages and apprentices are protected. It is important they can access high-quality qualifications and assessments and Ofqual’s rules, which awarding organisations must follow, are designed to achieve this.

In 2019, the Department for Education (DfE) set out its ambition for a streamlined post-16 qualification system at level 3 and below where all qualifications are high quality, are necessary, have a distinct purpose and lead to good outcomes for students. The first qualifications considered were those at level 3 and Ofqual published its [regulatory arrangements for the qualifications in scope of the review](#) on 10 January 2023.

In October 2022, DfE published [the government's response to its consultation on the 'Review of post-16 qualifications at level 2 and below in England'](#). This response sets out DfE's proposals to transform the qualification landscape at level 2 and below in England. It confirms the groups of qualifications that will be considered for public funding in the future, grouped by level and by purpose, such as whether they support progression to employment or to higher levels of study. The reform of qualifications at level 2 and below will span several years. DfE will take a phased approach to the first teaching of reformed qualifications from 2025 to 2027.

This consultation covers the first groups of qualifications that will be approved for delivery in the new landscape. These are level 2 qualifications designed to lead to skilled employment. It also covers level 1 qualifications that are prerequisites to employment.

Ofqual's proposed approach to regulating these qualifications has been designed to work in conjunction with the new DfE funding approvals process. It will build on the arrangements put in place for reformed level 3 qualifications.

The aim of this consultation is to provide clarity for awarding organisations about the way in which these qualifications will be regulated and the rules they must meet. This consultation sets out both the proposed regulatory approach and the draft Conditions and requirements which would be used to implement this approach. This will allow awarding organisations as much time as is possible for qualification development. It will also allow funding decisions to be made by DfE in time for centres to familiarise themselves with any changes to qualifications in advance of teaching the first reformed qualifications in September 2025.

Proposals at a glance

For level 2 qualifications designed to lead to skilled employment, in addition to the requirements set out in the General Conditions of Recognition, Ofqual will:

- require an awarding organisation to develop and adhere to an assessment strategy setting out its approach to the design, development, delivery and award of these qualifications.

This will help Ofqual to understand an awarding organisation's qualification and assessment design decisions. This will help secure the initial quality of qualifications, support their effective regulation and promote their continuous improvement by awarding organisations.

- require that, following a review by Ofqual of a qualification, an awarding organisation must comply with any requirements or have regard to any guidance provided by Ofqual in relation to that review.

This will ensure that any issues identified with qualifications as part of the approval process are addressed, so that students can have confidence in the rigour and currency of the qualifications they are taking.

- require awarding organisations to notify Ofqual where approval for public funding for one of these qualifications is withdrawn.

This will ensure that awarding organisations take steps to protect the interests of students already partway through a qualification.

For level 1 qualifications that are prerequisites to employment, Ofqual will:

- continue to use the General Conditions as the basis for Ofqual's regulation of these qualifications.

Ofqual will not set additional requirements at this time, but this would not preclude Ofqual from doing so in the future, should this be necessary to safeguard the interests of students.

Audience

This consultation is open to anyone who may wish to make representation but may be of most interest to:

- awarding organisations and their representative bodies
- schools, colleges and training providers and their representative bodies
- students
- employers

Consultation arrangements

Duration

This consultation will be open for 10 weeks starting on 10 January 2023 at 11:00 and ending on 20 March 2023 at 23:45.

Respond

Please respond to this consultation by using one of the following methods:

- [complete the online response](#)
- email your response to consultations@ofqual.gov.uk
 - please include the consultation title in the subject line of the email and make clear who you are and in what capacity you are responding

For information on how we will use and manage your data, please see Annex A: Consultation responses and your data.

Introduction

Background

In October 2022, DfE published the outcomes of its review of [post-16 qualifications at level 2 and below](#). DfE intends that in the future:

- qualifications at level 2 will support progression into further study or training at level 3, or support progression directly into skilled employment in some sectors
- for qualifications at level 1 and below, the focus of study for most students will be progression onto a qualification at level 2 or above that provides entry into a skilled occupation, or progression to a work-based pathway.

This consultation seeks views on Ofqual's proposed approach to the regulation of level 2 qualifications which are designed to lead to skilled employment and level 1 qualifications that are prerequisites to employment. Ofqual will consult separately on other groups of level 2 and below qualifications in due course.

