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Open consultation

**Regulating level 2 and below
qualifications supporting progression to**

higher levels of study

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Applies to England

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Foreword

Ofqual is the independent regulator for qualifications in England. Ofqual's statutory objectives include securing the standards of, and promoting public confidence in, regulated qualifications. Ofqual's rules, which awarding organisations must follow, are designed to achieve this. Ofqual monitors their approaches to make sure they are meeting the rules and takes action if they are not. Ofqual's regulation seeks to:

- ensure quality and fairness for students and apprentices
- promote clarity, effectiveness and efficiency in the qualifications market
- contribute to shaping the future of assessment and qualifications

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, 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 level 3 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'](#). The response sets out DfE's intentions for the future qualifications 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, purpose, and intended destination. The review of qualifications at level 2 and below will span several years, with DfE taking a phased approach to the first teaching of reformed qualifications from 2025 to 2027.

Ofqual launched 2 consultations on the level 2 and below qualifications review in January 2023 covering:

- the [proposed regulatory approach for level 1 and 2 qualifications leading to employment](#)
- the [proposed regulatory approach for level 2 qualifications supporting progression to T Levels](#)

This consultation covers 4 groups of qualifications that are intended to support progression to higher levels of study, these are:

- Level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme
- Level 2 qualifications supporting progression to level 3 alternative academic qualifications
- Level 1 pre-technical qualifications supporting progression to higher level technical qualifications
- Entry level qualifications supporting progression to level 1 pre-technical qualifications

The aim of this consultation is to provide an opportunity for interested groups to comment on the way in which Ofqual proposes to regulate these qualifications. Following this consultation, Ofqual will consult on the draft Conditions and requirements that will be used to implement the final regulatory approach in August 2023. This timescale will allow awarding organisations to develop qualifications, and schools, colleges and other providers to familiarise themselves with them, ahead of teaching the first reformed qualifications. The first teach dates for level 2 qualifications supporting progression to higher levels of study is September 2026. The first teach date for level 1 and entry level qualifications supporting progression to higher levels of study is 2027.

If you have an interest in entry level, level 1, and level 2 qualifications supporting progression to higher levels of study, please let Ofqual know your thoughts on the proposals set out here by responding to this consultation.

Proposals at a glance

Ofqual proposes to regulate these entry level, level 1 and level 2 qualifications supporting progression to higher levels of study primarily through the General Conditions of Recognition.

Ofqual also proposes to set a limited number of additional controls, to:

- **require awarding organisations to design these qualifications so that they are in line with the nationally set general purposes which will be included in Ofqual's regulatory framework for these qualifications**

This will help to bring clarity about the purpose of the qualifications and what they must deliver for students. It will also support consistency across awarding organisations and provide the foundations for the approach to qualification design.

- **require awarding organisations to have regard to guidance specified by Ofqual in relation to grading scales**

This will help to ensure that the grading scales used in these qualifications are set appropriately and help to promote consistency across awarding organisations and qualifications in the factors that are considered as part of this.

- **require awarding organisations 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 secure the initial quality of qualifications, support their effective regulation in the interest of students, and promote their continuous improvement by awarding organisations.

- **require that, following a review by Ofqual, awarding organisations must comply with any requirements and have regard to any guidance provided by Ofqual in relation to that review**

This will provide clarity to awarding organisations about the outcomes of an Ofqual review and ensure that any issues identified with qualifications as part of the approval process are addressed.

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

This will ensure that Ofqual can take steps to protect the interests of students already partway through one of these qualifications in the event that public funding is withdrawn.

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, training providers and their representative bodies
- students

- employers

Consultation arrangements

Duration

This consultation will be open for 10 weeks starting on Thursday 16 March 2023 and ending on Thursday 25 May 2023 at 23:45.

Respond

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

- complete your response [online](#)
- 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 Ofqual 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.

In the [steer letter](#) Ofqual received in October 2022, the minister said:

“ I have also made provision for a further range of qualifications at entry levels 1 to 3, level 1 and level 2 which will support students to progress to higher levels of study. It is crucial that the design of these qualifications, in terms of content and assessment, supports the primary aim of progression to study at higher levels. As at level 3, my desire is for these changes to result in an improvement in quality, leading to clearer progression pathways and enhanced navigability for students. This will need to be balanced with the need to minimise disruption for providers, while recognising that some qualifications will need to change more than others in order to meet my expectations on quality.”

This consultation seeks views on the proposed approach to the regulation of 4 groups of qualifications supporting progression to higher levels of study:

- Level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme
- Level 2 qualifications supporting progression to level 3 alternative academic qualifications
- Level 1 pre-technical qualifications supporting progression to higher level technical qualifications
- Entry level qualifications supporting progression to level 1 pre-technical qualifications

DfE intends that these qualifications will:

- provide content relevant to a particular occupational pathway, route or academic subject area that prepares students for progression to higher levels of study in that area
- be delivered as part of a one-year study programme for 16 to 19 year olds, or taken by adults
- be small to medium in size (less than half of a one-year 16 to 19 study programme)

Ofqual's aims and role in regulating these qualifications

Ofqual regulates qualifications, and the awarding organisations that deliver them, against the General Conditions of Recognition. The General Conditions cover the design, development, delivery, and award of qualifications. 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. Ofqual has therefore considered:

- the [ministerial steer](#) Ofqual received in October 2022, which highlighted the need to improve the quality of these qualifications and progression for the students that take them, while recognising the need to minimise disruption for schools, colleges and other providers
- the intended use of these qualifications – they are not prerequisites for higher levels of study and the qualifications themselves will not be used directly as part of government accountability measures
- the need for controls that build and maintain confidence in these strengthened qualifications, while recognising that none of these qualifications will have common, nationally set content, and will require sufficient flexibility in their design and delivery to ensure they are engaging for the students taking them
- the need to take a consistent approach across the post-16 qualifications review, where appropriate, which will also help to minimise the regulatory burden on awarding organisations

DfE's funding approval process

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

- DfE will make decisions about the approval of qualifications for public funding in the new landscape
- Ofqual will provide feedback to DfE on the qualifications submitted for approval and will regulate the qualifications in delivery

Ofqual therefore proposes to introduce the following additional controls to reflect its role in the funding approvals process:

- requiring awarding organisations to develop and adhere to an assessment strategy
- requiring awarding organisations to comply with any requirements and have regard to any guidance following a review by Ofqual
- requiring awarding organisations to notify Ofqual where approval for public funding for one of these qualifications is withdrawn

Ofqual has set out a summary of all the additional controls put in place in response to the government's post-16 qualifications reviews in Annex B.

Qualification titling and size of qualifications

DfE will publish its full approval criteria for these qualifications in due course. This will include guidance on the size of qualifications and on titling.

[General Condition E2](#) sets out Ofqual's requirements on qualification titling. Ofqual's view is that DfE expectations on titling could be accommodated within the requirements of the existing General

Condition and so does not propose to put any additional controls in place.

Scope of recognition

Ofqual has a number of [specified regulatory qualification types](#). These are qualifications that are regulated by the General Conditions and one or more sets of additional regulatory rules, such as GCSEs. Ofqual does not propose a new regulatory qualification type covering these qualifications. This means that awarding organisations already recognised to deliver qualifications at these levels in the relevant sector subject area will not need to apply to Ofqual to extend their scope of recognition to develop these qualifications. If an awarding organisation is not recognised at these levels in the relevant sector subject area, they would need to apply to Ofqual to extend their scope of recognition as normal.

Consultation structure

This consultation is set out in 4 parts:

- **Part 1:** Ofqual seeks views on the proposed purposes for the level 2 qualifications considered in this consultation.
- **Part 2:** Ofqual seeks views on the proposed purposes for the level 1 and entry level qualifications considered in this consultation.
- **Part 3:** Ofqual seeks views on the proposed approach to assessment and grading for all 4 groups of qualifications.
- **Part 4:** Ofqual seeks views on the proposed approach to assessment strategy requirements, Ofqual review and withdrawal of funding for all 4 groups of qualification.

Part 1: Purposes for level 2 qualifications supporting progression to higher levels of study

Ofqual seeks views on the proposed purposes for level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme and level 2 qualifications supporting progression to level 3 alternative academic qualifications.

Level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme

These qualifications are intended to prepare students to progress onto level 3 technical qualifications that are not delivered as part of a T Level programme. Students taking these qualifications are likely to be either those who have not achieved the necessary level of attainment pre-16 to progress directly to level 3 study, or those who would benefit from extra development or support before taking a level 3 qualification.

The minister commented on this group of qualifications in the steer letter, stating that:

“ I am content that existing approaches to qualification delivery and design continue where these support the aim of improving progression for students whilst providing an engaging course of learning. As with the qualifications supporting progression to T Levels, I expect students taking these level 2 qualifications to be given the opportunity to apply knowledge, skills and understanding in practical contexts, to support preparation for level 3 study.”

Level 2 qualifications supporting progression to level 3 alternative academic qualifications

In the steer letter, the minister outlined that:

“ GCSEs will remain the main academic option at level 2 in the new landscape. However, I intend to make provision for other level 2 qualifications which support progression to higher levels of academic study. This is especially important for 16 to 19 year olds who have the potential to achieve at level 3 but are not immediately ready to progress aged 16. Other level 2 academic qualifications will only be permitted to exist where they include content which is substantially different to GCSEs and support progression to academic qualifications at level 3 which are offered as an alternative to A levels.”

DfE expects these qualifications to only be made available in [specified sector subject areas aligned to the funded offer for level 3 alternative academic qualifications](#). The qualifications will need to have a clear and coherent progression to one of the approved level 3 alternative academic qualifications.

DfE's current intention is that, for 16 to 19 year olds, these qualifications will be taken as part of a one-year study programme to prepare for level 3 academic study. DfE is currently piloting an Academic Progression Programme (APP). This is a 16-19 study programme designed to support students who are not quite ready to progress to level 3 but have the potential to progress onto and succeed at A levels, or mixed programmes of A levels and Alternative Academic Qualifications, with extra support and preparation, including GCSE English and maths re-sits if needed. These qualifications would be taken as part of the APP if it is rolled out nationally following the pilot.

Purposes

DfE intends for there to be an increased level of clarity about the purpose of each qualification and the intended destination points for students in the new landscape. In particular, this relates to whether a qualification is intended primarily to support progression to higher levels of study or entry into employment. These level 2 qualifications are intended to support progression to level 3 technical or academic qualifications.

A well-defined purpose should ensure that users understand what a qualification should equip students to do and to what uses the results of the qualification will be put. Decisions taken by awarding organisations about the design of their qualifications and assessments should reflect the qualifications' purpose.

Proposal

To ensure that qualifications are designed with a clear, common purpose across all awarding organisations, Ofqual proposes to set out the general purposes for these level 2 qualifications.

Ofqual proposes to require awarding organisations to explain the specific purposes of each of their qualifications, ensuring that they are in line with the general purposes. Ofqual also proposes to require awarding organisations to explain how their qualification will fulfil those purposes. Awarding organisations would be required to do this through their assessment strategy (see part 4 of this consultation). This should ensure that the qualifications' purposes are embedded in the design decisions made by the awarding organisation. This will also enable Ofqual to review awarding organisations' approaches, and to set requirements where they do not have regard to the general purposes.

General purposes for level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme

In line with the ministerial steer, the highest priority purpose for these qualifications is to give students the knowledge and skills needed to enable them to progress to the next level of study in a relevant subject area. Also due to the practical nature of level 3 technical qualifications, it is important that these qualifications provide opportunities for students to apply knowledge and skills in practical contexts, to help prepare them for what they will experience at level 3.