Level 2 qualifications designed to lead to skilled employment

DfE and Institute for Apprenticeships & Technical Education (IfATE) intend the following groups of level 2 qualifications to be eligible for public funding for 16-to-19-year-olds and adults:

- level 2 occupational entry technical qualifications

These are qualifications enabling entry into occupations where there are IfATE employer-led occupational standards. As a minimum, they will be required to align to the content of the relevant occupational standard. They may also cover the content of the relevant occupational standard plus additional route-wide and employability content.

- level 2 additional specialist technical qualifications

These are qualifications which support individuals to develop specialist skills and knowledge that build on an aspect of an employer-led occupational standard to confer specialist competence.

- level 2 cross-cutting function technical qualifications

These are qualifications which focus on a range of cross-sectoral skills which are transferable across multiple occupations and will cover outcomes which are present in a number of occupational standards.

In addition, the following qualification group will be available for public funding for adults only:

- level 2 employer-proposed technical qualifications

These are qualifications which enable entry into occupations where there are not yet IfATE occupational standards.

Level 1 qualifications that are prerequisites to employment

Because of the important role they can play in certain sectors and occupations, DfE also intends to fund a group of level 1 qualifications that serve as a prerequisite to employment.

This small, diverse group of qualifications has been identified by DfE as necessary in the future qualifications landscape as they are valued by employers in a range of sectors as prerequisites for employment.

Ofqual's aims and role in regulating these qualifications

Ofqual regulates all qualifications and the awarding organisations which deliver them against the General Conditions of Recognition. These cover the design, development, delivery and award of qualifications. Ofqual's starting point for securing high-quality qualifications is through regulation against the General Conditions. Ofqual only regulates beyond the General Conditions where it is considered that additional controls are necessary, and in the interests of students, to secure the quality of a qualification or group of qualifications.

In developing the proposed regulatory approach, Ofqual has taken account of the [steer letter from the Minister](#). This sets out the government's intentions for these qualifications.

Ofqual's proposed approach to regulating these qualifications has also been designed to work in conjunction with the new funding approvals processes, where:

- DfE will make final decisions about the approval of qualifications for public funding in the new landscape
- IfATE, in line with its role under the Skills and Post-16 Education Act ('Skills Act'), will make approval decisions for level 2 qualifications designed to lead to skilled employment
- Ofqual will provide feedback to IfATE and DfE on the qualifications submitted for approval and will regulate the qualifications in delivery

Ofqual proposes to introduce additional controls for level 2 qualifications designed to lead to skilled employment only where this is necessary to support our role within the approvals process and to support the ongoing regulation of qualifications in delivery. This approach builds on the arrangements put in place for reformed level 3 technical occupation qualifications, where Ofqual and IfATE have worked together to ensure a coherent approach that minimises the burden on awarding organisations.

Ofqual proposes to regulate level 1 qualifications that are prerequisites to employment through the General Conditions only. The diverse nature of this group of qualifications means that it would not be appropriate to introduce a common set of additional controls.

Both proposals are considered in more detail below.

Ofqual has a number of [specified regulatory qualification types](#). These are qualifications that are regulated by the General Conditions and one or more set of additional regulatory rules. They include GCSEs, Functional Skills qualifications and apprenticeship end-point assessments. Although additional controls are proposed for level 2 qualifications designed to lead to skilled employment, a new regulatory qualification type covering these qualifications is not proposed. This means that awarding organisations which are already recognised to deliver qualifications at level 2 in the relevant sector subject area will not be expected to apply to Ofqual to extend their scope of recognition.

Consultation details

This consultation consists of 3 parts:

- in part 1 Ofqual is seeking views on the proposed approach to regulating level 2 qualifications designed to lead to skilled employment
- in part 2 Ofqual is seeking views on the proposed approach to regulating level 1 qualifications that are prerequisites to employment
- in part 3 Ofqual is seeking views on the specific Qualification Level Conditions (QLCs) needed to implement the proposals described in part 1

Part 1 – Ofqual’s proposed regulatory approach for level 2 qualifications designed to lead to skilled employment

Introduction

With regard to Ofqual’s role in regulating these qualifications, the Minister commented that:

“ Ofqual and IfATE have already worked together effectively to design complementary approaches for the review, and approval by IfATE, of level 3 technical qualifications, taking account of the respective roles of each organisation. For example, this has included the creation of a single set of assessment strategy requirements, which will be used in Ofqual’s approach to regulating these qualifications as well as in IfATE’s approval decisions. I believe such approaches will provide a good basis for your regulatory approach to these qualifications at level 2, and that this will help to minimise the burden on awarding organisations by ensuring that there is consistency across IfATE’s and Ofqual’s requirements where appropriate.”

As it is doing for the equivalent level 3 qualifications and in line with its powers under the Skills Act, IfATE will publish its full approvals criteria for these qualifications in due course. Alongside this consultation, however, [IfATE has published some information about the level 2 qualification categories](#), which includes the qualification purpose statements and guidance on assessment and grading.

The additional controls that Ofqual proposes to put in place for these qualifications take account of the need to ensure that the regulatory burden on awarding organisations is minimised, while also ensuring there are sufficient protections in place for students.

IfATE has also published guidance on titling for these qualifications. [General Condition E2](#) already sets out Ofqual's requirements on qualification titling. Ofqual's view is that IfATE's expectations can be accommodated within the requirements of the existing General Condition and that there is no need for us to put any additional controls in place. This is the same as the approach Ofqual is taking with the equivalent level 3 qualifications.

Assessment strategy requirements

An assessment strategy is a document which an awarding organisation produces to explain its overall approach to the assessment of a qualification. Ofqual expects awarding organisations to use their assessment strategies to demonstrate the validity of their qualifications and explain how their decisions are coherent with the purpose of these qualifications.

Assessment strategies are an established mechanism through which Ofqual can secure sufficient oversight of a qualification in order to regulate it effectively in delivery. The same requirement for awarding organisations to develop, follow and keep under review an assessment strategy is being put in place for level 3 technical occupation and alternative academic qualifications.

Proposal

Ofqual proposes to require awarding organisations to develop, follow and keep under review an assessment strategy for each level 2 qualification designed to lead to skilled employment. This means that for each qualification, an awarding organisation will be expected to justify and provide a rationale for the approach to design, delivery, assessment and other aspects of the qualification, which are set out in full below. This would give Ofqual oversight of the qualifications to regulate them effectively in delivery and provide a basis on which to provide feedback to IfATE as part of the approvals process.

The proposed assessment strategy requirements cover the key aspects of the qualification lifecycle, namely the design, development, delivery and award of these qualifications, including:

- qualification purposes
- content domain
- assessment design
- assessment delivery

marking and standardisation

- attainment and reporting
- standard setting and maintenance
- qualification monitoring
- how the awarding organisation's approach is kept under review

The proposed assessment strategy requirements have been developed alongside IfATE's approvals criteria. This means that awarding organisations should be able to produce assessment strategy documents that meet both IfATE and Ofqual requirements in this area.

As these qualifications will be based on an employer-led occupational standard or other employer-led requirements, an awarding organisation will be expected to explain in its assessment strategy how it has designed and developed its assessment against IfATE's requirements, as set out in its published guidance.

Ofqual has considered the regulatory burden arising from this proposal. Any regulated awarding organisation should consider the aspects of design, development and award of qualifications covered by the assessment strategy requirements as part of its business-as-usual processes. This means any burden imposed by this requirement should be limited to collating this information to provide it to Ofqual.

Question 1:

To what extent do you agree or disagree with the proposal to require an awarding organisation to develop, follow and keep under review an assessment strategy?

Ofqual review of these qualifications

As part of the new approvals processes, Ofqual will provide feedback to IfATE based on a review of awarding organisations' approaches and of their qualifications. This will include any changes Ofqual considers necessary for awarding organisations to make to address any shortcomings that have been identified as part of the review.

The review processes will be used to decide how confident Ofqual is that each qualification will meet its proposed rules on an ongoing basis. This will be based on information provided as part of qualification submissions, including the assessment strategies developed by awarding organisations.

Proposal

Ofqual proposes 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. This is the same approach that is being put in place for level 3 technical occupation and alternative academic qualifications.

This requirement will provide clarity to awarding organisations about the possible outcomes of an Ofqual review. It will also ensure that any expectations set following such a review are implemented by making 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 resolved fully ahead of delivery and may need to be monitored in delivery.