Engagement is an important factor in student achievement. Students taking these qualifications may not have sufficient attainment pre-16 to study at level 3 directly from GCSE or may have other areas of development or support needs before undertaking a level 3 technical qualification. It is important that these qualifications play a part in (re-)engaging students so that they have the confidence and are motivated to continue to the next level of study.

Whilst these qualifications are not prerequisites for students wishing to progress to level 3 technical qualifications, it is expected that the qualification will provide evidence that can be used with other information to indicate whether a student is ready to study at level 3. It is important that students'

performance on the qualification can be used by providers and employers as a basis for selecting students for various educational routes, jobs, and apprenticeships.

Ofqual therefore proposes that the general purposes for these qualifications should be that the qualification will:

- Purpose 1: provide students with a breadth of knowledge, skills and understanding that prepares them for study in level 3 technical qualifications that are not delivered as part of a T Level programme.
- Purpose 2: The qualification will demonstrate students' ability to apply their knowledge, skills and understanding in relevant practical contexts.
- Purpose 3: The qualification will support an engaging programme of learning that enables and motivates students who are preparing for progression to level 3 technical study.
- Purpose 4: The qualification will provide evidence of attainment that could be used in combination with other information to inform decisions about a student's readiness to progress onto higher level study in the relevant occupational pathway.
- Purpose 5: The qualification will provide reliable evidence to differentiate between students' attainment in relation to the knowledge, understanding and skills assessed as part of the qualification.

Whilst all the general purposes should be met as far as possible, Ofqual recognises that there might be instances in the design process where an awarding organisation may have to make a trade-off between the general purposes. For example, there may be a particular design feature that supports the engagement of students through flexibility in the nature of the assessment (Purpose 3), which may be in tension, with the need to differentiate reliably between students (Purpose 5). In these instances, it is proposed that the general purposes should be prioritised according to the order in which they are set out, where 1 is the highest priority, and the others met to the greatest extent possible.

Question 1

To what extent do you agree or disagree with the proposal for Ofqual to include a set of general purposes in its regulatory framework for level 2 technical qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme?

Question 2

Do you have any comments on the proposed set of general purposes for level 2 technical qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme?

Question 3

To what extent do you agree or disagree that, where it is not possible to fully meet all of the general purposes specified for these level 2 qualifications, awarding organisations should prioritise them in the order (1 to 5) in which they are specified? Please provide any comments.

General purposes for level 2 qualifications supporting progression to level 3 alternative academic qualifications

The highest priority purpose for these qualifications is to give students the knowledge and skills needed to enable them to progress to the next level of study in a relevant subject area. It is important that these qualifications help prepare students for what they will experience at level 3. They should therefore demonstrate students' understanding of theoretical content and their ability to apply content in a range of relevant contexts.

Engagement is an important factor in student achievement. Students taking these qualifications may not have sufficient attainment pre-16 to study at level 3 directly from GCSE or may have other development or support needs before undertaking level 3 academic study. It is important that these qualifications play a part in (re-)engaging students so that they have the confidence and are motivated to continue to the next level of study.

Whilst these qualifications are not prerequisites for students wishing to progress to a level 3 programme which includes an alternative academic qualification, it is expected that the qualification will provide evidence that can be used with other information to indicate whether a student is ready to study at level 3. It is important that students' performance on the qualification can be used by providers and employers as a basis for selecting students for various educational routes, jobs, and apprenticeships.

Ofqual therefore proposes that the general purposes for these qualifications, should be that the qualification will:

- Purpose 1: provide students with a breadth of knowledge, skills and understanding that prepares them for level 3 alternative academic qualifications.
- Purpose 2: demonstrate students' understanding of theoretical content and ability to apply it in a range of relevant contexts.
- Purpose 3: support an engaging programme of learning that enables and motivates students who are preparing for progression to level 3 academic study.
- Purpose 4: provide evidence of attainment that could be used in combination with other information to inform decisions about a student's readiness to progress onto higher level study in the relevant subject area.

Purpose 5: provide reliable evidence to differentiate between students' attainment in relation to the knowledge, understanding and skills assessed as part of the qualification.

As is proposed for the previous group of level 2 qualifications, Ofqual expects that all the general purposes should be met as far as possible. However, if an awarding organisation is required to make design decisions where the general purposes are in tension with one another, trade-offs should be made based on the relative order of priority of the statements. The general purposes should therefore be prioritised according to the order in which they are set out, where 1 is the highest priority, and the others are met to the greatest extent possible.

Question 4

To what extent do you agree or disagree with the proposal for Ofqual to include a set of general purposes in its regulatory framework for level 2 qualifications supporting progression to level 3 alternative academic qualifications?

Question 5

Do you have any comments on the proposed set of general purposes for level 2 qualifications supporting progression to level 3 alternative academic qualifications?

Question 6

To what extent do you agree or disagree that, where it is not possible to fully meet all of the general purposes specified for these qualifications, awarding organisations should prioritise them in the order (1 to 5) in which they are specified? Please provide any comments.

Disapplication of General Conditions E1.1 and E1.2

Ofqual's [General Conditions of Recognition E1.1 and E1.2](#) require qualifications to have an objective. As it is proposed to introduce requirements setting out the general purpose of both of these groups of level 2 qualifications, Ofqual proposes to disapply General Conditions E1.1 and E1.2. This is because the general purposes Ofqual proposes to set here would replace the objectives referred to in the General Conditions. Disapplying this Condition will ensure there is no conflict or duplication between these general purposes and Ofqual's General Conditions.

Question 7

To what extent do you agree or disagree with the proposal to disapply General Conditions E1.1 and E1.2 in respect of both of these groups of level 2 qualifications? Please provide any comments.