It will also complement IfATE's approval functions, providing an effective regulatory tool to manage in delivery those qualifications approved by IfATE, by ensuring that any issues identified during the approval process are fully addressed.

Question 2:

To what extent do you agree or disagree with the proposal to require an awarding organisation, following a review by Ofqual, to comply with any requirements, and have regard to any guidance, specified to it by Ofqual in relation to the qualification?

Withdrawal of approval for public funding

DfE could withdraw funding approval for a qualification but an awarding organisation could decide to continue to make a version of the qualification available despite this. If a qualification was no longer being approved for public funding, the qualification would revert from being regulated against any additional requirements Ofqual has put in place, such as that to develop, follow and keep under review an assessment strategy, to being regulated solely against the General Conditions.

If this were to happen, it would be important that Ofqual is able to ensure the interests of students are protected during the period of any transition between the qualification being subject to these proposed additional requirements and it being subject solely to the General Conditions. Any changes made by an awarding organisation must not disadvantage students partway through the qualification, for example if they could affect students' assessment preparation.

Proposal

To protect the interests of students, Ofqual proposes to require awarding organisations to inform Ofqual when one of their qualifications ceases to be approved for public funding, and to explain the circumstances for this and to request that any additional requirements cease to apply.

Ofqual may then specify additional requirements, for example, to determine the date from when any changes to an assessment strategy would be permitted. This would ensure clarity for all with an interest in these qualifications, as it would be possible to protect students for as long as there are some taking the qualifications as qualifications approved for funding. This is the same approach that is being put in place for level 3 technical occupation and alternative academic qualifications.

Question 3:

To what extent do you agree or disagree with the proposal to require an awarding organisation to notify Ofqual when a qualification ceases to be approved for public funding, and to comply with any additional requirements that Ofqual specifies as a result?

Part 2 – Ofqual’s proposed regulatory approach for level 1 qualifications that are prerequisites to employment

The ministerial steer set out the government’s expectations for these qualifications as follows:

“there is also a group of level 1 qualifications that are considered prerequisites to employment. These qualifications are not mapped to IfATE’s occupational standards, which only exist at level 2 and above. However, they are highly important to employers in the sectors they serve, covering areas such as safeguarding. Some are also linked to occupational regulation schemes relied on by employers, such as health and safety qualifications in the construction sector. My department will assure itself that these qualifications continue to meet employers’ needs but has identified no common issues with these qualifications. I ask Ofqual to take this into account in determining your regulatory approach.”

These qualifications are currently regulated by Ofqual through the General Conditions, which require all regulated qualifications to have a defined purpose, and that the content and assessment must reflect that purpose.

Proposal

Ofqual proposes to continue to regulate these qualifications through the General Conditions only.

As noted above, DfE has not identified any common issues with this disparate group of qualifications. Ofqual has concluded that because of the diverse nature of these qualifications, it would not be appropriate to introduce a common set of additional controls at this time. Taking this approach would not preclude Ofqual from introducing additional controls or taking other regulatory action, whether specific to individual qualifications or across the group, to safeguard the interests of students or to address any risks to the validity of any of these qualifications identified in the future.

In line with this proposal, DfE has agreed that Ofqual will not be providing feedback to DfE on these qualifications as part of the funding approvals process. DfE expects to carry out its own checks to determine which qualifications in this group should be publicly funded.

Question 4:

Do you have any comments on Ofqual's proposed approach to regulating level 1 qualifications that are prerequisites to employment?

Part 3 – Proposed Qualification Level Conditions for level 2 qualifications designed to lead to skilled employment

Ofqual proposes to put in place new Qualification Level Conditions (QLCs) to enact the policy proposals set out in part 1 of this consultation.

For clarity, the proposed QLCs are the same as the equivalent QLCs that are being put in place for level 3 technical occupation qualifications.

Ofqual has decided that the QLCs for these level 2 qualifications will be published in a separate document to those for the equivalent level 3 qualifications. Ofqual is, however, committed to reviewing all the regulatory frameworks resulting from the DfE's qualifications review at the end of the reforms, with a view to rationalising where possible and appropriate.