Part 2: Purposes for level 1 and entry level qualifications supporting progression to higher levels of study

Ofqual seeks views on the proposed purposes for level 1 pre-technical qualifications supporting progression to higher level technical qualifications and entry level qualifications supporting progression to level 1 pre-technical qualifications.

In the steer letter to Ofqual, the minister said that:

“ At entry level and level 1, I intend to make provision for pre-vocational and pre-technical qualifications. These qualifications will provide a pathway to level 2 and above technical study and, ultimately, to skilled employment, for young people and adults who are not ready to study at higher levels due to their prior attainment or other barriers to progression.”

DfE’s intention is that these qualifications will help to prepare students for progression onto a technical qualification within an occupational route. There are no Institute for Apprentices and Technical Education (IfATE) occupational standards at level 1 or entry level, but DfE’s intention is that these qualifications will be aligned to one (or in some instances, more) of IfATE’s 15 occupational routes.

DfE expects these qualifications to be taken by a diverse cohort of students, a significant sub-set of which are anticipated to be students with special educational needs and disabilities (SEND). It is therefore important that these qualifications are flexible enough in their size, design and delivery so that they can appropriately support progression to level 1 pre-technical and higher level qualifications across a range of occupational routes and, ultimately, to skilled employment.

Purposes

As at level 2, DfE intends for there to be an increased level of clarity about the purpose of each qualification and the intended destination point(s) for students in the new landscape. These entry level and level 1 qualifications are intended to support progression to level 1 pre-technical or higher level qualifications within an occupational route.

Proposal

To ensure that qualifications are designed with a clear, common purpose across all awarding organisations, Ofqual proposes to set out the general purposes for these 2 groups of qualifications.

Ofqual proposes to require awarding organisations to explain the specific purposes of each of their qualifications, ensuring that they are in line with the general purposes, and to explain how their qualification will fulfil those purposes. Awarding organisations would be required to do this through their assessment strategy (see part 4 of this consultation). This should ensure that the qualifications' purposes are embedded in the design decisions made by the awarding organisation. This will also enable Ofqual to review awarding organisations' approaches, and to set requirements where they do not have regard to the general purposes.

General purposes for Level 1 pre-technical qualifications supporting progression to higher level technical qualifications

The highest priority purpose for these qualifications is to give students the knowledge and skills needed to enable them to progress to the next level of study in a relevant subject area. It is important that these qualifications provide opportunities for students to apply knowledge and skills in relevant practical contexts, to help prepare students for what they will experience if they progress to a level 2 technical qualification in the relevant subject area.

Engagement is an important factor in student achievement. These qualifications are expected to be taken by a diverse cohort of students, a significant sub-set of which are expected to be students with SEND. It is therefore important that these qualifications are engaging, so that they give students the confidence and motivation to progress to the next level of study.

Whilst these qualifications are not prerequisites for students wishing to progress to level 2 technical qualifications, it is expected that the qualification will provide evidence that can be used with other information to indicate whether a student is ready to study at level 2 and above.

Ofqual therefore proposes that the general purposes for level 1 pre-technical qualifications supporting progression to higher level technical qualifications, should be that the qualification will:

- Purpose 1: provide students with a breadth of knowledge, skills and understanding that prepares them for level 2 technical qualifications.
- Purpose 2: demonstrate students' ability to apply knowledge, skills and understanding in relevant practical contexts.
- Purpose 3: support an engaging programme of learning that enables and motivates students who are considering progressing to level 2 technical study.
- Purpose 4: provide evidence of attainment that could be used in combination with other information to inform decisions about a student's readiness to progress onto higher level study in

the relevant occupational pathway.

While all the general purposes should be met as far as possible, Ofqual recognises that there might be instances in the design process where an awarding organisation may have to make a trade-off between the general purposes. For example, there may be a particular design feature that supports the engagement of students through flexibility in the nature of the assessment (Purpose 3), which may be in tension with the need to provide evidence of attainment (Purpose 4). In these instances, it is proposed that the general purposes should be prioritised according to the order in which they are set out, where 1 is the highest priority, and the others met to the greatest extent possible.

Question 8

To what extent do you agree or disagree with the proposal for Ofqual to include a set of general purposes in its regulatory framework for level 1 qualifications supporting progression to higher level technical qualifications?

Question 9

Do you have any comments on the proposed set of general purposes for level 1 qualifications supporting progression to higher level technical qualifications?

Question 10

To what extent do you agree or disagree that, where it is not possible to fully meet all of the general purposes specified for these qualifications, awarding organisations should prioritise them in the order in which they are specified, where 1 is the highest priority? Please provide any comments.

General purposes for entry level qualifications supporting progression to level 1 pre-technical qualifications

These qualifications are expected to be taken by a diverse cohort of students, a significant sub-set of which are expected to be students with SEND. It is therefore most important that they offer sufficient flexibility in their design and delivery, so that they can meet the diverse needs of the students that take them. This is reflected in the prioritisation of the engagement purpose above the other purposes. In line with the ministers' priorities for these qualifications, this should help to ensure that they play a part in encouraging progression to the next level of study.

It is also important that these qualifications provide opportunities to apply knowledge and skills in relevant practical contexts, to help students for what they will experience if they progress to a level 1 pre-technical qualification in the relevant occupational route. The second highest priority purpose

for these qualifications is therefore to give students the knowledge and skills needed to enable them to progress to the next level of study in a relevant area.

Whilst these qualifications are not prerequisites for students wishing to progress to level 1 pre-technical qualifications, it is expected that the qualification will provide evidence that can be used with other information to indicate whether a student is ready to study at level 1.