Interpretations and definitions

Ofqual proposes to define the qualifications which are subject to these QLCs. IfATE will be

responsible for defining the categories of level 2 qualifications designed to lead to skilled employment. Ofqual will define the qualifications which are subject to these QLCs in line with the categories defined by IfATE.

Proposal

To put in place a Condition (TOQ1) covering interpretations and definitions:

- setting out how the Conditions should be interpreted as part of Ofqual's regulatory framework
- specifying the qualifications covered by these requirements
- defining the terms used in these Conditions

The draft Condition can be read in full in the [Level 2 Technical Occupation Qualifications Qualification Level Conditions](#).

Question 5:

Do you have any comments on the drafting of proposed Condition TOQ1 (relating to interpretations and definitions)?

Assessment strategies

Ofqual proposes to set requirements for assessment strategies, with the intention that a single set of requirements will meet the needs of both Ofqual and IfATE.

Proposal

To put in place a Condition (TOQ2) covering assessment strategies that requires an awarding organisation to:

- establish and maintain an assessment strategy for each qualification that complies with any requirements and has regard to any guidance published by Ofqual
- set out how it will ensure compliance on an ongoing basis with all relevant Conditions of Recognition in respect of the assessments for a qualification
- ensure that all assessments are designed, set, delivered and marked in compliance with its assessment strategy
- keep its assessment strategy under review and revise it where necessary, including to comply with any requirements specified by Ofqual and promptly notify Ofqual of any revisions it makes to

it

- if requested by Ofqual, review its assessment strategy to ensure that it complies with any requirements that Ofqual has communicated to it
- demonstrate to Ofqual's satisfaction, if requested, that it has complied with its assessment strategy for a particular assessment or provide an explanation to Ofqual why it has not complied
- ensure any recommendations that Ofqual has made have been actioned

Under this Condition, Ofqual proposes to specify requirements for level 2 qualifications designed to lead to skilled employment, which will cover the following aspects of the qualification:

- qualification purpose – the purpose of the qualifications
- content – the structure, qualification size, demand and optional content
- assessment design – the assessment structure, development, question and task validity, approach to content coverage, assessment methods, centre adaptation, controls, generating outcomes and optional assessment
- assessment delivery – modes of assessment delivery, assessment availability, security, centre feedback
- marking or assessing performance and standardisation – approach to marking or assessing performance, monitoring, assessor standardisation, Centre Assessment Standards Scrutiny, centre training and monitoring
- attainment and reporting – specified levels of attainment, aggregation, reviews or appeals
- standard setting and maintenance – approach, evidence, modes of assessment
- qualification monitoring – approach, availability of data, reviewing the assessment approach

Under each of these sections, the proposed requirements include key questions for an awarding organisation to consider, explain the importance of a particular aspect and refer to the relevant Conditions.

Question 6:

Do you have any comments on the drafting of proposed Condition TOQ2 (relating to assessment strategies)?

Question 7:

Do you have any comments on the proposed requirements relating to assessment strategies for level 2 qualifications designed to lead to skilled employment?

Ofqual review of these qualifications

Ofqual proposes to require an awarding organisation, following a review by Ofqual, to comply with any requirements, and have regard to any guidance, specified to it by Ofqual in relation to the qualification.

Proposal

To put in place a Condition (TOQ3) covering reviews of level 2 qualifications designed to lead to skilled employment by Ofqual that will require an awarding organisation to:

- comply with any requirements and have regard to any guidance specified by Ofqual following a review of a level 2 qualification designed to lead to skilled employment

The draft Condition can be read in full in the [Level 2 Technical Occupation Qualifications Qualification Level Conditions](#).

Question 8:

Do you have any comments on the drafting of proposed Condition TOQ3 (relating to reviews of qualifications by Ofqual)?

Withdrawal of approval for public funding

Ofqual proposes to require an awarding organisation to inform Ofqual when approval for public funding is withdrawn, to allow Ofqual to decide when the additional conditions, requirements and guidance for these qualifications will cease to apply.

Proposal

To put in place a Condition (TOQ4) covering withdrawal of approval for public funding from qualifications that:

- requires an awarding organisation to promptly notify Ofqual where a qualification will be, or is likely to cease to be, approved for public funding, and the circumstances for this
- permits Ofqual to determine whether and when the QLCs should cease to apply

- requires an awarding organisation to comply with any requirements communicated to it by Ofqual in relation to this

The draft Condition can be read in full in the [Level 2 Technical Occupation Qualifications Qualification Level Conditions](#).