Ofqual therefore proposes that the general purposes for entry level qualifications supporting progression to level 1 pre-technical qualifications, should be that the qualification will:

- Purpose 1: support an engaging course of learning that motivates and (re-) engages students, who are considering progressing to level 1 study.
- Purpose 2: provide students with a breadth of knowledge, skills and understanding that prepares them for relevant level 1 qualifications.
- Purpose 3: demonstrate students' ability to apply knowledge, skills and understanding in relevant practical contexts.
- Purpose 4: provide evidence of attainment that could be used in combination with other information to inform decisions about a student's readiness to progress onto level 1 pre-technical study.

Whilst all the general purposes should be met as far as possible, Ofqual recognises that there might be instances in the design process where an awarding organisation may have to make a trade-off between the general purposes. For example, there may be a particular design feature that supports the engagement of students through flexibility in the nature of the assessment (Purpose 1), which may be in tension, with the need to provide evidence of attainment (Purpose 4). In these instances, it is proposed that the general purposes should be prioritised according to the order in which they are set out, where 1 is the highest priority, and the others met to the greatest extent possible.

Question 11

To what extent do you agree or disagree with the proposal for Ofqual to include a set of general purposes in its regulatory framework for entry level qualifications supporting progression to level 1 pre-technical qualifications?

Question 12

Do you have any comments on the proposed set of general purposes for entry level qualifications supporting progression to level 1 pre-technical qualifications?

Question 13

To what extent do you agree or disagree that, where it is not possible to fully meet all of the general purposes specified for these qualifications, awarding organisations should prioritise them in the order in which they are specified, where 1 is the highest priority? Please provide any comments.

Disapplication of General Conditions E1.1 and E1.2

As explained in part 1 of this consultation, Ofqual's [General Conditions of Recognition E1.1 and E1.2](#) require qualifications to have an objective. As it is proposed to introduce requirements setting out the general purpose of these entry level and level 1 qualifications, Ofqual proposes to disapply General Conditions E1.1 and E1.2. This is because the general purposes Ofqual proposes to set here would replace the objectives referred to in the General Conditions. Disapplying this Condition will ensure there is no conflict or duplication between these general purposes and Ofqual's General Conditions.

Question 14

To what extent do you agree or disagree with the proposal to disapply General Conditions E1.1 and E1.2 in respect of these entry level and level 1 qualifications? Please provide any comments.

Part 3: Assessment and Grading

Ofqual seeks views on the proposed approach to assessment and grading for all 4 groups of qualifications.

Assessment

A range of assessment approaches are currently used for the qualifications in scope of these groups. There may be variation in terms of assessment methods, for example exams and non-exam assessment or the use of portfolios. There may also be differences in the types of assessment judgement, for example, separate marking and awarding processes or direct grading

by assessors.

Ofqual considers that different approaches to assessment could continue to be appropriate for these qualifications. They are expected to cover the knowledge and skills in a range of occupational routes and subject areas. In the absence of nationally set content, there is no expectation of commonality in assessment design in similar qualifications offered by awarding organisations.

It is the minister's intention to strengthen, rather than to fully reform these qualifications, recognising that some existing approaches to assessment design and delivery may continue, where they support progression to higher levels of study. Awarding organisations should therefore take account of the context of the next level of study, particularly the approaches to assessment at higher levels, to ensure students are well prepared for the next stage of their education.

Ofqual does not propose to set requirements around the number of assessments, overall assessment time, assessment availability (including resitting and resubmission opportunities) or assessment methods. Ofqual also does not propose to set requirements around the setting, marking, or adaptation of assessments. Ofqual instead proposes to require awarding organisations to explain their approach to these elements of assessment design in their assessment strategy and how their design decisions reflect the qualifications' purposes and order of prioritisation.

Grading scales

It is important that a qualification's grading scale can be relied on as an indicator of the level of attainment a student has demonstrated. Ofqual already requires, through General Condition H3 (Monitoring the specified levels of attainment for a qualification), awarding organisations to set out the specified levels of attainment (grading scales) for its qualification in its specification and to design its qualifications to ensure that students who demonstrate the necessary knowledge and skills for a particular grade, achieve that grade.

A range of grading scales are currently being used for the qualifications that might fall within these groups in the new landscape. For example, some of the existing level 2 qualifications supporting progression to level 3 study are graded Pass or Fail. Others are graded Pass, Merit, Distinction, Distinction*. Many of the level 1 and entry level qualifications in the current landscape are graded 'Pass or Fail' although other grading scales may also be used.

As previously explained, it is the minister's intention to strengthen, rather than to fully reform, these qualifications. In the absence of nationally set content and common design features, and as the qualifications cover different sector areas and progression destinations, Ofqual does not propose to mandate a particular approach to grading scales for these qualifications.

Proposal

Whilst the qualifications in each of these groups are not intended to exhibit a high degree of intra-group comparability, where qualifications are similar, Ofqual recognises the benefits of promoting a consistent approach to grading, where possible. Ofqual therefore proposes to set statutory guidance that awarding organisations will be required to have regard to when developing their overall approach to grading. The guidance will set out a number of principles and considerations that awarding organisations should take account of when determining their approach to grading for the qualifications that they are designing. Ofqual proposes the following principles:

The grading scales should be:

- appropriate for the information about a student's attainment in the qualification that the grade is intended to convey
- appropriate for the knowledge, skills and understanding being assessed and how these are assessed
- capable of being clearly understood by users of the qualification
- appropriate for the design, structure and size of the qualification
- where appropriate, consistent with those used in similar qualifications offered by the awarding organisation or by other awarding organisations

Ofqual also proposes that the considerations should include:

- the qualifications' general purposes
- whether any particular grade is intended to indicate that a student has attained specific outcomes in relation to the content in scope, or to indicate relative attainment across a range of knowledge, skills and understanding
- how many grades are needed to differentiate meaningfully between the different levels of performance students can achieve and which users need to differentiate effectively
- the degree to which the approach to describing grades, and to the number of grades, can be understood by users
- approaches used in similar qualifications made available, whether by the awarding organisation or by other awarding organisations, and the benefits of taking consistent approaches to grading scales

Ofqual also proposes to require awarding organisations to explain their approach to grading scales, including the number of grades, names of grades and rationale for their approach, as part of their assessment strategy.

Question 15

To what extent do you agree or disagree with the proposal for Ofqual to issue statutory guidance for the grading scales used in the qualifications in scope of this consultation? Please respond for each qualification group.

- Level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme
- Level 2 qualifications supporting progression to level 3 alternative academic qualifications
- Level 1 pre-technical qualifications supporting progression to higher level technical qualifications
- Entry level qualifications supporting progression to level 1 pre-technical qualifications

Question 16

To what extent do you agree or disagree with the proposed principles and considerations to determine the grading scales for the qualifications in scope of this consultation? Please respond for each qualification group and provide any comments.

- Level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme
- Level 2 qualifications supporting progression to level 3 alternative academic qualifications
- Level 1 pre-technical qualifications supporting progression to higher level technical qualifications
- Entry level qualifications supporting progression to level 1 pre-technical qualifications

Part 4: Assessment strategy requirements, Ofqual review and withdrawal of funding

Ofqual seeks views on the proposed approach to assessment strategy requirements, Ofqual's review and withdrawal of funding for all 4 groups of qualification.

Assessment strategy requirements

An assessment strategy is a document which an awarding organisation produces to explain and justify its overall approach to the design, development, delivery, and award of a qualification. Where Ofqual requires an assessment strategy, it expects awarding organisations to use this 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.

Proposal

Ofqual proposes to require awarding organisations to develop, follow, and keep under review an assessment strategy covering each qualification that it offers. This means that for each qualification, awarding organisations 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 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 DfE as part of the approval process. The requirement for awarding organisations to develop, follow, and keep under review an assessment strategy has also been proposed for level 2 qualifications supporting progression to T Levels, and level 2 qualifications leading to skilled employment.

In relation to assessment strategies, Ofqual proposes to require awarding organisations to:

- establish and maintain an assessment strategy for these qualifications
- ensure their assessment strategy sets out how they will comply, on an ongoing basis, with all the requirements that apply
- design, set, deliver, and mark all assessments in line with their assessment strategy
- keep their assessment strategies under review, and notify Ofqual of any changes to them
- review their assessment strategy at Ofqual's request, and make any changes
- if requested, show Ofqual how they have complied with their assessment strategy (or explain why not) and follow any instructions from Ofqual about complying with their assessment strategy

Ofqual proposes that the assessment strategy should cover key aspects of the qualification lifecycle, covering the design, development, delivery, and award of these qualifications. The detail of these areas will be set out as part of any subsequent consultation on the Conditions and guidance. However, in summary, they would be expected to cover aspects such as:

- qualification purposes
- content
- assessment design
- assessment delivery
- marking or assessing performance
- attainment and reporting
- standard setting and maintenance
- qualification monitoring

Ofqual has considered the regulatory burden arising from this proposal and whether it is proportionate to set this requirement for qualifications at these levels. Having a rationale for decisions around the aspects of design, development, and award of qualifications that would be

covered by the assessment strategy requirements is something that Ofqual would expect awarding organisations to routinely have available. Therefore, Ofqual has concluded that the regulatory burden arising from this proposal should be minimal.

Question 17

To what extent do you agree or disagree with the proposal to require awarding organisations to develop, follow, and keep under review an assessment strategy? Please provide any comments.

Question 18

Do you have any views on the areas proposed to be included in the assessment strategy requirements?

Ofqual review of these qualifications

As part of DfE's new approval process for level 2 and below qualifications, Ofqual will provide feedback to DfE based on a review of an awarding organisation's approaches to the design and delivery of their qualifications.

The review process will be used to decide how confident Ofqual is that the qualifications from a given awarding organisation 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.

Ofqual will also identify any changes that are considered necessary for awarding organisations to make to address any shortcomings that have been identified as part of the review.

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 requirement that is being put in place for level 3 technical occupation and alternative academic qualifications. It has also been proposed for level 2 qualifications leading to skilled employment and level 2 qualifications supporting progression to T Levels.

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 that cannot be fully resolved in advance of DfE'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 DfE's approval functions, providing an effective regulatory tool to manage in delivery those qualifications approved by DfE, by ensuring that any issues identified during the approval process are fully addressed.

Question 19

To what extent do you agree or disagree with the proposal to require awarding organisations, 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? Please provide any comments.

Withdrawal of approval for public funding

DfE is able to remove funding approval for a qualification, but an awarding organisation could continue to make a version of the qualification available. If a qualification was no longer approved for public funding, the qualification would revert from being regulated against any additional requirements Ofqual has put in place to being regulated solely against Ofqual's General Conditions.

In such an instance, it would be important for Ofqual to protect the interests of students during any transition period between the qualification being subject to these proposed additional controls 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, to explain the circumstances for this and to request that any additional controls 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 and would protect students for as long as there are some taking the version of the qualification that was approved for funding. This is the same approach that is being put in place for level 3 technical occupation and alternative academic qualifications and has been proposed for level 2 qualifications leading to skilled employment and level 2 qualifications

supporting progression to T Levels.

Question 20

To what extent do you agree or disagree with the proposal to require awarding organisations 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? Please provide any comments.

Impact assessments

Equality impact assessment

Ofqual is a public body and, therefore, 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.

The impacts identified do not relate to the overall government policy for the review of post-16 qualifications at level 2 and below. DfE has highlighted that young people who live in the most deprived areas, as well as those with special educational needs and disabilities (SEND), are disproportionately represented amongst users of level 2 and below qualifications, and has published an impact assessment on its overall approach, [which is available on its website](#).

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

Assessment strategies and Ofqual review

Ofqual is proposing that awarding organisations should be required to develop and comply with an assessment strategy, setting out their approach to designing and delivering these qualifications. It is also proposed 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.