Question 9:

Do you have any comments on the drafting of proposed Condition TOQ4 (relating to the withdrawal of approval for public funding)?

Impact assessments

Equality impact assessment

Ofqual is a public body and the public sector equality duty in the Equality Act 2010 applies to it. Within this consultation, the impacts on students (positive and negative) have been considered in relation to the proposals, including on those on students who share a particular protected characteristic and reasons such as their socio-economic background.

Ofqual welcomes views on those impacts which have been identified and any suggestions for how any negative impacts might be mitigated. Views are also sought on whether there are any impacts which have not been identified and how any negative impacts might be mitigated.

The equality impacts identified relate to the proposals in this consultation which Ofqual plans to put in place to regulate these qualifications. The impacts identified do not relate to the overall government policy for the review of post-16 qualifications at level 3 and below. . DfE has published a [separate impact assessment on its overall approach](#).

Level 2 qualifications designed to lead to skilled employment

Assessment strategies and Ofqual review

Ofqual is proposing that awarding organisations should develop and comply with an assessment strategy, setting out their approach to designing qualifications. This will include explaining its approach to assessing the content set out in the relevant employer-led occupational standard.

When designing the content for a qualification, and the approach to assessing it, it is expected that an awarding organisation takes account of the needs of students, including those with particular protected characteristics, to ensure that they are not disadvantaged as a result of sharing that particular protected characteristic. Under [General Condition E4 \(Ensuring an assessment is fit for purpose and can be delivered\)](#) awarding organisations must, in designing an assessment, ensure that it permits Reasonable Adjustments to be made, while minimising the need for them.

Ofqual is also proposing that, following a review of a qualification by Ofqual, an awarding organisation must comply with any requirements or follow any guidance provided by Ofqual as a result of that review.

Through its assessment strategy, an awarding organisation will need to explain its overall approach to the design, development and delivery of its qualifications. This will include ensuring that it meets the equalities requirements that apply through the General Conditions. This will enable Ofqual to review awarding organisations' approaches, and to take action where these approaches do not meet the requirements of the General Conditions or are not being followed.

This will have a positive equalities impact. The act of developing an assessment strategy will require awarding organisations to consider in detail their approach. Ofqual will be able to challenge and hold awarding organisations to account where they are not meeting their equalities obligations through ongoing regulatory activities. Additionally, through Ofqual's review, it will be possible to identify issues with an awarding organisation's approach and require these to be corrected.

Withdrawal of approval for public funding

Ofqual is proposing that an awarding organisation must inform Ofqual when approval for public funding is withdrawn, to allow Ofqual to decide when the additional Conditions and requirements for these qualifications will cease to apply.

This requirement will mean that, in the event of approval for public funding being withdrawn, Ofqual will be able to specify that a qualification must continue to meet these requirements until a date specified by Ofqual. This should prevent immediate changes being made to qualifications in the event that approval for public funding is withdrawn, which is likely to help mitigate any potential negative equalities impacts.

Level 1 qualifications that are prerequisites to employment

These qualifications will continue to be regulated through the General Conditions with which awarding organisations offering regulated qualifications in this area must already comply. Ofqual has not identified any additional equalities impacts arising from the proposed regulatory approach.

Question 10:

Are there any further equalities impacts (positive or negative) on students arising from our proposed regulatory approach to level 1 and 2 qualifications designed to lead to employment that Ofqual should consider? Where possible, please separate your answer by protected characteristic.

Question 11:

Other than those identified above, are there any ways in which Ofqual could mitigate potential negative impacts on particular groups of students?

Regulatory impact assessment

Ofqual has developed the proposed regulatory approach and framework with a view to minimising additional burden on awarding organisations wherever possible.

Ofqual welcomes views on the regulatory impacts that have been identified and any suggestions for how any negative impacts might be minimised. Views are also sought on whether there are any impacts that have not been identified and how any negative impacts might be minimised.

Level 2 qualifications designed to lead to skilled employment

Although every step has been taken to minimise additional burden wherever possible, the introduction of new regulatory requirements will, by definition, have a regulatory impact. It is likely that awarding organisations will incur some costs from these proposals, particularly those relating to assessment strategies. Ofqual considers this to be proportionate to the intended aims of this programme of work, but views on this are welcomed.

Assessment strategies and Ofqual review

The proposal to require awarding organisations to develop an assessment strategy is intended to give Ofqual, and in turn students, confidence that qualifications are fit for purpose. Awarding organisations will need to consider and address issues that relate to the design, development and delivery of these qualifications in an assessment strategy.

While there will be some additional requirements for development and submission of assessment

strategies, the impact of the requirements will be limited to the degree that awarding organisations are setting out things they should have already considered in the development and design of their qualifications. It is also recognised that the potential costs and level of additional activity required will be impacted by aspects such as the previous experience of the awarding organisation and how they interpret Ofqual's requirements. Awarding organisations will have the freedom to set out the information however they see fit, as long as all of the necessary information is included.

The requirement to provide an assessment strategy to Ofqual is in addition to the provision of similar information IfATE may require. The requirements set for assessment strategies by Ofqual have been developed in tandem with IfATE's requirements for these qualifications and are designed to be similar, with the explicit intention of reducing the burden on awarding organisations. The similarity means that a single assessment strategy document may be able to meet both organisations' requirements.

The requirement to produce an assessment strategy relatively early in the qualification development and approval lifecycle will minimise the extent to which further information about an awarding organisation's approach may need to be requested at a later point, which could help to smooth out the process overall and help to reduce the time taken to review and approve a qualification.

The requirements relating to Ofqual reviews are intended to ensure that Ofqual reviews of qualifications submitted to IfATE for approval and DfE for approval for public funding can be completed in a timely and effective way. They will allow us to ensure that Ofqual's expectations in relation to our role in the review of these qualifications is clear. Ofqual is working with DfE and IfATE on the approach to reviewing these qualifications, with the intention that materials will be provided through a Single Access Point used by all 3 organisations. This should help minimise the potential burden of providing materials for the purpose of Ofqual reviews.

Level 1 qualifications that are prerequisites to employment

These qualifications will continue to be regulated through the General Conditions, with which awarding organisations offering regulated qualifications in this area must already comply. Ofqual has not identified any additional costs arising from the proposed regulatory approach.

Question 12:

Are there any additional regulatory impacts arising from the proposed regulatory approach to level 1 and 2 qualifications designed to lead to employment? If yes, what are the impacts and are there any additional steps that could be taken to minimise the regulatory impact?

Question 13:

Are there any costs, savings or other benefits associated with the proposed regulatory approach which have not been identified? Please provide estimated figures where possible.

Question 14:

Is there any additional information that Ofqual should consider when evaluating the costs and benefits of the proposed regulatory approach?

Innovation

Ofqual has a duty under the Apprenticeships, Skills, Children and Learning Act 2009 to have regard to the desirability of facilitating innovation relating to the provision of regulated qualifications. Ofqual has committed to surveying awarding organisations' views of the impact of its regulatory requirements on innovation and to consider any revisions required in response.

Ofqual has not identified anything in the proposed regulatory approach that would prevent innovation by awarding organisations in the design and delivery of level 1 and 2 qualifications designed to lead to employment.

Question 15:

Do you have any comments on the impact of the proposed regulatory approach on innovation by awarding organisations?

Annex A: Consultation responses and your data

Why we collect your personal data

As part of our consultation process, you are not required to provide your name or any personal information that will identify you. However, we are aware that some respondents would like to provide contact information. If you or your organisation are happy to provide personal data, with

regard to this consultation, please complete the details below. We would like to hear as many views as possible and ensure that we are reaching as many people as possible. In order for us to monitor this, understand views of different groups and take steps to reach specific groups, we may ask for sensitive data such as ethnicity and disability to understand the reach of this consultation and views of specific groups. You do not have to provide this information and it is entirely optional.

If there is any part of your response that you wish to remain confidential, please indicate at the appropriate point in the survey.

Where you have requested that your response or any part remains confidential, we will not include your details in any published list of respondents, however, we may quote from the response anonymously in order to illustrate the kind of feedback we have received.

Your data

Your personal data:

- will not be sent outside of the UK unless there are appropriate safeguards in place to protect your personal data
- will not be used for any automated decision making
- will be kept secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights: access, rectification and erasure

As a data subject, you have the legal right to:

- access personal data relating to you
- object to the processing of your personal data
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details below. You can also

find out [more about Ofqual's privacy information](#).