In designing and delivering these qualifications, awarding organisations will also have to continue to meet, on an ongoing basis, the obligations in relation to equalities imposed under the General Conditions, as well as 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 assessment strategy requirement will enable Ofqual to review awarding organisations' approaches, and to set requirements where these approaches do not meet the requirements of the General Conditions in relation to equalities or are not being followed. As part of the review of a qualification, Ofqual will be able to challenge and hold awarding organisations to account where they are not meeting their equalities obligations.

Ofqual considers that these proposals will have a positive equalities impact on students who share protected characteristics.

Purposes

Ofqual is proposing to set out the general purposes for level 2 and below qualifications supporting progression to higher levels of study. Ofqual is also proposing to require awarding organisations to ensure that the specific purposes for each of their qualifications are in line with the general purposes, and to explain how their qualification will fulfil those purposes.

Awarding organisations will be expected to ensure that level 2 and below qualifications supporting progression to higher levels of study are designed in line with these specified purposes. This will help to bring clarity about the purpose of the qualification and what they must deliver for students.

Ofqual has not identified any equalities impacts on students who share protected characteristics, positive or negative, related to this proposal.

Assessment

Ofqual does not propose to set assessment requirements for these qualifications and proposes instead to require awarding organisations to explain their approach to assessment design and delivery in their assessment strategy.

Ofqual considers that permitting variation in approaches to assessment design and delivery is appropriate for these entry level, level 1 and level 2 qualifications as it will provide flexibility for awarding organisations to cater to the diverse needs of the students taking them, a significant subset of which are expected to be students with SEND.

Ofqual has not identified any equalities impacts on students who share protected characteristics, positive or negative, related to this proposal.

Approach to determining grading scales

Ofqual is proposing to require awarding organisations to have regard to statutory guidance when determining the grading scales for each of their qualifications.

Ofqual has not identified any equalities impacts, positive or negative, related to this proposal.

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.

Ofqual has not identified any equalities impacts on students who share a particular protected characteristic, positive or negative, related to this proposal. However, it will help Ofqual to regulate in the interest of all students.

Question 21

Are there any other potential equalities impacts (positive or negative) on students who share a particular protected characteristic arising from our proposals that Ofqual should consider?
Where possible, please separate your answer by protected characteristic.

Question 22

Are there any additional steps that Ofqual could take to mitigate any potential negative impacts, resulting from the proposals, on students who share a particular protected characteristic?

Regulatory impact assessment

Ofqual recognises that the introduction of new regulatory requirements in response to the government's review of level 2 and below qualifications will, by definition, have a regulatory impact on awarding organisations.

In developing these proposals, Ofqual has tried to find a balance between introducing additional

controls where this is necessary to ensure confidence in the reformed qualifications, whilst also ensuring that there is sufficient flexibility to enable awarding organisations to design qualifications that deliver the minister's intentions. This is so that the qualifications can continue to cater for a diverse range of students and different occupational sectors.

Ofqual recognises that some of the proposals may necessitate changes in current approaches to the design, delivery, and award of existing qualifications if they are to meet the proposed regulatory requirements. The impact will vary depending on the current approaches that awarding organisations already have in place for similar qualifications.

It is acknowledged that some changes may have a cost and resource impact on awarding organisations. Ofqual does not currently hold sufficient information as to what the costs may be to awarding organisations if some or all the proposals are implemented.

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.

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.

Whilst 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.

The requirements set for assessment strategies by Ofqual should complement DfE's approval criteria for these qualifications, with the explicit intention of reducing the burden on awarding organisations.

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 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 on the approach to reviewing these qualifications, with the intention that materials will be provided through a Single Access Point used by both organisations. This should help minimise the potential burden of providing materials for the purpose of Ofqual reviews.

Ofqual recognises that this proposal has the potential to cause some limited, additional burden, it is considered that this is necessary to enable Ofqual to regulate them effectively in delivery and to provide a basis on which to provide feedback to DfE as part of the approval process.

Purposes

Ofqual is proposing to set out general purposes for level 2 and below qualifications supporting progression to higher levels of study. Ofqual is also proposing to require awarding organisations to ensure that each of their qualifications are in line with the general purposes, and to explain how their qualification will fulfil those purposes. Ofqual recognises that this proposal may necessitate changes in current approaches to the design and delivery of existing qualifications that awarding organisations may wish to reform to meet the new purposes and requirements. Ofqual considers that this is proportionate to bring clarity about the purpose of the qualification, promote consistency across awarding organisations, and provide the foundations for the approach to assessment. The impact will vary depending on the current approaches that awarding organisations have in place for similar qualifications.

Ofqual is also proposing to disapply [General Conditions E1.1 and E1.2](#) which require qualifications to have an objective in respect of qualifications covered by these proposals. Disapplying these Conditions will ensure there is no conflict or duplication between these general purposes and Ofqual's General Conditions. Ofqual considers that this minimises the regulatory burden of the proposal to the general purposes on awarding organisations.

Assessment

Ofqual does not propose to set assessment requirements for these qualifications and proposes instead to require awarding organisations to explain their approach to assessment design and delivery in their assessment strategy.

Ofqual considers that permitting variation in approaches to assessment design and delivery is appropriate for these entry level, level 1 and level 2 qualifications as it will provide flexibility for awarding organisations to cater to the wide range of occupational sectors covered by these qualifications.

Ofqual has not identified any regulatory impacts awarding organisations related to this proposal.

Approach to determining grading scales

Ofqual is proposing to require awarding organisations to have regard to statutory guidance when determining the grading scales for each of their qualifications. Ofqual recognises that this may present an additional regulatory burden for awarding organisations. However, the impact will vary depending on the current approaches that awarding organisations have in place for existing qualifications. Ofqual considers this to be proportionate to help ensure that grading scales are set appropriately and to help promote a consistent approach to the grading of similar qualifications where possible.