Freedom of Information Act and your response

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients including members of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response and assess this in accordance with applicable data protection rules.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'no' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response. We will analyse all responses and produce reports of consultation responses. In the course of analysis, we will where possible avoid using your name and contact details. We will only process the body of your response, but we are aware that in some cases, this may contain information that could identify you.

Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships & Technical Education (IfATE) where the consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process. Where possible, if we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IfATE with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Where we share data, we ensure that adequate safeguards are in place to ensure that your rights and freedoms are not affected.

We use Citizen Space, which is part of Delib Limited, to collect consultation responses and they act as our data processor. You can view [Citizen Space's privacy notice](#).

Your response will also be shared internally within Ofqual in order to analyse the responses and shape our policies and regulatory activity. We use third party software to produce analysis reports, which may require hosting of data outside the UK, specifically the US. Please note that limited personal information is shared. All personal contact information is removed during this process. Where we transfer any personal data outside the UK, we make sure that appropriate safeguards are in place to ensure that the personal data is protected and kept secure.

Following the end of the consultation, we will publish an analysis of responses on [our website](#). We will not include personal details in the responses that we publish.

We may also publish an annex to the analysis listing all organisations that responded but will not include personal names or other contact details.

How long will we keep your personal data?

Unless otherwise stated, Ofqual will keep your personal data (if provided) for a period of 2 years after the consultation closing date.

Our legal basis for processing your personal data

Where you provide personal data for this consultation, we are relying upon the public task basis as set out in Article 6(1)(e) of UK GDPR to process personal data which allows processing of personal data when this is necessary for the performance of our public tasks. We will consult where there is a statutory duty to consult or where there is a legitimate expectation that a process of consultation will take place. Where you provide special category data, we process sensitive personal data such as ethnicity and disability, we rely on Article 9(2)(g) of UK GDPR as processing is necessary for reasons of substantial public interest.

The identity of the data controller and contact details of our Data Protection Officer

This privacy notice is provided by The Office of Qualifications and Examinations Regulation

[\[footnote\]](#)

(Ofqual). The relevant data protection regime that applies to our processing is the UK GDPR¹¹ and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this privacy notice carefully as it contains important information about our processing of consultation responses and your rights.

How to contact us

If you have any questions about this privacy notice, how we handle your personal data, or want to exercise any of your rights, please contact our data protection officer at dp.requests@ofqual.gov.uk

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with [the Information Commissioner](#) (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at:

ICO,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Tel: 0303 123 1113

-
1. Please note that as of 1 January 2021, data protection laws in the UK have changed. The General Data Protection Regulation (EU) 2016/679(GDPR) no longer applies to the UK. However, the UK has incorporated GDPR into domestic law subject to minor technical changes. The Data Protection, Privacy and Electronic Communications (Amendment etc.) EU exit Regulations (DPPEC) came into force in the UK on 1 January 2021. This consolidates and amends the GDPR and UK Data Protection Act 2018 to create the new UK GDPR. [↩](#)

[Back to top](#)

Is this page useful?

Yes

No

Report a problem with this page

Topics

[Benefits](#)

[Births, death, marriages and care](#)

[Business and self-employed](#)

[Childcare and parenting](#)

[Citizenship and living in the UK](#)

[Crime, justice and the law](#)

[Disabled people](#)

[Driving and transport](#)

[Education and learning](#)

[Employing people](#)

[Environment and countryside](#)

[Housing and local services](#)

[Money and tax](#)

[Passports, travel and living abroad](#)

[Visas and immigration](#)

[Working, jobs and pensions](#)

Government activity

[Departments](#)

[News](#)

[Guidance and regulation](#)

[Research and statistics](#)

[Policy papers and consultations](#)

[Transparency](#)

[How government works](#)

[Get involved](#)

[Help](#) [Privacy](#) [Cookies](#) [Accessibility statement](#) [Contact](#) [Terms and conditions](#)

[Rhestr o Wasanaethau Cymraeg](#) [Government Digital Service](#)

All content is available under the [Open Government Licence v3.0](#), except where otherwise stated





© Crown copyright