Withdrawal of public funding

Ofqual is proposing to require awarding organisations to inform it 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 controls beyond the General Conditions cease to apply.

Ofqual recognises that there may be a regulatory impact arising from this proposal, particularly if Ofqual specifies additional requirements to protect the interests of students during any transition period between the qualification being subject to these proposed additional requirements and it being subject solely to the General Conditions.

Ofqual considers this proportionate to protect the interests of students and ensure any changes made by an awarding organisation do not disadvantage students partway through the qualification, for example if they could affect students' assessment preparation.

Question 23

Are there any regulatory impacts that have not been identified arising from the proposals? If yes, what are the impacts and are there any additional steps that could be taken to minimise the regulatory impact of the proposals?

Question 24

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

Question 25

Is there any additional information that Ofqual should consider when evaluating the costs and

benefits of the proposals?

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 2 and below qualifications.

Question 26

Do you have any comments on the impact of the proposals 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 and 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 (Ofqual). The relevant data protection regime that applies to our processing is the UK GDPR, [\[footnote 1\]](#) 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

Annex B: Summary of additional Ofqual controls in response to DfE's post-16 qualifications review

Level 3 and 2 technical occupation qualifications

Ofqual has put in place the following Conditions and requirements for level 3 technical occupation qualifications:

- Requiring awarding organisations to develop, adhere to and keep under review an assessment strategy setting out its approach to the design, development, delivery and award of these qualifications
- Requiring that, following a review by Ofqual, awarding organisations must comply with any requirements and have regard to any guidance provided by Ofqual in relation to that review
- Requiring awarding organisations to notify Ofqual where approval for public funding for one of these qualifications is withdrawn and to comply with any requirements Ofqual sets relating to that withdrawal.

Ofqual has proposed the following Conditions and requirements for level 2 technical occupation qualifications:

- Requiring awarding organisations to develop, adhere to and keep under review an assessment

strategy setting out its approach to the design, development, delivery and award of these qualifications

- Requiring that, following a review by Ofqual, awarding organisations must comply with any requirements and have regard to any guidance provided by Ofqual in relation to that review
- Requiring awarding organisations to notify Ofqual where approval for public funding for one of these qualifications is withdrawn and to comply with any requirements Ofqual sets relating to that withdrawal.

Level 3 Alternative Academic Qualifications

Ofqual has put in place the following Conditions, requirements and guidance for level 3 alternative academic qualifications:

- Requiring awarding organisations to develop, adhere to and keep under review an assessment strategy setting out its approach to the design, development, delivery and award of these qualifications
- Requiring that, following a review by Ofqual, awarding organisations must comply with any requirements and have regard to any guidance provided by Ofqual in relation to that review
- Requiring awarding organisations to notify Ofqual where approval for public funding for one of these qualifications is withdrawn and to comply with any requirements Ofqual sets relating to that withdrawal
- Requiring awarding organisations to design these qualifications so that they are in line with the Ofqual set general purposes
- Requiring awarding organisations to ensure a minimum of 40% of the contribution to the overall qualification to be through Assessment by Examination^[footnote 2], and making these assessments available up to 2 times in each academic year
- Requiring awarding organisations to set non-exam assessments and to limit centre' submission of non-exam assessment outcomes to 2 windows in each academic year
- Requiring awarding organisations to ensure that the knowledge, skills and understanding are appropriate in relation to the qualifications' purposes, level, assessment design and TQT
- Requiring awarding organisations to have regard to guidance specified by Ofqual in relation to grading
- Requiring awarding organisations to explain their approach to standard setting and the maintenance of standards over time and their approach to nested qualifications.

Level 2 qualifications supporting progression to T Levels

Ofqual has proposed the following Conditions, requirements and guidance for level 2 qualifications supporting progression to T Levels:

- Requiring awarding organisations to develop, adhere to and keep under review an assessment strategy setting out its approach to the design, development, delivery and award of these qualifications
- Requiring that, following a review by Ofqual, awarding organisations must comply with any requirements and have regard to any guidance provided by Ofqual in relation to that review
- Requiring awarding organisations to notify Ofqual where approval for public funding for one of these qualifications is withdrawn and to comply with any requirements Ofqual sets relating to that withdrawal
- Requiring awarding organisations to design these qualifications so that they are in line with the nationally set general purposes
- Requiring awarding organisations to explain how their qualification content covers the content set out in DfE's National Technical Outcomes (NTOs)
- Requiring awarding organisations to use a common grading scale of the following grades: Pass, Merit, Distinction, with an Unclassified result for students who do not achieve one of these grades
- Requiring awarding organisations to explain their approach to standard setting and the maintenance of standards over time.

Entry level, level 1 and level 2 qualifications supporting progression to higher levels of study

For the qualifications included in this consultation:

- Level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme
- Level 2 qualifications supporting progression to level 3 alternative academic qualifications
- Level 1 pre-technical qualifications supporting progression to higher level technical qualifications
- Entry level qualifications supporting progression to level 1 pre-technical qualifications

Ofqual has proposed the following Conditions, requirements and guidance:

- Requiring awarding organisations to design these qualifications so that they are in line with the nationally set general purposes which will be included in Ofqual's regulatory framework for these

qualifications

- Requiring awarding organisations to have regard to guidance specified by Ofqual in relation to grading
- Requiring awarding organisations to develop and adhere to an assessment strategy setting out its approach to the design, development, delivery and award of these qualifications
- Requiring that, following a review by Ofqual, awarding organisations must comply with any requirements and have regard to any guidance provided by Ofqual in relation to that review
- Requiring awarding organisations to notify Ofqual where approval for public funding for one of these qualifications is withdrawn.

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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. [↩](#)
 2. Assessment by Examination is defined by Ofqual as: an assessment which is - (a) set by an awarding organisation, (b) designed to be taken simultaneously by all relevant students 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 students 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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